



ORDINARY COUNCIL MEETING

to be held on **Wednesday 25 August 2010 at 7.00pm**

at
Kyneton Administration Centre

NOTICE PAPER

Public Question Time:

Written questions submitted by the public will be considered at 7.45 p.m. Question forms will be available at the entrance to the Meeting Room and will be collected at approximately 7.30 p.m.

These images are from Council's 2025 Vision for the Macedon Ranges' adopted in February 2003. These images and words reflect our vision of being a vibrant and sustainable region – that deeply values our community, heritage and environment, providing a fulfilling quality of life for all.

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ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of the land on which we are meeting as being part of the Kulin Nation.

1. PRAYER

Almighty God, we humbly beseech thee to vouchsafe thy blessing upon this Council. Direct and prosper its deliberations to the advancement of thy glory, and the true welfare of the people of the Shire of Macedon Ranges.

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Councillors' attention is drawn to Division 1A Sections 76-81 of the Local Government Act 1989 regarding interests. The relevant sections are reproduced and attached to the back of this Notice Paper.

Councillors are reminded that;

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

5. COUNCILLORS & DELEGATES REPORTS

The Macedon Ranges Shire Council appoints Councillors to a range of local and regional organisations and bodies in which Council is a stakeholder.

This item in each Council Notice Paper offers an opportunity for Councillors to make brief reports on their recent Council activities including outcomes from any meetings they have attended.

Detailed below are the current Councillor Representatives to Council's Committees. These Committees comprise Councillors and community members and are an important consultative and reference mechanism for Council.

External Organisation / Bodies	2010 Councillor Delegate
Municipal Association of Victoria	Cr Letchford (Cr McLaughlin – substitute)
Victorian Local Governance Association	Cr Morabito, (Cr McLaughlin – substitute)
Goldfields Library Corporation	Cr Benson (Cr Guthrie – substitute)
Calder Waste Management Regional Board	Cr Guthrie (Cr Donovan – substitute)
Calder Highway Improvement Committee	Cr Relph (Cr Jukes & Donovan – substitutes)
Workspace Australia	Cr Guthrie
Macedon Ranges Regional Park Committee	Cr Jukes, Cr Relph
Shire Local Safety Committee	Cr Donovan
Braemar College	Cr Benson
Macedon Ranges Heritage Council	Cr Guthrie (Cr Manning – substitute)
Peri Urban Councils Group	Cr Guthrie (Cr's Relph & Letchford – substitutes)
Tourism Macedon Ranges	Cr Manning and Cr Letchford
MAV Strategic Planning Advisory Group	Cr Manning
MAV Strategic Environment Advisory Group	Cr Benson
Macedon Ranges Further Education Centre	Cr Guthrie (Cr Relph – substitute)
Council Advisory Committees	
Arts Development Advisory Committee	Cr Relph, Cr Manning
Disability Advisory Committee	Cr Relph, Cr Donovan
Hanging Rock Development Advisory Committee	Cr Morabito, Cr Donovan, Cr Manning
Library Advisory Committee	Cr Benson, Cr Guthrie
Positive Ageing Advisory Committee	Cr Benson, Cr Relph
Saleyards Advisory Committee	Cr Benson, Cr Morabito Cr McLaughlin
Audit Advisory Committee	Cr Guthrie, Cr Letchford

Officer Recommendation:

That the Councillors and Delegates reports be adopted.

6. PETITIONS

Pursuant to Council's Local Law No.9, Meeting Procedure a Councillor may present a petition or joint letter to the Council. A petition or joint letter presented to the Council must lay on the table until the next Ordinary Meeting of Council and no motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council agrees to deal with it earlier. A Councillor presenting a petition or joint letter will be responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it is not derogatory or defamatory.

7. ADOPTION OF MINUTES

Ordinary Council Meeting: Wednesday, 28 July 2010

Planning Committee Meeting: Wednesday, 11 August 2010

Recommendation:

That the Minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 28 July 2010 and the Planning Committee Meeting held on Wednesday 11 August 2010 as circulated be confirmed.

8. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

Generally there is no opportunity for members of the public to address an Ordinary Council Meeting. In specific circumstances including where a planning matter is being considered at an Ordinary Council Meeting for the first time or a prior request to the Mayor has been made and approved, a member of the public may be provided the opportunity to address the Council. In such circumstances the presentation will be limited to 3 minutes unless otherwise approved.

9. CX.1 PROPOSED FEDERAL ELECTORAL DIVISIONS FOR THE HOUSE OF REPRESENTATIVES IN VICTORIA

Officer: Stephen Mahon, Manager Council & Customer Services

File Ref: 03/09/01

Council Plan Relationship:

Relates to Outcome ' Democratic Governance ' – By promoting representative democracy that ensures Council conducts its affairs openly with integrity, is accountable and reflective of best practice governance and management

Attachment: Plan of Proposed Electoral Divisions as they relate to the Macedon Ranges

Synopsis:

The Redistribution Committee of Victoria (RCV) has placed on public exhibition the proposed new boundaries for the 37 Federal Electoral Divisions in Victoria that will take effect at the next Federal elections – ie scheduled for 2013

The proposal as it relates to the Macedon Ranges changes the current situation that has the Shire divided between two (2) divisions with approx 6000 voters in the area north of Carlsruhe and including Kyneton and Malmsbury being part of the Bendigo Division and the remainder of the Shire (approx 22000 voters) being included in the McEwan Division. The proposal is that the Macedon Ranges in its entirety be included in the Division of Burke, with the balance of the Division comprising part of Hume City Council (Sunbury and Craigieburn) and part of Whittlesea Shire Council (Yan Yean)

This report presents an analysis of the proposed changes as they relate to the Macedon Ranges and seeks Council's endorsement of the issues to be included in a formal submission to the RCV from the Macedon Ranges Shire Council.

Officer Recommendation:

That Council:

- 1. Endorses the issues identified in this report for inclusion in a formal submission to the Redistribution Committee of Victoria from the Macedon Ranges Shire Council.**
- 2. Forward a copy of Council's submission to the Federal Member's for Burke, Bendigo and McEwen and the Municipalities of Hume, Greater Bendigo and Whittlesea.**

9. CX.1 PROPOSED FEDERAL ELECTORAL DIVISIONS FOR THE HOUSE OF REPRESENTATIVES IN VICTORIA

Background:

The Redistribution Committee for Victoria is an independent Committee established pursuant to the Commonwealth Electoral Act 1918 (the Act) whose task it is to ensure that the electoral divisions, as far practicable, distribute voters across the electorate in accordance with the Act.

The legislation that governs this federal redistribution is similar to the legislation that applies to the electoral boundaries for the State and Local Government, namely :

- The number of electors per division should be within a permitted range of 10% above or below the quota. The quota and for electoral Divisions in Victoria as at 1st February is 94040 ie

Number of Divisions into which Victoria is to be distributed	37
Number of electors in Victoria as at 1 st February 2010	3, 479, 476
Quota for Victoria	94,040
Permissible max number of electors (+10%) in a division	103, 444
Permissible min number of electors (-10%) in a division	84, 636

This principle is fundamental to the notion of ‘ one vote one value ‘

- Subject to this 10% plus or minus test due consideration is given to;
- Community of interests within the proposed electoral division including economic, social and regional interests
- Means of communication and travel
- The physical features of the proposed electoral division, and
- The boundaries of existing divisions

The Proposal and its impact on the Macedon Ranges Shire Council

As stated in the synopsis to this report the proposed change as it relates to the Macedon Ranges changes the current situation that has the Shire divided between two (2) divisions with approx 6000 voters in the area north of Carlsruhe and including Kyneton and Malmsbury being part of the Bendigo Division and the remainder of the Shire (approx 22000 voters) being included in the McEwan Division.

The proposal is that the Macedon Ranges in its entirety be included in the Division of Burke, with the balance of the Division comprising part of Hume City Council (Sunbury and Craigieburn) and part of Whittlesea Shire Council (Yan Yean).

A plan of the proposed changes as they relate to the Macedon Ranges is attached.

The proposed change is significant for this Shire simply as it changes the current Federal Electoral Divisions the Shire is in so markedly. Interestingly when the last redistribution occurred in 2002 this Council advocated strongly that the splitting of the Shire between McEwen and Burke was undesirable. This position was based primarily on the ‘community of interest’ argument.

**9. CX.1 PROPOSED FEDERAL ELECTORAL DIVISIONS FOR THE
HOUSE OF REPRESENTATIVES IN VICTORIA**

Recommended Council Position

It is recommended that Council formally respond to the RCV on the basis of supporting the exhibited proposal insofar as it relates to Macedon Ranges on the basis that:

1. It supports Council's previously adopted view that municipal districts should be maintained wholly in State and Federal electorates, and
2. It is consistent with the RCV's publicly stated strategy of recognising the boundaries of municipal districts as being reflective of community of interests, and as such the whole Macedon Ranges Shire district should be included in a single division.

Conclusion

It is recommended that Council's formal submission which is required by the 26th August 2010 reflect the views expressed in this report and be copied to the current Federal Member for Burke, Bendigo and McEwen and the Municipalities of Hume, Greater Bendigo and Whittlesea.

9. CX.2 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT

Officer: Kate Strahan – Governance Project Officer

File Ref: 03/12/02/01 (pt 3)

Infra Ref: 157400

Council Plan Relationship:

Responsible Governance -
transparent accountable leadership
and democratic decision-making

Attachments:

1. Victorian Local Government Women's Charter
2. Implementing the Victorian Local Government Women's Charter, an Ideas Checklist, and
3. Participation of women in Victorian local governments fact sheet January 2010

Synopsis:

2010 is the Year of Women in Local Government. The primary focus of the campaign is to promote the rationale for and benefits of increased female representation in elected and executive local government positions.

At its meeting on 23 June 2010 Council resolved:

In this 'Year of Women in Local Government' Council seeks a report on what initiatives could be progressed with regard to gender equity and diversity on Council and in the organisation.

The Victorian Local Government Women's Charter (the Charter) was first launched in 1996 by the Women's Participation in Local Government Coalition (WPILGC). The three principles of the charter are gender equity, diversity and active citizenship. Macedon Ranges Shire Council endorsed, with 'minor changes' the Charter at the Ordinary Council meeting of 29 July 1998. The WPILGC wrote to Council in June 2010 asking that in the Year of Women in Local Government that Council recommit to the Charter.

A working group of female Councillors and senior staff has been established to plan activities for the Year of Women in Local Government.

Officer Recommendation:

That Council;

1. Endorse the Victorian Local Government Women's Charter as attached and display the Charter in various Council venues
2. Nominated Council officers and Councillors visit local Secondary Schools to promote the benefits of active citizenship and opportunities available to women in local government
3. Conduct a regional networking function which celebrates the achievements of women in local regional councils and allocate up to \$2,000 from the Council functions budget for this purpose.

9. CX.2 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT (CONT)

Background

“The *Year of Women in Local Government 2010* must address the need for systemic and cultural change while supporting women and building their capacity to thrive in leadership roles.”¹

2010 is the Year of Women in Local Government. The primary focus of the campaign is to promote the rationale for and benefits of increased female representation in elected and executive local government positions.

The program is designed to build on the aims and initiatives of the Australian Local Government Women’s Association of the past fifty years². With the end goal being that Local Councils have decision making bodies which ‘better reflect the communities they [seek] to represent’³. The challenges of this program will vary from Council to Council.

History of campaign

The Victorian Local Government Women’s Charter (the Charter) was first launched in 1996 by the Women’s Participation in Local Government Coalition (WPILGC). The three principles of the Charter are gender equity, diversity and active citizenship.

Macedon Ranges Shire Council endorsed, with ‘minor changes’ the Charter at the Ordinary Council meeting of 29 July 1998. An Action Plan developed to support the promotion and encouragement of women’s participation in local government in the Macedon Ranges shire was subsequently adopted by Council on the 24 February 1999. Macedon Ranges Shire Council was also acknowledged as a contributor to the National Framework for Women in Local Government which was published in November 2001.

A revised Women’s Charter was adopted by the Victorian Local Government Association (VLGA) and Municipal Association of Victoria (MAV) in December 2003. There is no record of the revised Charter being adopted by Council at this time.

Gender Equity

At the time of adopting the Action Plan to support the Women’s Charter in 1999, Macedon Ranges Shire Council had a female Chief Executive Officer, female Mayor and four of the nine elected councillors were female.

¹ <http://lgwomen2010.org.au/objectives>

² The Age, Saturday July 19, 2008, p 33

³ Sunday Tasmanian, 2010 Year of Women in Local Government, May 9 2010, p62

9. CX.2 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT (CONT)

Since then, the executive and elected positions have been filled as follows:

Year	Mayor	Deputy Mayor	Councillors (female)	Chief Executive Officer	Director s (female)
2000/01	female	n/a	44%	female	0%
2001/02	female	n/a	44%	female	0%
2002/03	female	male	33%	male	33%
2003/04	male	male	33%	male	50%
2004/05	male	n/a	44%	male	50%
2005/06	male	female	22%	male	50%
2006/07	female	male	22%	male	50%
2007/08	male	male	22%	male	50%
2008/09	male	male	33%	male	33%
2009/10	male	male	33%	male	33%

Diversity

The rationale for equal representation of men and women in decision making roles is simple:

“In order for local government to strengthen policy debate and ensure local decision making is representative of the communities it supports, it needs to ensure that both management and elected representatives reflect the gender balance and diversity found within their communities.”⁴

If diversity exists in our communities then that diversity should be reflected in the bodies which govern them.

Current Statistics

“The topic of women in local government and in particular women in management positions has been around for a long time. All levels of government are acutely aware of the barriers facing women in management positions, yet the advancement and promotion of women into leadership positions has seen little improvement.

- Only 20% of women are represented in senior management roles
- 7% of chief executives or general managers are women.
- Women still account for less than 30% of elected officials.”⁵

There were 36 candidates for Macedon Ranges Shire Council in the 2008 local government elections⁶. Of the 36 candidates, 11 were women: 2 in the

⁴ <http://lgwomen2010.org.au/why>

⁵ www.lgma.org.au/default/2010_year_of_women_in_local_government, home page

⁶ Victorian Electoral Commission, *All candidates local government elections 2008*, <http://www.vec.vic.gov.au/publications/publications-local.html>

9. CX.2 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT (CONT)

East Ward; 6 in the South Ward and 3 in the West Ward. One female candidate was successful in each Ward electorate.

In Victoria, “183 (29.5%) of the current 620 Councillors are female”⁷, whereas in the Macedon Ranges Shire, 3 (33%) of the current 9 Councillors are female.

Other research highlights an inherent barrier which needs to be overcome if gender equity is to be achieved at all levels and in all positions of government. That is, less women apply for decision making positions than men: “recruitment firms [report] a marked increase in the desire of local councils to employ women in their senior ranks, but are often surprised by the lack of female applicants and accordingly ask the question ‘where are all the women?’”⁸ Typically for a senior management position there are ‘more than four male applicants to every female’⁹.

There will be many reasons underpinning why women do not apply for senior roles in local government: and as many reasons underpinning why women do. What is important is that we focus on the positives and successes as much as the challenges inherent in attaining gender equity in senior and elected roles of local government.

Cultural shift

“It is necessary to recognise and celebrate the success of women who are already playing significant roles.”¹⁰

Council is presently in a good position to be able to promote the idea and the *reality* of women holding senior positions in local government. The current representation of women in decision making roles at Macedon Ranges Shire Council provides Council with an excellent platform from which to promote the concept and contributions of women as decision makers.

This is a great opportunity to present role models to the younger members of our community and either challenge or affirm attitudes towards women as decision makers.

⁷ Participation of Women In Victorian Local Governments Fact Sheet January 2010, www.vlga.org.au/About_Us/Supported_Networks/Women_s_Participation_in_Local_Government_Coalition.aspx

⁸ Roni Beauchamp, *Growing Our Workforce*, Local Government Mangers Australia, March 2010, p12

⁹ *ibid*

¹⁰ <http://lgwomen2010.org.au/objectives>

9. CX.2 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT (CONT)

Actions

The following initiatives have been undertaken or are proposed to promote the capacity for female leadership in local government:

1. An article has been prepared for the August edition of the shire "Update" newsletter promoting the Year of Women in Local Government. This article, which will be distributed to all households and businesses in the shire, profiles the three current female councillors and their respective reflections on the challenges and benefits of active citizenship.
2. A networking evening will be held on the 22nd October at a local venue for 80 women in local government from the following shire councils: Bendigo, Mt Alexander, Hepburn, Moorabool, Mitchell, Hume and Macedon Ranges.

In addition, Year of Women in Local Government Ambassadors will be invited to address the attendees on the challenges ahead and advances made to date in attaining gender equity in decision making levels of local government.

3. Local Secondary schools have been approached with regard to hosting female Councillors and Council officers addressing students on the benefits of active citizenship and vocational opportunities that exist in local government

Active Citizenship

Macedon Ranges Shire Council already enjoys a Secondary level of active citizenship. Data released by the Department of Planning and Community Development (DPCD) earlier this year indicated that in most areas, Macedon Ranges Shire Council rated higher than Victorian averages for Indicators of Community Strength.

Indicator	Macedon Ranges Average	Victorian Average
Believe their place of residence has an active community	75%	52%
Attended a community event in last six months	68%	46%
Involved in volunteer work	47%	25%
Believe they were valued by society	56%	50%

9. CX.2 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT (CONT)

Citizen engagement can mean many things. Expanding definitions and providing examples of active citizenship can only serve to strengthen an already healthy base in the Macedon Ranges.

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	The principle of gender equity also relate to the principle of inter and intra generational equity.
Enhancing economic & socio-cultural wellbeing	Gender equity is an important basis from which to build social integrity
Achieving social integrity	The long term intent is to promote gender equity
Conserving non-renewable & using renewable resources sustainably	n/a
Maintaining & enhancing biodiversity	n/a
Adopting precautionary measures	There is minimal risk in the activities proposed.

10. CS.1 QUARTERLY REPORT FOR PERIOD ENDED 30 JUNE 2010

Officer: Leon den Dryver - Manager Finance

Council Plan Relationship:

“Achieve Best Practice Financial Management.”

Attachment:

Quarterly Report for period ended 30 June 2010 (*Distributed to Councillors and available online – www.mrsc.vic.gov.au*)

Synopsis:

The Quarterly Report for period ended 30 June 2010 is presented for Council's consideration and information.

This report includes the following:

- Section 1 - Quarterly Financial Statements
- Section 2 - Progress on Council Plan Actions
- Section 3 - Capital Works Commentary, Year to Date Budget and Actual Comparison
- Section 4 - Year to Date Operating Budget and Actual Comparisons with comments for each department
- Section 5 - Customer Requests
- Section 6 - Customer Service Telephone Reports
- Section 7 - Councillor Initiated Grants

Officer Recommendations:

- 1. That the Quarterly Report for the period ended 30 June 2010 be noted.**
- 2. That Council endorse the allocations made through the Councillor Initiated Grants for the period to 30 June 2010.**

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010

Officer: Leon den Dryver, Manager, Finance

File Ref: 02/12/01

Council Plan Relationship:

Achieve Best Practice
Financial Management

Attachments: Financial Statements,
Standard Statements
and Performance Statement

Synopsis:

The Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2010 which been prepared in accordance with the Local Government Act and the Local Government (Finance and Reporting) Regulation are attached for Council's consideration and approval "in principle".

The Auditor-General's Agents, MDHC Audit Assurance, have audited Council's Financial Statements and Standard Statements They have also audited the Performance Statement which was presented to Council at the meeting held on 28 July 2010.

The Council's Audit Advisory Committee considered all three statements at its meeting on Wednesday, 18 August, 2010.

Prior to MDHC Audit Assurance submitting the statements the Auditor-General for final approval, Council is required to approve them in principle.

Officer Recommendation:

- (a) That the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2010 be approved "in principle" by Council.**
- (b) That the two Councillor members of the Audit Advisory Committee (Crs Guthrie and Letchford) be authorised to certify the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2010 in their final form, that is, after any changes recommended by the Auditor-General have been made.**
- (c) That, once the Statements have been certified in their final form (in accordance with paragraph b), all Councillors be provided with a certified copy and the Statements be submitted to the Minister.**

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010 (CONT)

1. Introduction

The Financial Statements, Standard Statements and Performance Statement for the Year ended 30 June 2010 are attached.

These Statements have been audited by the Auditor-General's Agents MDHC Audit Assurance; however the statements are yet to be formally reviewed by the Auditor-General.

Note – the Performance Statement was originally approved by Council at the July Ordinary Council meeting but has since been audited and is therefore resubmitted to Council.

2. Financial Statements

The Financial Statements are prepared in compliance with accounting standards and the Local Government Act. The Financial Statements comprise of:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Notes to the Financial Statements. The notes include supporting details for the Financial Statements and other financial disclosures.

The Financial Statements includes comparison of financial results to the previous financial year.

2a. Comprehensive Income Statement

From 2009/10 there was a change in accounting standards that required organisations to provide a comprehensive income statement. The key difference between the comprehensive income statement and the income statement reported in the past is that after the net surplus/deficit is calculated, certain changes in equity (for example, asset revaluation reserve movements) are added to determine a comprehensive result.

The Income Statement includes all sources of Council revenue and expenditure incurred in Council's day-to-day operations. It should be noted that expenditure listed in the Income Statement does not include the cost of asset purchases, loan repayments or reserve funds. It does however include the depreciation value of assets as an expense.

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010 (CONT)

The summary of the comprehensive income statement is follows:

	2009/10 \$,000	2008/09 \$,000
Revenue	\$56,919	\$57,263
Less		
Expenses	\$46,771	\$44,163
Plus (less)		
Other items	(\$509)	\$349
Net Surplus	\$9,639	\$13,449
Other Comprehensive Income	\$55,572	\$7,323
Comprehensive Result	\$65,211	\$20,772

Total income decreased in 2009/10 by \$0.39m from 2008/09.

- Grants were \$1.4m lower in 2009/10 mainly due to lower recreational grants. The majority of the Kyneton Sports & Aquatic Centre (KSAC) grants were received in advance in late 2008/09. Grants Commission payments received were also lower than 2008/09 as the Grants Commission paid the first quarterly instalment for 2009/10 in June 2009.
- Contributions – non monetary increases in assets from the previous year, which primarily result from land and roads transferred to Council following completion of development works. The level of these transfers can vary considerably from year to year depending on the level of development. These contributions were \$2.2m lower in 2009/10.

While the total decreased, there were some also some positive income movements:

- Rates and charges increased by \$1.8m. Rates increased by 4.9% in 2009/10 and there was also an increase in the number of rateable properties.
- User fees were \$0.14m higher than 2008/09.

Total expenses increased in 2009/10 by \$2.6m was primarily due to a higher level of employee benefits (\$1.2m), material and contractor costs (\$0.28m) and depreciation (\$0.95m).

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010 (CONT)

“Other items” include Council’s share of the North Central Goldfields Regional Library Corporation, changes to the value of the landfill liability and gain/losses on the disposal of assets.

Other comprehensive income is primarily movements in the asset revaluation reserve as a result of asset revaluations. During 2009/10 road formations, bridges and Council land and buildings were revalued. A partial revaluation of drainage assets was also undertaken. Accounting standards require that fixed assets be revalued periodically.

2b. Balance Sheet

The Balance Sheet is a snapshot of Council’s financial position as at 30 June 2010. It shows what Council owns as assets and what it owes as liabilities. The bottom line of this statement is Total Equity which is an accumulation over time of the net worth of Council.

Current Assets have decreased from \$20.9m to \$16.0m. This is primarily due to a decrease in cash and investments. The cash and investment levels at June 2009 were abnormally high following the early receipt of several large grants.

Current Liabilities have increased by \$3.6m. This is mainly due a shift of part of the landfill provision (\$2.0m) to current liabilities from noncurrent liabilities. This change is due to planned rehabilitation works to be completed in 2010/11 and hence is considered current. Payables have also increased as there were several large payments in relation to KSAC that were owed at 30 June 2010.

Non Current Assets are assets which are not expected to be converted into cash in the next 12 months. Assets in this category have increased in total by \$72.2m. The increase in assets was driven by the increase in infrastructure assets following a revaluation of road formation, bridges and a partial revaluation of drainage assets in 2009/10. Council land and buildings were also revalued as part of the 2010 property re-valuation. Fixed assets are reviewed periodically in line with accounting standards. Capital works completed in 2009/10 have also contributed to the increase in assets.

Non Current Liabilities relate to Borrowings and Provisions. There has been a decrease in noncurrent liabilities of \$1.53m from 2008/09; this is mainly due to the decrease in the noncurrent portion of the landfill provision (see current liabilities). This is partly offset by an increase in non current loans following the take up of the KSAC loan (\$1.1m) during 2009/10.

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010 (CONT)

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

- Accumulated Surplus – the value of all net assets over time,
- Asset Revaluation Reserve; and
- Reserves – funds reserved for specific future expenditure.

Council's accumulated surplus was \$224.4m at the end of 2009/10, an increase of \$8.7m from 2008/09. The Asset Revaluation Reserve increased by \$55.6m, as noted above this is due to several fixed asset revaluations. Council's other Reserves increased by \$0.925m

2c. Cash Flow Statement

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

Cash Flows are concerned with the three distinct areas as follows

- Operating, which are normal Council operations
- Investing, which are payments for capital equipment and proceeds from the sale of assets
- Financing, which includes proceeds from investments and loans and repayment of loans

The Statement shows that cash decreased by \$7.1m during the year. The decrease is mainly due to the abnormally high levels of cash in 2008/09 following the early receipt of several large grants in June 2009 relating to works that were undertaken in 2009/10.

Further detailed information on the reports above can be obtained in the attached Financial Statements.

3. Standard Statements

The Standard Statements comprise of:

- Standard Statement of Financial Performance
- Standard Statement of Financial Position
- Standard Statement of Cash Flows
- Standard Statement of Capital Works
- Notes to the Standard Statements

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010 (CONT)

The Standard Statements are prepared on a basis consistent with the Financial Statements but are not required to meet all the reporting requirements of accounting standards and other mandatory professional reporting requirements. Standard statements are a requirement of the Local Government Act which focus on comparison between the 2009/10 results and the approved budget.

3a. Standard Statement of Capital Works

Most of the Standard Statements are similar to those in the Financial Statements as outlined in Section 2 of this report; however, the Financial Statements do not include a detailed Capital Works report.

The Standard Statement of Capital Works indicates the level of expenditure incurred on capital works areas. Further information is provided on this expenditure by the type of capital works. The statement indicates that expenditure on capital works amounted to \$19.97m for the year. The 2009/10 capital expenditure is the highest in the history of the Council due to the KSAC project. Capital expenditure on KSAC will total \$9.4m with the bulk of these funds being expended in 2009/10.

Also disclosed in the statement is a reconciliation of capital expenditure to the Standard Statement of Financial Position.

Further detailed information can be obtained in the attached Standard Statements.

4. Performance Statement

The Performance Statement is prepared in accordance with the Local Government Act 1989 (the Act). The Statement must include the Actions and Targets specified in the Budget and it must record the actual results achieved for that financial year.

The Performance Statement reports to the community on how well Council has performed against the Key Actions and Targets from the Council Plan. The Performance Statement complements the Financial Statements and Standard Statements because it provides our community with a qualitative description and assessment of our performance.

The performance statement is an opportunity for the community to see how well Council has performed knowing that the evidence has been independently audited and assessed.

10. CS.2 FINANCIAL STATEMENTS, STANDARD STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2010 (CONT)

The Performance Statement attached to this report is based on the sixteen Actions and Targets identified by Council for Performance Statement purposes when the 2009/10 Budget was adopted on 8 July 2009.

Along with the abovementioned financial statements, the Performance Statement and accompanying supporting documentation has been reviewed by the Auditor.

5. Approval “in principle” and Certification of Statements.

This report recommends that the Financial Statements, Standard Statements and Performance Statement for the year ended 30 June 2010 be approved “in principle”.

The Financial Statements and Standard Statements will also be certified by the Principal Accounting Officer, Leon den Dryver, Finance Manager.

The Local Government Act requires Council to authorise two Councillors to certify the Statements in their final form after any changes recommended, or agreed to, by the Auditor-General, have been made.

It is recommended that Cr Rob Guthrie and Cr John Letchford, as Council's delegates on the Audit Advisory Committee, be authorised to certify the Statements.

10. CS.3 VALUATION SERVICES

Officer: Leon den Dryver, Manager Finance

File Ref: 01/05/01

Council Plan Relationship:

Responsible Governance -
transparent accountable leadership
and democratic decision-making to
provide a transparent, fair and
equitable rating system

Synopsis:

In 2001 Council made the decision to create an In House Valuation Team and since then, all Valuation Services, in particular the biennial General Valuations for rating purposes have been carried out by this Team.

Amendments to the Valuation of Land Act 1960 (the Act) came into operation on 1 May 2010. The Act now gives councils the option to transfer responsibility for the General Valuation (rating valuation services) to the Victorian Valuer-General.

The next biennial General Valuation will take effect on 1 July 2012 and therefore arrangements for the General Valuation now need to be made.

Council must decide by 30 September 2010, whether it wishes to transfer General Valuation (rating valuation services) responsibility to the Valuer-General for the 2012 General Valuation.

Officer Recommendation:

That Council advise the Valuer-General that it will retain its in-house Valuation Team to provide all Valuation Services and undertake the 2012 General Valuation.

10. CS.3 VALUATION SERVICES (CONT)

1. Background:

The 2000 General Valuation was undertaken by Contract Valuers. In 2001 Council made the decision to create an In House Valuation Team and since then, Valuation Services, in particular five biennial General Valuations have been carried out by this Team. Some aspects of the General Valuations had until 2010 been carried out by Contract, however, the 2010 General Valuation has been carried out entirely by the In House Team.

Also, supplementary valuations (occurring between General Valuations) and all other valuation functions have been carried out in-house.

Under the provisions of the Valuation of Land Act 1960 (the Act), complemented by the “Valuation Best Practice Guidelines”, the Valuer-General has oversight of all rating valuations, to certify that they are “generally true and correct”.

In 2008/09 the Victorian Government proposed amendments to the Act. The proposal involved the complete transfer of the General Valuation to the Valuer-General. Macedon Ranges Shire Council opposed the proposal and there was widespread opposition from councils throughout Victoria.

On 1 May 2010, amendments to the Act came into operation and the Act now provides councils with the option to transfer responsibility for the General Valuation to the Valuer-General.

As a result, Macedon Ranges Shire Council now has three options:-

- Retain its own In House Team to undertake all Valuation Services.
- Cease the current arrangements and engage Contract Valuers to provide all Valuation Services (through a competitive tender process).
- Cease the current arrangement and hand responsibility for the General Valuation (rating valuation services) to the Valuer-General – the Valuer General will then invite tenders from valuation companies to undertake the 2012 General Valuation.

On 7 July 2010, representatives of the Valuer-General addressed Councillors and explained their view of the benefits of transferring its rating valuation responsibilities to the Valuer-General. Furthermore, Fact Sheets have been provided to Councillors.

Council is required to determine whether it wishes to take up the option of transferring its rating valuation responsibilities for the 2012 General Valuation to the Valuer-General and to advise the Valuer-General of its decision by 30 September 2010.

10. CS.3 VALUATION SERVICES (CONT)

2. Service Provision – Dealing with enquiries

The matter of Valuations and Rates and the enquiries which arise from them is a sensitive issue for councils. The in-house team has a good track record in dealing with these and resolving enquiries and concerns successfully. For example, in the past 9 years, only one valuation has been taken to appeal at VCAT, and the Council successfully defended its position.

The Valuer-General's proposal involves the taking over of responsibility for handling of enquiries, objections and appeals.

As the Valuer-General's proposal is untested, there is no evidence of how successfully this will be done. However, Ratepayers generally associate the rate notice and the property valuation with Council, and will expect a response from Council even if Council had handed responsibility to the Valuer-General.

3. Financial Considerations:

If Council decides to terminate the current arrangement and hand responsibility to the Valuer-General, the Valuer General would invite tenders, award a contract for the 2012 General Valuation and manage the contract. To date, the Valuer-General's office has not been able to provide a firm estimate of the likely cost of a biennial valuation contract for Macedon Ranges Shire Council. However, they have provided range of costs based on 2008 contract valuation costs for other "similar" Councils.

The costs are in the range of \$8.37 per property assessment to \$16.00 per property assessment. The average cost is \$12.26 per assessment. Applying this average cost to 19,866 assessments, gives an indicated cost for the General Valuation only of approximately \$244,000 (with a range between \$166,000 and \$318,000).

In order to provide Council with further information, a contract Valuer who has participated in General Valuations for the Shire was asked to estimate the cost of other valuation services currently provided by the in-house team.

The table on the following page is an estimate only based on the two-year cycle and the following explanations are provided:-

- The 2012 General Valuation estimate has been based on the Valuer General's average cost of \$12.26 per assessment. The Valuer General suggests that costs will be in the range of \$8.37 per property assessment to \$16.00 per property assessment. Actual costs will not be known until they are sought through a competitive tender process.
- The costs of asset and insurance valuations are as provided by the contract Valuer.

10. CS.3 VALUATION SERVICES (CONT)

- The cost of public open space valuations are an estimate.
- The Contract Valuer provided some costs on a unit cost basis, so in assessing the complete cost of all Valuation services the cost of Supplementary Valuations was based on 4,000 valuations over the two year cycle.

All Valuation Services over two year valuation period	Estimate
2012 General Valuation	\$244,000
Estimated cost of handling Enquiries, Objections and Appeals	\$100,000
Supplementary Valuations	\$80,000
Valuations of Non-Rateable Properties	\$15,000
Valuations of Council Property Assets	\$10,000
Valuations for Insurance purposes	\$5,000
Valuations for Public Open Space purposes	\$5,000
TOTAL (over 2 years)	\$459,000

The above costs should only be used for indicative purposes.

The in House team provides all the valuation functions listed above, as well as the provision of property and valuation advice and assistance to management and staff. The cost of the in-house valuation team is currently \$470,000 over the two year valuation period.

The payment by the State Revenue Office for the use of Council's valuation data has been excluded from all calculations. The payment equates to about half of the cost of the general and supplementary valuations and is currently paid directly to the Council. It is anticipated that the State revenue Office will continue to pay Council for the valuation data.

4. Summary and Recommendation

In 2001 Council made the decision to create an In House Valuation Team because there had been difficulties with the 2000 General Valuation which had been undertaken by contract. Since then the current in-house service has operated effectively for the period of nine years. Therefore, for the time being it is recommended that Council continue with the current arrangement of an in-house valuation team to provide the complete suite of valuation services to the Council.

**10. CS.4 ESSENTIAL SERVICES COMMISSION FINAL REPORT
(JUNE 2010) – "Establishing A Victorian Local Government
Services Report"**

Officer: Glenn Owens, Director Corporate Services

File Ref: 03/17/05/01

Infra Ref: 160285

Council Plan Relationship: to provide best practice customer service delivery to our community

Synopsis:

At its meeting on 28 April 2010 Council considered the Draft Report titled "Local Government Performance Monitoring Framework" which had been released by the Essential Services Commission.

On 24 July 2010, the Essential Services Commission released its Final Report with a new title "Establishing a Victorian Local Government Services Report" (the report is available on the ESC website - <http://www.esc.vic.gov.au/public/>

The Final Report made five recommendations for establishing a "Victorian Local Government Services Report" – to be published annually.

The Final Report proposed up to 38 indicators in eight Service Groups of Infrastructure Assets, Development Planning, Community Services, Environment, Recreation, Regulation, Economic Development and Communication.

The Victorian Government has accepted the ESC recommendations and therefore the ESC is commencing activities for a Pilot Project and Handbook. The ESC has also commenced planning activities to streamline current local government reporting obligations.

Officer Recommendations:

1. That Council observe Stage One of the implementation of the Local Government Services Report and then, following the release of the Handbook, Council participate in Stage Two of the Program – that will be reported in the "2010/11 Victorian Local Government Services Report" in February 2012.

2. That when preparing the 2011/12 version of the Council Plan, Council give special attention to addressing the individual objectives and desired outcomes that Council has for the eight Services Groups. (The results of which will be reported in the "2011/12 Victorian Local Government Services Report in February 2013").

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)

1. Background

The detailed background to this matter can be found under item CS.4 on page 13 of the Agenda for the Council meeting held on 28 April 2010.

However, here is a very brief summary – In 2009 the Premier of Victoria announced that the Essential Services Commission (ESC) would develop a local government performance monitoring framework. In March 2010, the ESC released its Draft Report titled “Local Government Performance Monitoring Framework”. The Draft Report:-

- Suggested a staged implementation plan over 3 years.
- Recognised the need to rationalise existing reporting requirements imposed on councils by the state government
- Proposed a set of 65 indicators in 8 major Council Service groups.

2. Council Position – April 2010

At its meeting on 28 April 2010, Council received an Officer's report concerning the proposed Performance Monitoring Framework (PMF).

At that meeting, Council resolved to give in principle support to the introduction of ongoing performance benchmarking of local government service delivery by the ESC on the condition that such benchmarking leads to clear and measurable improvement opportunities for Victorian councils to improve their service standards and outcomes.

Council also resolved to give in principle support to the development and establishment of a PMF on the following conditions:

1. The PMF fits within local government's annual planning, budgeting and reporting cycle.
2. Local Government's reporting obligations are restructured resulting in a reduction and streamlining of current reporting requirements imposed on it by State Government Departments and Agencies.

Council agreed with the intent to give effect to a PMF through appropriate legislative amendments to the Local Government Act and Essential Service Commission Act, because by doing so the legislation will also apply to state government departments and agencies.

Council did not support all of the Proposed Indicators because:-

- some are expensive to collect,
- some will provide subjective information and comparison between Council's would not be relevant,
- some appear to be contrary to current government policy and strategic direction,

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)

- some require an “audit” to be undertaken and
- others require additional surveys)

and therefore Council recommended that the ESC should start with a smaller number of Indicators and increase them over time – if required.

Council did not support all of the Proposed Financial Indicators and therefore Council recommended that the ESC should develop financial indicators concerned with long term financial sustainability, alternatively the ESC should align its Proposed Financial Indicators with the Auditor General’s existing financial ratios and indicators.

3. ESC Final Report – July 2010

On 24 July 2010, the Essential Services Commission released its Final Report with a new title “Establishing a Victorian Local Government Services Report” (see <http://www.esc.vic.gov.au/public/>).

The Final Report includes 5 recommendations (these recommendations are reproduced in full at the end of this item). Note – the ESC has announced that the Government has accepted their recommendations.

The Final Report proposes a set of 38 indicators in the Council Service groups of Infrastructure Assets, Development Planning, Community Services, Environment, Recreation, Regulation, Economic Development and Communication (these Indicators are reproduced in full at the end of this item).

The Final Report does not include any financial indicators and the ESC has noted that the Auditor-General currently reports on financial performance of each council.

4. Summary of ESC Recommendations

As mentioned above, the full recommendations have been adopted by the Victorian Government. This is only a summary of the recommendations:-

ESC Recommendation 1:

That the ESC will publish a Victorian Local Government Services Report in February each year, reporting on service outcomes from the previous financial year. Each year the Report will cover eight service groups using 17 or 18 service indicators and between 17 and 20 supporting indicators – subject to applicability. The ESC will give councils the opportunity to provide commentary prior to publication of the Services Report.

ESC Recommendation 2

That council's will include in their Council Plans their individual objectives and desired outcomes for the Eight Services subject to services reported in the Victorian Local Government Services Report.

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)

ESC Recommendation 3

That the Victorian Local Government Services Report be phased in over three stages and three years.

Stage one will be a pilot project. The pilot report will be submitted to the Ministers for Finance and for Local Government in January 2011.

Stage two will involve most councils reporting on most indicators in respect to 2010/11. This Services Report will be published by the Commission in February 2012.

*Stage three will involve **full** implementation in respect to 2011/12. This Services Report will be published by the Commission in February 2013.*

ESC Recommendation 4

That the Victorian Local Government Services Report be given effect through amendments to legislation.

ESC Recommendation 5:

5.1 That the Government initiate a 'streamlining review' of current reporting requirements imposed on councils by State Government agencies.

5.2 That the Government instruct the Commission to identify and include appropriate financial indicators of council performance in its annual Victorian Local Government Services Report.

5.3 That the Government consider providing financial assistance to councils that are financially or resource constrained to assist them in implementing the reporting framework.

5. Impact on Local Government

In his introduction to the Report, the ESC Chairman, Dr Ron Ben-David states that "local government is the subject of extraordinarily detailed reporting requirements to State Government agencies. These arrangements appear to have been developed on an ad hoc basis without any systematic review of their merits. We recommend that they be reviewed as soon as possible with the aim of reducing any unnecessary reporting by councils"

According to the ESC the Minister for Local Government, Mr Wynne, has said that he does not want this new level of accountability to place unnecessary financial or administrative burden on councils. Therefore he has asked the ESC to conduct a streamlining review that will examine current reporting obligations and aim to reduce the administrative burden by 25 per cent.

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)

6. Impacts on Macedon Ranges Shire Council

Each year the Report will cover eight service groups using 17 or 18 service indicators and between 17 and 20 supporting indicators – subject to applicability.

The ESC has said that Council should include in its Council Plan (and other relevant planning documents) the individual objectives and desired outcomes that Council has for the eight Services Groups that will be reported in the Victorian Local Government Services Report.

The eight service groups are – Infrastructure Assets, Development Planning, Community Services, Environment, Recreation, Regulation, Economic Development and Communication.

Generally speaking, the Indicators appear relevant to Macedon Ranges and the data for the majority of them is currently collected. There are a very small number of new Indicators and so there may be new costs incurred by Council in gathering, monitoring and reporting the data.

The ESC has said that it will collect information directly from government departments wherever possible. The ESC will accept information that is already collected and accepted by other government departments and will not require a separate audit.

The remainder will be provided directly to them by Council. For information that is not already audited, a random or rotational independent audit will be used to confirm data integrity.

6. Conclusion

The Victorian Government appears to be committed to the Victorian Local Government Services Report. As a complete package, the recommendations contained within the Final Report promise an improvement in the current reporting obligations.

In the first year of implementation, the pilot report will use existing data sets only and serve as a test of data collection and reporting systems. It will include 20 to 25 representative councils and the ESC will produce a pilot report which will be completed in January 2011 for the Ministers for Finance and Local Government. The ESC will work with councils on the structure, content and presentation of the pilot report.

The ESC will also publish a handbook with information, instructions and common definitions for all indicators.

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)

Therefore it is recommended that Council should observe stage one of the implementation of the Local Government Services Report and then following the release of the Pilot Report and Handbook, Council participate in Stage two of the Program during the period July 2011 to December 2011.

It is also recommended that when preparing the 2011/12 version of the Council Plan, Council should give special attention to addressing the individual objectives and desired outcomes that Council has for the eight Services Groups that will be reported in the Victorian Local Government Services Report in February 2013.

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)



Essential Services Commission - Recommendations

Recommendation 1: Features of the *Victorian Local Government Services Report*

The Essential Services Commission recommends that it publish a *Victorian Local Government Services Report* in February each year, reporting on service outcomes from the previous financial year. The Report will cover eight service areas using 17 or 18 service indicators and between 17 and 20 supporting indicators, subject to applicability. The Commission will also collect contextual information about each council.

The Commission will collect information directly from Government departments wherever possible. The remainder will be submitted by councils directly to the Commission. We will accept information that is already accepted by other departments without requiring additional auditing of that data. Data provided directly to the Commission that is not already audited, will be subject to random or rotational audit by an independent auditor to confirm its integrity.

The Commission will give councils the opportunity to provide commentary on outcomes prior to publication of the *Services Report*. The Commission will assist councils to build capacity by conducting workshops to train council staff in reporting compliance.

Recommendation 2: Integration with Council Plans

The Commission recommends that councils be required to include in their Council Plans their individual objectives and desired outcomes for the services reported in the *Victorian Local Government Services Report*.

Recommendation 3: Implementation timelines

The Commission recommends a staged implementation program commencing with a pilot of the *Victorian Local Government Services Report*. The pilot report will use existing data sets only and serve as a test of data collection and reporting systems. It will include 20 to 25 representative councils. The pilot report will be submitted to the Minister for Finance and the Minister for Local Government in January 2011.

Stage two will involve most councils reporting on most indicators. Transitional arrangements will be put in place for smaller and bushfire affected councils. This *Services Report* will be published by the Commission in February 2012.

The third stage will involve full implementation of the *Victorian Local Government Services Report*. This *Services Report* will be published by the Commission in February 2013.

The Commission will review the overall reporting framework prior to publication of the next *Victorian Local Government Services Report* in February 2014. This review will be subject to public consultation.

Recommendation 4: Enabling legislation

The Commission recommends that the *Victorian Local Government Services Report* be given effect through amendments to the *Local Government Act 1989* (Vic) and the *Essential Services Commission Act 2001* (Vic) as soon as possible.

Recommendation 5: Other recommendations

The Commission recommends that the Government consider:

- (a) initiating as soon as possible a 'streamlining review' of current reporting requirements imposed on councils by State Government agencies
- (b) instructing the Commission to identify and include appropriate financial indicators of council performance in its annual *Victorian Local Government Services Report*
- (c) providing financial assistance to councils that are financially or resource constrained to assist them in implementing the reporting framework.

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)



Essential Services Commission – Local Government Service Indicators

Service category	Identifier	Service indicator	Source
Infrastructure and assets (IA)	IA-01	Condition-based renewal gap – \$ spent on renewal divided by what \$ were required to be spent for period (MAV STEP program): • composite (roads, bridges and pathways + buildings + drains)	MAV
	IA-02	Percentage of council assets at intervention level (MAV STEP Program): • composite (roads, bridges and pathways + buildings + drains)	MAV
	IA-03	Civic Mutual Plus (overall score): compliance with Road Management Plan	CMP
Development and planning (DP)	DP-01	Decision time of planning applications decided: • median processing days (gross days) • percentage completed within statutory timeframe (60 days)	PPARS
	DP-02	Percentage of appeals determined by VCAT in favour of the Council	VCAT
Community services (CS)	CS-01	Number of 'Key Ages and Stages' visits attended divided by the number of active infant records (ages 0-4)	DEECD
	CS-02	Average waiting time for assessments for HACC programs	Internal
Environmental sustainability (ES)	ES-01	Proportions of annual residential waste: • recycling • landfill • green waste**	SV
	ES-02	CO ₂ -equivalent emissions from the council's operations: • gross amount • offsets	Internal
Recreation services and amenity (RSA)	RSA-01	Activity rate of active registered library borrowers	DPCD
	RSA-02	Civic Mutual Plus overall score for management of sporting reserves	CMP
Regulation and public safety (RPS)	RPS-01	Percentage of court decisions in favour of council on infringements	DOJ
	RPS-02	Civic Mutual Plus (overall score): food safety	CMP
	RPS-03	Status of Municipal Emergency Management Plan as assessed by audit	SES
	RPS-04**	Line clearance plan submitted within the timeframe required under 'Electricity Safety (Electric Line Clearance) Regulations'	ESV
Communication and information accessibility (CIA)	CIA-01	Average time taken (in seconds) to answer telephone call enquiries	Internal
	CIA-02	Customer service responsiveness as assessed through independent mystery user survey	ESC
	CIA-03	Website quality and accessibility as assessed through independent mystery user survey	ESC
Economic development (ED)		No service indicator identified at this stage	

** where applicable

10. CS.4 ESSENTIAL SERVICES COMMISSION (CONT)



Essential Services Commission – Local Government Supporting Indicators

Service category	Identifier	Supporting indicator	Source
Infrastructure and assets (IA)	IA-S-01	Condition-based renewal gap (MAV STEP program): • roads, bridges and pathways • buildings	MAV
	IA-S-02	Percentage of council assets at intervention level (MAV STEP Program): • roads, bridges and pathways • buildings	MAV
	IA-S-03	Community satisfaction (index score) with condition and maintenance of municipal roads, streets, footpaths (CSS)	DPCD
	IA-S-04	Percentage of annual capital budget (\$) spent within the year	Internal
	IA-S-05**	Local roads renewed • resurfaced as a percentage of total sealed road network • reconstructed as a percentage of total sealed road network • resheeted as a percentage of total gravel road network	Internal
Development and planning (DP)	DP-S-01	Planning applications: • number received • number decided	PPARS
	DP-S-02	Number of decisions appealed to VCAT	VCAT
	DP-S-03	Percentage of planning applications decided during the year: • under delegation by officers • by council	PPARS
Community services (CS)	CS-S-01	'Key Ages and Stages': • number of visits attended • number of active infant records	DEECD
Environmental sustainability (ES)	ES-S-01	Annual residential waste generation (kilograms): • per capita • per residential assessment	SV
	ES-S-02	Community satisfaction (index score) with waste management	DPCD
Recreation services and amenity (RSA)	RSA-S-01	Libraries: • number of (physical) visits per capita • number of website hits (every unique visit) per capita	DPCD
	RSA-S-02	Community satisfaction (index score) with: • recreational facilities • appearance of public areas	DPCD
Regulation and public safety (RPS)	RPS-S-01	Infringements issued: • fire prevention notices per capita • animal infringements per capita • other infringements per capita • parking infringements per capita**	DOJ
	RPS-S-02	Food safety: • number of inspections • number of premises	DOH
	RPS-S-03**	Inspection of septic tanks: • percentage inspected • number of recovered septic tank systems that were identified to be in breach of current regulatory guidelines (percentage restored systems)	Internal
Communication and information accessibility (CIA)	CIA-S-01**	Percent of customer service enquiries resolved on first call	Internal
	CIA-S-02	Community satisfaction (index score) for the council's interaction and responsiveness in dealing with the public (CSS)	DPCD
Economic development (ED)	ED-S-01	Satisfaction rates of businesses with the support and advice provided by council	Modified CSS

10. CS.5 FINANCIAL DELEGATIONS

Officer: Glenn Owens, Director Corporate Services

File Ref: 03/17/05/01

Council Plan Relationship: to ensure that our financial management practices comply with legislative requirements.

Synopsis:

Many Council decisions are made by Officers on behalf of Council – some in accordance with legislation, but most under Council Delegations.

Most Council Delegations deal with powers, duties and responsibilities that are derived from State and Federal legislation – in particular the Local Government Act. Delegations are formally reviewed and adopted after each Council Election.

An Instrument of Financial Delegation is, of course, concerned with authorising Officers to approve the expenditure of Council funds. Macedon Ranges Shire Council has operated under an Instrument of Financial delegation since 1996. Since then, the Instrument has been modified as required – most recently on 22 April 2009.

This report recommends that Council modifies that Instrument of Delegation.

The modified Instrument of Delegation does not alter the delegated levels of expenditure; the modifications only serve the purpose of clarifying Group D delegates, Group E delegates and the conditions that apply to the exercise of the authority.

10. CS.5 FINANCIAL DELEGATIONS (CONT)

Officer Recommendation:

That Council adopt the following Instrument of Financial Delegation to the CEO and other Officers:

Delegated Level	Group	Delegate	Conditions
Up to \$1,000,000	Group A	CEO	1. Expenditure must be in accordance with Program or Project Allocation approved by Council as part of its adopted Budget. 2. If expenditure exceeds the budget by 5% or more, then a written request must be prepared for, and written approval must be obtained from, the relevant Manager, Director or CEO (as appropriate). 3. If expenditure exceeds the level of delegation granted to the CEO then a report and recommendation must be prepared for Council's consideration. 4. Expenditure must be in accordance with the restrictions imposed by section 186 of the Local Government Act and Council's Procurement Policy (as adopted on 28 October 2009). 5. If the expenditure needs to be publicly tendered (as required by section 186 of the Local Government Act or the Procurement Policy) the tendering process should be undertaken in accordance with Council's Tendering Policy (as adopted on 25 November 2009). 6. IT hardware and software purchases must receive prior approval from the Manager Information & Communications.
Up to \$200,000	Group B	Directors	
Up to \$50,000	Group C	Managers	
Up to \$10,000	Group D	Team Leaders, Supervisors and Coordinators that report directly to a Manager or Director	
Up to \$2,000	Group E	▪ Arborist ▪ Conservation Planner ▪ Environmental Resource Officer ▪ Executive Assistants ▪ Finance Officer (Banking and Receipting) ▪ Fire Prevention Officer ▪ Fleet Administrator ▪ Hanging Rock Ranger ▪ Human Resource Officer ▪ Leisure and Aquatic Centre Coordinators ▪ Mechanic ▪ Risk/OHS Officer ▪ Social Planner ▪ Store Person ▪ Strategic Planners ▪ Team Leaders, Supervisors and Coordinators who do NOT report directly to a Manager or Director.	

10. CS.5 FINANCIAL DELEGATIONS (CONT)

1. Instruments of Delegation.

At its meeting on 22 April 2009, Council adopted its Instruments of Delegation including:-

1. Instrument of Delegation to the CEO
2. Instrument of sub delegation from CEO to other Officers
3. Instrument of Delegation to other Officers.
4. Instrument of Financial Delegation to CEO and other Officers
5. Instrument of Delegation to the Planning Committee.

This Report is concerned **only** with the "Instrument of Financial Delegation to the CEO and other Officers".

2. Instrument of Financial Delegation.

Macedon Ranges Shire Council has operated under an Instrument of Financial delegation since 1996. The Instrument has been modified as required since then – most recently on 22 April 2009.

This report seeks to modify the Instrument of Delegation dated 22 April 2009.

The modified Instrument of Delegation does not alter the delegated levels of expenditure; the modifications only serve the purpose of clarifying Group D delegates, Group E delegates and the conditions that apply before the delegated authority may be exercised.

3. Power of councils to spend funds.

The following background information may be of interest.

Councils are statutory bodies created by State legislation and therefore can only undertake the functions, and as a consequence, expend funds which are expressly or impliedly authorised by Parliament, or what is reasonably incidental to what is authorised. Any action beyond or in excess of these limits may be deemed to be beyond the power of a council.

Parts 1 and 1A of the Local Government Act (the Act) widen the scope of this doctrine, provided of course the actions of the council are reasonable, are exercised in good faith, are for proper purpose, and are undertaken in accordance with any statutory obligations that a council must perform.

Subject to any limitations that may be imposed by the Act (or any other Act), a council has the power to do all things necessary in connection with the achievement of its objectives (set out in section 3C of the Act) and the performance of its functions (set out in section 3E of the Act).

10. CS.5 FINANCIAL DELEGATIONS (CONT)

The functions of councils are many and wide. They include the responsibility of:

- planning for and providing services and facilities for the local community;
- providing and maintaining community infrastructure in the municipal district;
- raising revenue to enable the performance of councils functions.

Section 141 of the Act gives councils authority to spend money to enable them to perform the functions and exercise the powers conferred on them by or under the Act or any other Act.

Section 140 of the Act gives councils a duty to do all things necessary to ensure that all money expended by them is correctly expended and properly authorised; to do all things necessary to ensure that all liabilities incurred by them are properly authorised; and to ensure efficiency and economy of operations and the avoidance of waste.

These specific provisions are set within the principles of sound financial management (section 136) and the principles of best value (section 208B). For example, amongst other things, the principles of sound financial management require councils to pursue spending and rating policies that are consistent with a reasonable degree of stability in the level of rates burden (section 136(2)(b)). Also, amongst other things, the principles of best value require councils to provide services based on its quality and cost standards (section 208B).

Even though councils may have provided funds for particular purposes within their budgets, this does not authorise the expending of those funds, unless prior authority exists in the form of a council resolution (following a report) or an instrument of delegation to a member of council staff pursuant to section 98 of the Act.

It should be noted that councils cannot delegate the power to approve any expenditure not contained in an approved budget.

There are also conditions which must be complied with before councils can enter contracts over prescribed values. There are certain circumstances under which these conditions may not apply most notably the circumstance where there is an emergency.

In summary, the power of councils to spend funds is as follows:

- Councils may apply any money to enable them to perform the functions and exercise the powers conferred on them by an Act of Parliament.
- Councils need to be careful that they do not act beyond powers granted to them or fail to undertake statutory procedures that must be followed before a function is performed (including providing funds for a program, project or facility in the budget).

10. CS.5 FINANCIAL DELEGATIONS (CONT)

- Generally, expenditure that is not in the approved budget may only be made in the case of an emergency or council resolution (or following the making of a revised budget).
- All moneys expended must be properly authorised, including where necessary, pursuant to a contract entered into through a tender process.
- Authorisation is usually by an instrument of delegation or a council resolution.
- Councils cannot delegate authority to approve expenditure that is not contained in the budget.

4. Recommendation.

To ensure that Council continues to operate within the law and in accordance with sound financial management principles, it is recommended that Council adopt the Instrument of Financial Delegation as produced at the beginning of this report.

10. CS.6 CONTRACTS TO BE AWARDED AS AT 25 AUGUST 2010

Officer: Corinne Farley, Contracts Coordinator

File Ref: 60/03/01

Council Plan Relationship: “To ensure that the process of decision making is transparent and accountable and honest.”

Synopsis:

Currently, a report is issued to all Councillors on a weekly basis, which summarises the status of tenders from specification stage to contract awarded stage.

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

At its meeting on 9 April 2003, Council resolved to delegate to the Chief Executive the authority to affix the Common Seal to all contracts awarded by Officers in accordance with the limits of delegation, as applying from time to time, and subject to Council being previously informed of the intention to award the contracts under delegated authority.

Officer Recommendation:

That Council notes the existence of delegated authority to award the following contract and to affix the common seal:

C10.530 Growing Social and Affordable Housing

10. CS.6 CONTRACTS TO BE AWARDED AS AT 25 AUGUST 2010

Currently, a confidential report (Status of Current Tenders) is issued to all Councillors on a weekly basis which summarises the status of tenders from specification stage to contract awarded stage. The report is confidential because it provides Officer's estimates of the expected value of the contracts (prior to tenders being invited). The report also indicates whether or not delegated authority to award the contract is expected to exist. The expected delegated authority is determined by the value of the contract.

At its meeting on 25 March, 1998 Council resolved that in the event of any of the following conditions prevailing, then delegated authority will not be exercised by the relevant officer and instead, the award of the contract will become Council responsibility and an evaluation report will be submitted to the first available Council meeting: -

- if the preferred Tenderer is from outside the Shire of Macedon Ranges and other Tenderers are from within the Shire of Macedon Ranges;
- if the preferred Tenderer is a "not for profit" organisation;
- if the preferred Tenderer is another Council.

At the Council meeting on 28 July 2010 it was noted that delegated authority was expected to exist for the following Contracts:

MAV TB2517	Supply, Fitting and Service of Tyres, Tubes and Automotive Batteries
MAV BUS198-0410	Trucks and Heavy Commercial Vehicles
MAV RS 8017	Provision of Recruitment Services
MAV HR 8011	Provision of Human Resources Services
MAV MB 8210	Provision of Marketing Services
PA 1305/0216	Tyres and Batteries
JLT	Provision of Motor Vehicle and ISR Insurance
MAV	Municipal Emergency Coordination Centre (MECC) IT System
C10.529	Romsey Community Oval Project Management

Since then specifications have been prepared for the following contracts and tenders have been invited.

C10.530 Growing Social and Affordable Housing

The primary aim of this contract is to investigate alternative models of social and affordable housing provision that would enable an increase in the provision of social housing within the shire

It is expected that following the tendering and evaluation process, Council Officers will be able to exercise the delegated authority and award the following contracts:

C10.530 Growing Social and Affordable Housing

**11. CW.1 COMMUNITY SAFETY AND CRIME PREVENTION
PARTNERSHIP PLAN**

Officer: Lorraine Beyer, Sustainable Communities Planner

File Ref: 20/09/08

Council Plan Relationship:

‘Relates to key strategic objective of Community Wellbeing – to improve the community’s physical, social and mental health’

Attachment: Community Safety and Crime Prevention Partnership Plan

Synopsis:

The Community Safety and Crime Prevention Partnership Plan (hereafter referred to as ‘the Safety Plan’) is an initiative of the Local Community Safety Committee of which Macedon Ranges Shire Council is a participant. It has been developed in partnership with police, local agencies and the community.

The Macedon Ranges Shire is a safe and attractive place to live, work, visit and do business. Similar to many other areas in Victoria however, there are emerging challenges and issues including increasing traffic, changing demographics, advancement in cyber communication, mental health and physical wellbeing challenges, family violence and culturally persistent negative attitudes toward women.

The current plan is the first Community Safety and Crime Prevention Partnership Plan for the Macedon Ranges Shire. It will be valuable in providing a unifying set of priorities and foci that can tap into established and new partnerships, activities and initiatives to address identified and emerging wellbeing and safety issues.

Officer Recommendation:

That Council approves the draft Community Safety and Crime Prevention Partnership Plan for public exhibition for a period of six weeks from 30 August to 15 October 2010.

**11. CW.1 COMMUNITY SAFETY AND CRIME PREVENTION
PARTNERSHIP PLAN (CONT)**

Background

The Community Safety and Crime Prevention Partnership Plan ('the Safety Plan') is an initiative of the Local Community Safety Committee and the Macedon Ranges Shire Council with support from local health and welfare provider agencies.

While the Macedon Ranges Shire is a safe and attractive place to live, work, visit and do business there are emerging complex challenges and issues that need to be addressed and as far as possible prevented. Issues include increasing traffic and road safety, changing demographics, advancement in cyber communication, mental health, physical safety and wellbeing, family violence and culturally persistent negative attitudes toward women.

The Safety Plan will be valuable in providing a unifying set of priorities and foci that can tap into established and new partnerships, activities and initiatives to address identified and emerging wellbeing and safety issues.

Strategic Justifications

The Safety Plan is underpinned and consistent with the following areas of the Council Plan and the Municipal Health and Wellbeing Plan – both legislatively mandated plans:

Council Plan 2009 – 2013:

- 1.2 Appropriate development enhancing our lifestyle and community.
- 1.3 A community that is safe to live in.
- 2.1 Engaged and connected community.
- 2.2 Improved quality of life for our community.
- 2.3 A healthy and creative community.
- 3.4 Infrastructure that meets community needs.

Health & Wellbeing Plan 2009 – 2013

- 2.1f Support the health and wellbeing of the shire's communities
- 2.1g Promote and support programs that address family violence and abuse
- 2.3d Increase information sharing and accessibility of information across Council
- 2.3e Enhance communication between Council and Community
- 2.3f Create a more child friendly shire
- 2.5b Reduce the negative health, economic and social impacts of problem gambling
- 2.5b Reduce substance abuse (alcohol and drugs) and smoking
- 3.1a Ensure public places and spaces feel free and are well maintained
- 3.1b Maintain emergency management and emergency recovery plans and implement as necessary
- 4.2b Prepare a range of appropriate awareness campaigns that provide information on the benefits of healthier life style choices to all sectors of the community
- 4.3c Investigate and response to public nuisances that affect the amenity of individuals and the community.

**11. CW.1 COMMUNITY SAFETY AND CRIME PREVENTION
PARTNERSHIP PLAN (CONT)**

The Safety Plan is consistent with existing strategies and plans including the Road Safety Strategy, Emergency Management Plan, Positive Ageing Strategy, Youth Strategy and Positive Ageing Strategy. It is also consistent with public place design, streetscapes and community and sustainable planning principles.

The Safety Plan does not duplicate existing plans but 'value-adds' - providing a partnership platform for important, complex and multi-dimensional issues impacting on health and wellbeing. The Safety Plan focuses on issues with high impact on community, high on Local, State and Federal policy agendas and which have been identified by Council and other service providers as important. .

Stakeholder and Community Consultation

The Safety Plan has been developed in partnership with key local agencies across the community, health and education sector, with other stakeholders including business sector and with a cross section of community including parents, children and young people, community planning groups and older residents.

Safety Plan's Priority Areas

The following are the priority areas identified through the literature review and stakeholder and community consultations:

1. *Safe Places and Spaces*
 - Preventing and responding to intimate partner violence
 - Facilitating healthy lifestyles
 - Planning, maintaining and protecting built and natural environments
 - Safe roads and paths
2. *Friendly and Connected Neighbourhoods*
 - Looking out for one another's welfare
 - Strong social capital
 - Sense of belonging and connectedness
3. *Safe and Secure Women*
 - Reducing inequity and negative attitudes towards women
4. *Mental and Physical Wellbeing*
 - Assistance and support in a complex, rapidly changing society
 - Telecommunication misuse and online risks and consequences
 - Safeguarding children in public, at home and within organisations
 - Elder abuse prevention and awareness
5. *Safety and Wellbeing*
 - Fire and emergency safety
 - Prevention of falls by older persons
 - Home handyman injury prevention
 - Dog bites and other animal injury prevention
 - Farm accident prevention

**11. CW.1 COMMUNITY SAFETY AND CRIME PREVENTION
PARTNERSHIP PLAN (CONT)**

- Prevention of horse-related accidents

6. Alcohol and Licensing

- Reduce the harms of alcohol
- Ensure community wellbeing and amenity is not compromised

Monitoring and evaluation

Monitoring and evaluation of progress will be conducted by the Macedon Ranges Shire Community Safety Committee in conjunction with the partner agencies and Macedon Ranges Shire Council.

Timings

25th August Council meeting for approval for public exhibition

4 – 6 weeks August/October Exhibition period

November Council endorsement of the final report

Sustainability principles	Response to principle
Ensuring inter and intra generational equity.	The Safety Plan is relevant to all ages and life stages and will contribute to responsible, sustainable planning and coordination of services and approaches.
Enhancing economic and socio-cultural wellbeing.	Will enhance the economic and socio-cultural wellbeing of the community.
Achieving social integrity.	The Plan is a valuable resource and point of focus to address complex issues that underpin many of the impacts on community.
Conserving non-renewable & using renewable resources sustainability.	The plan does not compromise conservation or involve use of non-renewable energy.
Maintaining and enhancing biodiversity.	The Safety Plan is not related to biodiversity
Adopting the precautionary principle.	The Safety Plan has been developed after broad consultation and the precautionary principle will be exercised.

11. CW.2 LICENCE WITH FRONTIER TOURING

Officer: Rod Clough, Manager Recreation and Cultural Development

File Ref: 1/1005/300/PA5

Council Plan Relationship: Community Wellbeing - healthy, vibrant and resilient communities

Synopsis:

In early 2010 Council was approached by the Frontier Touring Co Pty Ltd who were interested in conducting concerts in what is known as the east paddock at Hanging Rock.

Such a proposal has the ability to enhance the existing major event calendar at Hanging Rock and provide many benefits both to the reserve and to the shire.

After a number of discussions and site visits the proposal was deemed to be feasible and in order for the concerts to occur Council is required, like all events and hires, to enter into a licence agreement with Frontier which is subject to them obtaining a planning permit.

Some conditions, as per usual commercial agreements, are subject to confidentiality by both parties.

Officer Recommendation:

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

Option

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

12. AO.1 MUNICIPAL NEIGHBOURHOOD SAFER PLACES PLAN

Officer: Anne-Louise Lindner, Acting Manager Community Safety

File Ref: 44/04/04

Council Plan Relationship: Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment. By protecting the Macedon Ranges' natural environment through strategies and actions that address roadsides, waterways, remnant vegetation, fire prevention, volunteer/land care initiatives, recycling and waste minimisation. Provide Emergency and Fire Prevention Services.

Attachment: Municipal Neighbourhood Safer Places Plan (MNSPP)

Synopsis:

This report seeks the adoption of the Municipal Neighbourhood Safer Places Plan (MNSPP). Township Protection Plans (TPPs) and Neighbourhood Safer Places (NSPs) are Victorian Government initiatives arising from the 2009 Victorian Bushfires Royal Commission. Neighbourhood Safer Places are places of last resort, they are not fire refuges.

On an annual basis, Council must work with the CFA to determine the need for the identification of any other NSP's in the Shire as well as asking the CFA to re-assess any previously designated NSP's. This report and accompanying MNSPP documents the process used to assess and designate NSP's in 2010.

This report recommends that Council designate Buffalo Stadium, Woodend, Riddells Creek Leisure Centre, Riddells Creek and Lancefield Mechanics Institute, Lancefield as Neighbourhood Safer Places.

Officer Recommendation:

That Council:

- 1. Approves the Municipal Neighbourhood Safer Places Plan (MNSPP) which designates Buffalo Stadium, Woodend as a Neighbourhood Safer Place.**
- 2. Approves the Municipal Neighbourhood Safer Places Plan (MNSPP) which designates Riddells Creek Leisure Centre, Riddells Creek and Lancefield Mechanics Institute, Lancefield as Neighbourhood Safer Places subject to the approval of the Department Sustainability and Environment.**
- 3. Resolves to proceed to erect Neighbourhood Safer Place signage for Buffalo Stadium, Lancefield Mechanics Institute and Riddells Creek Leisure Centre in accordance with the guidelines provided by the Municipal Association Victoria and the Office of the Emergency Services Commissioner.**
- 4. Directs that the Municipal Emergency Management Plan and Municipal Fire Prevention Plan be amended to include the Municipal Neighbourhood Safer Places Plan.**
- 5. Publish the Municipal Neighbourhood Safer Places Plan on Council's website.**

12. AO.1 MUNICIPAL NEIGHBOURHOOD SAFER PLACES PLAN (CONT)**Sustainability assessment**

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Improved fire management planning helps to prevent future generations inheriting a financial liability
Enhancing economic & socio-cultural wellbeing	Designation of NSP's provides last resort options for community members that can be included in bushfire survival plans, which can enhance well being.
Achieving social integrity	Improved fire management planning improves social integrity
Conserving non-renewable & using renewable resources sustainably	Utilising existing multipurpose facilities as NSP's conserve resources
Maintaining & enhancing biodiversity	Investigating a range of options for NSP's helps protect biodiversity
Adopting precautionary measures	Council must consider the costs of designating and maintaining NSP's and ensure these costs are able to met within the available resources.

Introduction

In its Interim Report, the 2009 Victorian Bushfires Royal Commission recommended that Neighbourhood Safer Places, or 'NSPs', be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire. In response to this recommendation, the Victorian Government has introduced the *Emergency Services Legislation Amendment Act 2009* (Vic) ('ESLA Act') which amends the *Country Fire Authority Act 1958* (Vic) ('CFA Act') and the *Emergency Management Act 1986* (Vic) ('EM Act'). The effect of these amendments will be to require the Country Fire Authority ('CFA') to certify NSPs against the CFA's Fire Rating Criteria, and Victoria's Councils to identify, designate, establish and maintain suitable places as NSPs in their municipal districts.

TPPs are in place for the townships of Macedon, Mt Macedon and Woodend. At the Ordinary Council meeting on 16th December 2009, Council adopted the Municipal Neighbourhood Safer Places Plan (MNSPP) including the designation of Buffalo Stadium as an NSP for Woodend. Council further resolved that there was no appropriate NSP for the townships of Macedon and Mt Macedon. On an annual basis, Council must work with the CFA to determine the need for the identification of any other NSP's in the Shire as well as asking the CFA to re-assess any previously designated NSP's. This report and accompanying MNSPP documents the process used to assess and designate NSP's in 2010.

12. AO.1 MUNICIPAL NEIGHBOURHOOD SAFER PLACES PLAN (CONT)

Process used to develop the MNSPP

The MAV developed guidelines to assist Councils in identifying, designating, establishing, maintaining, and decommissioning places as NSPs within its municipal district. Please see attached plan for a detailed explanation of the process that was undertaken and the criteria used for assessment.

The CFA has informed Council that this year Township Protection Plans would also be developed for Lancefield, Bullengarook, Gisborne South, Heskett and Riddells Creek. The CFA and Council worked together to identify potential sites for NSP's in these towns. The sub-committee of the Municipal Emergency Planning Committee that was formed to look at TPP's and NSP's last year was also re-engaged to assess these potential sites. It was also determined to investigate further sites in Mt Macedon and Macedon as well as re-assess Buffalo Stadium in Woodend. Where the CFA had not already completed their assessment of sites, the sub-committee assessed each site based on the agreed criteria set out by the MAV and determined whether the site met the criteria and therefore should be referred to CFA for further assessment or whether the site did not meet the criteria and was therefore deemed not suitable.

In the development of this MNSPP, 24 sites were considered as potential NSP's. The following is a breakdown of the number of sites assessed for each township:

- Macedon/Mt Macedon – 12
- Gisborne South – 2
- Heskett -2
- Lancefield – 3
- Bullengarook – 2
- Riddells Creek – 2
- Woodend – 1

Section 9 of the MNSPP provides a summary of the sites that were assessed as compliant by the CFA and Council.

Proposed sites to be designated as NSP's

Of all the sites that were assessed by the criteria only three sites met the Council criteria and were assessed as compliant by the CFA. They are:

- Buffalo Stadium, Woodend
- Lancefield Mechanics Institute, Lancefield
- Riddells Creek Leisure Centre, Riddells Creek

12. AO.1 MUNICIPAL NEIGHBOURHOOD SAFER PLACES PLAN (CONT)

Section 10 of the MNSPP documents how each of these centres performed against the set criteria. All three centres are on DSE land and approval from DSE regarding the use of Buffalo Stadium was sought and received last year. Council wrote to DSE in early July regarding the use of the Lancefield Mechanics Institute and at the time of writing this report has still not received a formal response from them. Council has also formally written to the Lancefield Mechanics Institute committee of management seeking their support. In principle support from the committee has already been provided subject to some clarification of points that were addressed in the letter. At the time of writing this report a formal response has not been received from the committee. The Riddells Creek Leisure Centre is in the same category as Buffalo Stadium, DSE own the land however Council owns and manages the building. DSE approval has also been sought for this facility.

Towns without Neighbourhood Safer Place's

Through the assessment process it was determined that there are currently no Neighbourhood Safer Places in Macedon, Mt Macedon, Bullengarook, Gisborne South or Hesketh. No sites in these townships were assessed compliant by the CFA. Some of the sites were assessed as compliant by the Council sub-committee but did not meet CFA standards. Some sites were not referred to the sub-committee for assessment as they were already assessed as non-compliant by the CFA. With regards to Tony Clarke Stadium in Macedon, this facility was not referred to for CFA assessment as it did not meet the Council criteria. Of particular concern to the MEMPC sub-committee was the access and egress to the reserve. Since the last MNSPP was endorsed by Council in December 2009, Council officer's commissioned Coffey Environments Consultants to complete a Fire Engineering Brief for Tony Clarke Stadium. Council requested Coffey Environments to prepare a brief determining what measures would need to be taken both from an asset protection point of view but also from a building perspective for the facility to meet the criteria for an NSP. Officer's have received the brief and have determined that the Fire Engineering Brief requires further assessment to produce a Fire Engineering Report. Officer's will continue to work with the consultants, to develop a report that clearly outlines what actions need to be taken to enable the stadium to be used as an NSP. It is anticipated that Council would need to then give consideration to the recommendations in the report taking into account costs, capacity to do the work, community consultation and any recommendations put in place as a result of the Royal Commission.

At the time of writing this report the State Government has not formally responded with any change in policy or legislation regarding the recommendations from the Bushfire Royal Commission Final Report regarding Neighbourhood Safer Places.

12. AO.1 MUNICIPAL NEIGHBOURHOOD SAFER PLACES PLAN (CONT)

Any potential change may see the need for us to review those townships that do not currently have designated NSP's.

Communication regarding Establishment of NSP's

Once Council has designated a place as an NSP, the Municipal Fire Prevention Officer must provide an updated list of all designated NSPs within the municipality to the CFA under section 50K of the CFA Act. This updated list must be provided by no later than 30 September in each year.

To establish a NSP after its designation, Council must:

- erect appropriate signage at and near the NSP;
- undertake any necessary preparatory works, including the construction or establishment of any required infrastructure and the clearance of vegetation, so as to enable the area to be used as an NSP;
- publish the location of the NSP on the Council website; and
- update Council's Municipal Emergency Management Plan and Municipal Fire Prevention Plan to include the location of the NSP

A meeting will occur prior to the presentation of this report with the Macedon/Mt Macedon Bushfire Group to discuss the status of NSP's in these townships. As mentioned earlier it is premature for Council to make any comment to this group about what may change in the future as a result of the Royal Commission Final Report. Officers will be informing the group of the process that has been used to develop the MNSPP and what sites were considered in Macedon/Mt Macedon.

Council will also need to give consideration to speaking with those other communities that currently do not have a designated NSP; however this should be done in collaboration with the CFA when the Township Protection Plans are rolled out.

Conclusion

Council has met its obligations under the CFA Act for the designation of Neighbourhood Safer Places. It has completed a detailed investigation of potential sites for NSP's in a number of townships. The sub-committee of the Municipal Emergency Planning Committee has taken their responsibility seriously in assessing these sites against the set criteria. The CFA has been able to assess all those facilities that Council referred to it for assessment. The Municipal Neighbourhood Safer Places Plan is a detailed document which outlines the process used, sites investigated and compliant sites determined for designation. The three NSP's to be designated are Buffalo Stadium, Woodend, Riddells Creek Leisure Centre, Riddells Creek and Lancefield Mechanics Institute, Lancefield.

12. AO.2 REVIEW OF MUNICIPAL EMERGENCY MANAGEMENT PLAN

Officer: Anne-Louise Lindner, Acting Manager Community Safety

File Ref: 44/10/01

Council Plan Relationship:

Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment

By protecting the Macedon Ranges' natural environment through strategies and actions that address roadsides, waterways, remnant vegetation, fire prevention, volunteer/land care initiatives, recycling and waste minimisation. Provide Emergency and Fire Prevention Services

Attachment: MEMP CD – previously provided to Councillors

Synopsis:

This report seeks the adoption of a revised Municipal Emergency Management Plan (MEMP). The MEMP addresses the prevention of, response to and recovery from emergencies within the Macedon Ranges Shire. Macedon Ranges Shire Council Municipal Emergency Management Plan has been produced pursuant to Section 20(1) of the Emergency Management Act 1986. This plan is a result of the co-operative efforts of the planning committee after consultation with those agencies and organisations identified therein.

Council has not formally adopted the Municipal Emergency Management Plan for a number of years. The Municipal Emergency Management Planning Committee formally endorsed the review of this plan at their meeting on Tuesday 3rd August. The plan is due for audit in April 2011.

Officer Recommendation:

That Council:

- 1. Adopt the revised Municipal Emergency Management Plan.**
- 2. Distribute the revised Municipal Emergency Management Plan to appropriate agencies as per the distribution list.**
- 3. Place the Municipal Emergency Management Plan on Council's website excluding all personal contact details.**

12. AO.2 REVIEW OF MUNICIPAL EMERGENCY MANAGEMENT PLAN (CONT)**Sustainability assessment**

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Improved emergency management planning helps to prevent future generations inheriting a financial liability
Enhancing economic & socio-cultural wellbeing	Improved emergency management planning reduces the risk of significant loss and enhances well being.
Achieving social integrity	Improved emergency management planning improves social integrity
Conserving non-renewable & using renewable resources sustainably	Improved emergency management planning conserves resources
Maintaining & enhancing biodiversity	Improved emergency management planning helps protect biodiversity
Adopting precautionary measures	The consequences are reasonably well understood

Introduction

The Macedon Ranges Shire Council Municipal Emergency Management Plan has been produced pursuant to Section 20(1) of the Emergency Management Act 1986. The plan addresses the prevention of, response to and recovery from emergencies within the Macedon Ranges Shire Council and is the result of the co-operative efforts of the Emergency Management Planning Committee and assistance from Victoria State Emergency Service North West Regional Headquarters (Bendigo) and recognises the previous planning activities of the municipal area.

Background

As documented in the *Emergency Management Act 1986* and the *Local Government Act 1989*, Councils play a critical role in Victoria's emergency management systems.

Councils have emergency management responsibilities because they are the closest level of government to their communities and because they have access to specialised local knowledge about the environmental and demographic features of their districts. People also naturally seek help from their local Council and emergency management agencies during emergencies and the recovery process.

The roles allocated to local government in the Emergency Management Act, and in the Emergency Management Manual Victoria, were arrived at with

12. AO.2 REVIEW OF MUNICIPAL EMERGENCY MANAGEMENT PLAN (CONT)

close regard to the real concerns and normal functions of local government. Experience indicates that these constitute what the community expects of Council during an emergency.

Response and recovery agencies are actively involved during and after an emergency, but Councils have a lasting responsibility for the wellbeing of their communities. People see their Councils as their link to sources of assistance beyond their locality, and for information and support in managing emergencies.

The aim of the Plan is to detail the agreed arrangements for the prevention of, the response to, and the recovery from emergencies that could occur in the Macedon Ranges Shire Council (MRSC) as identified in Part 4 of the *Emergency Management Act, 1986*.

The areas of the plan that have been updated include a number of significant sub-plans, including Township Protection Plans, the Municipal Neighbourhood Safer Places Plan, Influenza Pandemic Plan and Heatwave Plan. A review of roles and responsibilities has been completed and all contact directories brought up to date.

Consultation

This plan is a result of the co-operative efforts of the planning committee after consultation with those agencies and organisations identified therein. As it is essentially an operational plan the document was not required to go to public consultation as per the community consultation matrix. Relevant agencies were provided with the opportunity to provide feedback about the revised plan and this feedback has been included. The Municipal Emergency Management Planning Committee formally endorsed the plan at their meeting on Tuesday 3rd August.

Auditing the plan

Macedon Ranges Shire Council pursuant to section 21A of the *Emergency Management Act 1986* shall submit the MEMP to the Victoria State Emergency Service for audit. This audit will assess whether the plan complies with guidelines issued by the Coordinator in Chief. The plan is to be audited every three years and is due for audit in April 2011. The State Emergency Service has developed an audit tool to assist Municipal Councils to prepare for an audit by utilising the audit tool to self assess. Future audits will be assessed using criteria under “benchmark” and “best practice”. Throughout this review process, Council has endeavoured to meet the “best practice” criteria as indicated in the audit tool.

12. AO.2 REVIEW OF MUNICIPAL EMERGENCY MANAGEMENT PLAN (CONT)

Plan Review

Content of this Plan is to be reviewed by the Municipal Emergency Manager (MEM) annually or after an emergency which has utilised part of this plan. The Municipal Emergency Management Planning Committee will continue to review and update the plan as necessary as well as testing the plan.

Conclusion

Council is meeting its obligations under the Emergency Management Act through the review of the Municipal Emergency Management Plan. This plan will hold us in good stead to deal with any emergencies that may impact on Macedon Ranges and reinforces the strong commitment to emergency management that has been an integral part of this organisation for such a long time.

12. AO.3 FIRE REFUGES DISCUSSION PAPER

Officer: Anne-Louise Lindner, Acting Manager Community Safety

File Ref: 44/04/04

Council Plan Relationship:

Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment

By protecting the Macedon Ranges' natural environment through strategies and actions that address roadsides, waterways, remnant vegetation, fire prevention, volunteer/land care initiatives, recycling and waste minimisation. Provide Emergency and Fire Prevention Services.

Attachment: Fire refuges discussion paper – MAV consultation paper

Synopsis:

This report considers whether Council should pursue the establishment of fire refuges. In its submission to the Victorian Bushfire's Royal Commission, the State Government undertook that the Office of the Emergency Services Commissioner (OESC) and the Country Fire Authority (CFA) would review the 2005 Fire Refuges Policy. The OESC released its Fire Refuges Discussion Paper for public comment on Friday 2 July 2010.

It is recommended that the Macedon Ranges Shire Council's submission be that fire refuges not be considered at this time and that the term refuge should also not be introduced. Neighbourhood Safer Places have been mandatory for Councils to identify and assess for suitable locations and any change back to fire refuges would cause considerable confusion in the community.

Officer Recommendation:

That Council:

Adopt the response enclosed in this report as the Council's response to the Office Emergency Services Commissioner Fire Refuges Discussion Paper.

12. AO.3 FIRE REFUGES DISCUSSION PAPER (CONT)**Sustainability assessment**

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Sound decision making now regarding shelter options in bushfire areas will assist future generations
Enhancing economic & socio-cultural wellbeing	The provision of appropriate shelter options provides individuals with more options that can be included in individual bushfire preparation and planning.
Achieving social integrity	Planning for bushfire shelter options in high risk communities improves social integrity
Conserving non-renewable & using renewable resources sustainably	Consideration to the types of fire shelter options need to be given so as to conserve resources
Maintaining & enhancing biodiversity	Investigating all potential options for fire shelters will maintain and enhance biodiversity.
Adopting precautionary measures	Council must consider how it would fund and maintain fire refuges if these were re-introduced.

Background to Fire Refuges Discussion Paper

In its submission to the Victorian Bushfire's Royal Commission, the State Government undertook that the Office of the Emergency Services Commissioner (OESC) and the Country Fire Authority (CFA) would review the 2005 Fire Refuges Policy. The OESC released its Fire Refuges Discussion Paper for public comment on Friday 2 July 2010. The MAV was consulted during the drafting of the Discussion Paper. The Commission's final report recommends introducing a comprehensive approach to shelter options including developing standards for community refuges and designating community refuges in communities of high bushfire risk. The current approach of community fire refuges only being designated in 'rare and exceptional circumstances' is likely to be no longer viable. The critical issue for the MAV and Councils to consider is how prevailing designation, funding, risk and liability issues for Councils can be managed whilst maximising community safety and ensuring community expectations are realistic and able to be met.

Consultation

Council's have until 27 August 2010 to submit a response to the discussion paper. The MAV has also prepared a response to the discussion paper and is seeking feedback from all Councils as to their position on fire refuges. (See attached MAV consultation paper).

12. AO.3 FIRE REFUGES DISCUSSION PAPER (CONT)

Council has distributed its response to the OESC discussion paper and sought comments from members of the Municipal Emergency Management Planning Committee (MEMPC). At the recent meeting on 3 August, members of the MEMPC supported Council's position as indicated in our response. Members of the MEMPC agreed that a re-introduction of Fire refuges would increase community confusion regarding names and options and that it would be unviable for Council to have fire refuges as stand alone facilities with no other use.

It is anticipated that the OESC will release a draft policy for comment by the end of 2010.

Macedon Ranges Proposed Submission to the Office Emergency Services Commissioner Fire Refuges Discussion Paper

Introduction

The Office of the Emergency Services Commissioner (OESC) has released a discussion paper for public comment on the future of fire refuges policy. Submissions are due Friday 30 July however the MAV has written to the OESC requesting an extension for the MAV and member councils.

Macedon Ranges Shire Council wishes to make submissions to OESC regarding the discussion paper. In relation to fire refuges, the Interim Report of the 2009 Victorian Bushfire Royal Commission recommended that the current policy be replaced. The Victorian Government has accepted that recommendation.

The OESC discussion paper relates the current position of refuges in regard to government policies.

Victoria currently has a policy on the provision of fire refuges. It is alone among Australian jurisdictions in this regard. The conditions that need to be met for a location to be designated as a fire refuge under that policy are stringent. It could be argued that the conditions are so onerous as to discourage the ready nomination and maintenance of fire refuges.

Background of Refuges

The use of shelters dates back to the Second World War and studies has shown that the communities' perceptions of shelters/refuges are one of securing their safety.

The discussion paper points out that:

12. AO.3 FIRE REFUGES DISCUSSION PAPER (CONT)

Prior to 2009, the use of large public refuges to provide sanctuary from the immediate impact of bushfire has been peculiar to Victoria, where their use has been limited to date. The use of this type of refuge is virtually unknown elsewhere in Australia or in other parts of the world.

The idea of public refuges emerged in large measure from the experience of the Ash Wednesday bushfires, which affected a wide area of Victoria and South Australia on 16 February 1983. During the passage of some of these fires, large groups of people gathered and sheltered in an ad hoc manner in buildings and other structures as fires burned into their towns and surrounding areas. These included a kindergarten at Cockatoo and a tunnel forming part of the water distribution system in the Upper Yarra. (Miller et al, 1984; Auditor-General Victoria, 2003 and OESC, 2005)

In 2005 *Fire Refuges in Victoria, Policy and Practice* was developed by OESC. The review explored the issue of refuges from various perspectives. The keylines of this examination are as follows:

- Human behaviour.
- Structural and planning issues.
- Building codes.
- Risk identification.
- Litigation and risk exposure.

In the 1990's many councils commenced decommissioning refuges throughout Victoria, with the result that only two refuges remain (one designated and one informal).

Submission by Council

In 2009 Neighbourhood Safer Places (NSP) introduced to parts of Victoria and subsequently in 2010, all councils who are partly or wholly within the country area of Victoria (covered by the CFA Act), were mandatory required to introduced NSP's.

Councils have invested a lot of resources into identifying and designated Neighbourhood Safer Places. This process is continuing with more NSP's being identified for designation in the near future. NSP's have been advertised to the local communities, placed on council websites and specified with Town Protection Plans.

Communities are currently given the following localities for relocation in emergencies:

- Assembly areas
- Evacuation Centres

12. AO.3 FIRE REFUGES DISCUSSION PAPER (CONT)

- Neighbourhood Safer Places
- Relief Centres and
- Recovery Centres

Designating refuges will then add a further layer to this list and the following issues are submitted by Council.

1. Councils can not build refuges to the required standard and specification outlined in the EOSC policy in every township.
2. Adding a further layer to centres under the Municipal Emergency Management Plan and Township Protection Plans will only cause further confusion to the communities and emergency services.
3. Placing refuges in selected major towns may well indicate to those communities that do not have one to relocate to the refuge. This may occur as by the definition of refuge '*A place designated for public use where people may seek short term shelter from the fire front during a bushfire. (OESC) A community fire refuge is defined in the Country Fire Authority Act 1958 s. 50A*'. The definition, whilst not stating it, appears to offer more protection than a NSP. People may well endeavour to relocate through areas that become endangered by approaching fire-front, thus putting themselves in peril unwittingly.
4. The term 'refuge' has different meaning in different states and territories, thus interstate visitors may not fully understand the various terminologies. It is paramount that a National approach to uniform terminology of the various facilities and their roles be undertaken.
5. The policy of introducing refuges or staying with the current NSP's needs to also take into account the 'stay and defend their property from bushfire or leave early' policy, any changes to this policy and the communities perception and behaviour in time of crisis.
6. Council believes that it is paramount that the current NSP's be embedded into the Emergency Management plans and response, along with the communities understanding of their purpose.
7. NSP Signage and directional signage has been erected throughout the shire and to add a different signage to a refuge will only compound the communities understanding, frustration and response.
8. Council further believes that the simpler the process for the community to understand about relocating, the better opportunity for ensuring the communities safety.
9. Education programs have been touted as a means of informing the community, whilst this is appropriate there are a number of flaws with this assumption. To reach the wider community it requires an extensive advertising campaign, which is expensive and not always successful. TAC safety programs have shown the difficulty facing authorities in getting the community to take notice and retain. CFA fireguard and safety programs whilst having some success, also only gets to a limited number of the community.

12. AO.3 FIRE REFUGES DISCUSSION PAPER (CONT)

10. A lot of research has been undertaken over recent years regarding the behaviour of people in time of disasters/stress. It has certainly found that people generally will become complacent over time, regarding warnings, due either to the emergency not occurring or the impact is less than anticipated. It is therefore difficult to ensure the behaviour of the community. However, events from cyclone 'Tracy', 'fires on 'Ash Wednesday', 'North East Fires' and 'Black Saturday, indicates that many people tend to take a watch and see approach. People believed that they were prepared to meet the impending emergency, however, did not understand the mental requirements to cope with the impact of the disaster. Council believes that further research is required to look at the correlation between policies, people's perception and reaction and emergency service planning.
11. Further issues of concern to council with refuges are the requirement to build to a stringent standard which may well mean the facilities are utilised for no other purpose. Councils can ill afford to have such large facilities remaining unused. At least with NSP's the facilities are multi purpose and are located in most townships. Access to a refuge will become another issue, as it then becomes incumbent on the council to have the facilities opened in the time of an emergency. This may well require a staff member to put their own safety at risk. Liability and insurance has always becomes another issue and the overall funding for maintenance in order to meet the stringent requirements.

Conclusion

It is the Macedon Ranges Shire Council's submission that fire refuges not be considered at this time and that the term refuge should also not be introduced. Neighbourhood Safer Places have been mandatory for councils to identify and assess for suitability locations that may be designated and this term is becoming familiar with country communities. A national approach to terminology and appropriate development of facilities is required and it is paramount to ensure a simply understood process and response strategy is developed. It is important for councils, emergency services and the community to come to terms with Neighbourhood Safer Places.

12. AO.4 RECOGNITION OF TEMPORARY AND MOBILE FOOD PREMISES

Officer: Philip Harvey, Environmental Health Officer

File Ref: 46/08/09

Council Plan Relationship: Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment
(Officer to provide additional information, if required)

Attachment: Bulletin 8 (part)

Synopsis:

This report seeks the recognition of all temporary food premises and all mobile food premises by all other registration authorities. The State Government has amended the Food Act 1984 and from 1 July 2010 the Health Unit has commenced rolling out the reforms locally.

One of the reforms affects temporary and mobile food premises registrations at markets and events. The attached Bulletin 8 discusses these reforms. The Government intends to create a single registration system from 1 July 2011 where a registration of mobile and temporary food premises with one Council will apply statewide. In the interim a provision has been included in the Act to allow Councils to recognise registrations issued by other Councils and reduce the need for traders to apply for multiple registrations.

Recognition of another Councils registration can be achieved through delegation to an officer or by resolution of Council.

Officer Recommendation:

That Council resolves as follows

- 1. Pursuant to section 35B(2)(b) of the *Food Act* 1984, the Council recognises, for the period from the date of this resolution to 30 June 2011, the registration of all temporary food premises and all mobile food premises by all other registration authorities.**
- 2. That Council advises the Department of Health of its decision in this matter.**

12. AO.4 RECOGNITION OF TEMPORARY AND MOBILE FOOD PREMISES (CONT)

Sustainability assessment

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	No impact on future choices is expected as this is an interim process which will cease on introduction of further legislative amendments.
Enhancing economic & socio-cultural wellbeing	The food reforms are influenced by recommendations of the VCEC inquiry reducing the costs to business whilst focusing on reducing food borne illness and physical harm from the sale of food
Achieving social integrity	All business and the community have the expectation of safe food sources.
Conserving non-renewable & using renewable resources sustainably	Programs will conserve resources.
Maintaining & enhancing biodiversity	Not Applicable
Adopting precautionary measures	Risk based policy supports informed decision making and reduces adhoc choices. The changes to the Food Act are based on making more effective decisions.

Officer Comment:

The Health Unit has discussed the alternatives available as described in Bulletin 8 attached to this report. The unit believes that it is appropriate for recognition of other Councils registrations to occur. Although appropriate delegation powers exist, the unit agrees that the best way to proceed with an interim arrangement is to seek a resolution of Council under Section 35B(2) for all temporary or mobile food premises.

Bulletin No 8 provides full detail of the variations of arrangements that can be made by Councils in the issue of interim recognition of temporary and mobile food premises.

The Council resolution method has the advantage of uniformity of application and reduces the level of administrative work required of the officers and the proprietors. It also recognises that the businesses have already undergone an appropriate process with another Council and their Environmental Health professional. The Health Unit does not see any advantage in duplicating the work done by another Council.

12. AO.4 RECOGNITION OF TEMPORARY AND MOBILE FOOD PREMISES (CONT)

By recognising other Councils registrations we will be foregoing fees paid with applications for temporary registrations. However this will be offset by spending less administrative time and not issuing temporary event permits. During 2010 the Health Unit issued twenty five temporary event permits to people living outside the Municipality. This represents a loss of less than \$2,000 in fees.

The Environmental Health Officers have developed sound working relationships with market organisers, event organisers, the Planning Unit and the Tourism Unit and will work with these groups to bed down new arrangements.

Because these relationships exist the Health Unit is made aware of when and where events are to be held and can plan accordingly.

Bulletin No 8 refers to the classification of food premises under the reformed legislation. These classes are risk based with class 1 being the highest risk and class 4 being the lowest risk.

Classes 1, 2, and 3 are required to register with Council whilst class 4 premises are only required to notify Council in which they operate.

The Health Unit is using standardised forms provided by Food Safety Victoria which, where possible are linked to the Business Victoria website.

**12. AO.5 REHABILITATION OF McCABES BRIDGE
STOCKDALE ROAD DARRAWEIT GUIM**

Officer: Dale Thornton, Director Assets and Operations

File Ref: 22/31/1023/01

Council Plan Relationship:

Sustainable Infrastructure - safe, functional assets and a protected natural environment

Synopsis:

This report explores options to re-commission McCabes Bridge after a recent unplanned closure.

McCabes Bridge is located in Stockdale Road Darraweit Guim. It traverses Deep Creek and provides a connection between Macedon Ranges and Mitchell Shires. As a result of concerns raised through a routine inspection, McCabes Bridge was closed as a priority upon receipt of an engineer's report. Macedon Ranges have been working in conjunction with Mitchell Shire Council to facilitate the reopening of McCabes Bridge in the shortest possible time.

Officer Recommendation:

That Council:

- 1. Authorise the advertising of a design and construct package for two options to facilitate the reopening of McCabes Bridge.**
Option A: A design and construct package to rehabilitate the bridge and restore it to a trafficable condition and increase its load carrying capacity.
Option B: A design and construct package to replace the structure with a new bridge.
- 2. That both Options A and B include an element for the urgent installation of a temporary bridge of a capacity sufficient to support CFA vehicles.**

**12. AO.5 REHABILITATION OF McCABES BRIDGE
STOCKDALE ROAD DARRAWEIT GUIM (CONT)**

Sustainability assessment

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Any works will be constructed on a cost benefit ratio that considers intergenerational equity.
Enhancing economic & socio-cultural wellbeing	Works will reconnect two Shires at this point and enhance economic sustainability.
Achieving social integrity	Works will reintegrate the community that has been dislocated by the closure of the bridge.
Conserving non-renewable & using renewable resources sustainably	Bridge construction techniques will seek to minimize impact on resources and use renewable materials where possible.
Maintaining & enhancing biodiversity	Protection of the fragile creek and its environs will be a major factor for design and construction.
Adopting precautionary measures	Risk analysis of options and outcomes will be undertaken.

Background

McCabes Bridge at Darraweit Guim is a bridge that is approximately 37 metres in length over 3 spans. The bridge consists of main beams which are of steel and the bridge deck is constructed from timber decking planks which are supported by timber cross decking.

A visual inspection of the bridge is conducted annually. As a result of the most recent inspection Council commissioned Pitt and Sherry to conduct a level 3 assessment of the bridge which includes investigations into the suitability of the structure for continued use and appropriate load ratings.

The cross decking, which is a structural element of the bridge, is in very poor condition and a number of the cross decking members would appear to have failed at several locations.

As a result of the issues raised in this report an immediate decision was made to close the bridge to traffic. In closing the bridge Macedon Ranges Shire undertook to notify Mitchell Shire, all relevant emergency services, erect signage and a leaflet drop was arranged on the same day to all affected properties in the vicinity of the Macedon Ranges Shire area of the bridge. Subsequent to that letters have been written to all affected properties owners in the immediate vicinity, a notice placed in the Guim Tales (local newsletter) and a meeting of concerned stakeholders was held on Tuesday, 10th August 2010 which was attended by over 30 people.

**12. AO.5 REHABILITATION OF McCABES BRIDGE
STOCKDALE ROAD DARRAWEIT GUIM (CONT)**

It is apparent that the 5 tonne load limit that has been in operation on this bridge has not been observed and there are numerous sources of information that vehicles far in excess of this capacity and in some cases it has been suggested that vehicles in excess of 40-50 tonne capacity have used this bridge in recent times. Loads such as this have no doubt contributed to the recent and rapid decline and ability of this structure to continue to function. The value of the Shire's regular asset inspections cannot be under estimated and in this case has advertised a possible failure of the bridge structure with the resultant disastrous consequences.

Discussions have been held with Mitchell Shire Council officers at a senior level and the agreed position from both Shire's officers is to immediately advertise a design and construct package with two options.

Option A

Option A is to rehabilitate the bridge by replacing the decking, providing cross bracing and increasing the load limit from the former 5 tonnes to a level that would enable small to medium size trucks including emergency vehicles safe passage. This option would have a life span of 15-25 years.

Option B

Option B is a design and construct package that would call for the total replacement of the bridge with a modern structure that would provide for safe passage of all vehicles that might be required to utilise this bridge. This option would have a life span of 80 plus years.

Both options would include an element within the contract calling for the erection of a temporary structure that would have the capability supporting emergency vehicles in the meantime.

Impacts

The closure of this bridge has had an important local impact on residents of both Macedon Ranges and Mitchell Shires. The CFA station is located on the Macedon Ranges Shire side of the bridge in Darraweit Guim. With the bridge out of action the CFA area has been reallocated to the Wallan Brigade meaning a possible increase in travel times of up to 20 minutes. This is of concern to residents and both Shire's alike. Additional concerns are that the fire risk is predominately to the northern aspects and residents in the Mitchell Shire are at present faced with only one possible means of escaping any fire threats from that direction.

Residents and businesses also expressed concerns to Council about the additional travel time and impact this is having upon their lives and commuting to various work sites. These concerns are understandable and are also a

**11. AO.5 REHABILITATION OF McCABES BRIDGE
STOCKDALE ROAD DARRAWEIT GUIM (CONT)**

major contributing factor into reopening McCabes Bridge as soon as practicable and are having an economic impact on the area.

Both Shires have publicly committed to best endeavors to try and make arrangements prior to the coming fire season, which in normal circumstances could be anticipated to occur in late November or early December. This will, of course, be subject to CFA's decisions and conditions at that time. Council officers of both Shires are also working with adjoining property owners to discuss the possibility of erecting a temporary forde or crossing that would be suitable for emergency fire vehicles only across private property. Inspection of the site would seem to indicate that the erection of a temporary by-pass for normal traffic is not possible without significant earthworks as the embankment has a drop in the order of 8-9 metres to the creek bed.

Budget

At present no budgetary provision has been made for the replacement of McCabes Bridge as the 2010/2011 budget has been set already. Estimates for the replacement of the bridge decking and associated strengthening of the cross members would be in the order of \$250,000. An estimated cost for the replacement of the bridge structure would be in the order of \$700,000. Both figures are indicative only and do not include GST. Discussions with Mitchell Shire have resulted in an agreement for the costs to be shared on a 50/50 basis with Macedon Ranges Shire. Budgetary allocations would need to be considered at a subsequent meeting, either through raising of additional loan money and or temporary borrowings or reallocation of existing budgets. A further report will consider this issue at the appropriate time.

Conclusion

Given the urgency of the need to reopen this bridge and the need for the bridge to function as a safe passage for emergency vehicles the calling of tenders in the immediate future is necessitated. In normal circumstances a detailed investigation into the best option of repairing or replacing this bridge would be undertaken but the emergency nature of this situation requires that both tenders be put to the market as soon as possible. This will allow for an accelerated program and a quick and firm decision about the best outcome in the shortest possible time.

12. AO.6 INSTALLATION OF A TAXI PARKING AREA WOODEND

Officer: Dale Thornton, Director Assets and Operations

File Ref: 47/04/11

Council Plan Relationship:

Sustainable Environment &
Infrastructure - safe, functional
assets and a protected natural
environment

Attachments: Plan

Synopsis:

This report recommends installation of two taxi only parking bays in Woodend, in response to a community need and a notice of motion from the July 2010 Council meeting.

On 28 July 2010 a motion was passed by Council requesting that the provision of some taxi only parking bays for the township of Woodend be investigated.

Officer Recommendation:

That Council:

- 1. Provide two taxi only parking bays in the Service Road of High Street Woodend as shown on the attached plan.**
- 2. Write to the Woodend BATA group and local taxi companies advising them of this decision.**

12. AO.6 INSTALLATION OF A TAXI PARKING AREA WOODEND (CONT)**Sustainability assessment**

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Line marking and sign posting these parking bays is a very low cost and would cater for intra generational equity only.
Enhancing economic & socio-cultural wellbeing	The works will enhance economic and socio-cultural wellbeing by providing a designated point where services can be provided to help address mobility issues.
Achieving social integrity	Provision of the taxi parking bays will ensure that all social groups have a similar access to this service.
Conserving non-renewable & using renewable resources sustainably	Not applicable.
Maintaining & enhancing biodiversity	Not applicable
Adopting precautionary measures	Identification of these parking bays has taken consideration of safety and accessibility and provides the best possible outcome using precautionary measures.

Background

A notice of motion at the 28 July 2010 Council meeting requested an investigation into the provision of taxi only parking bays in the township of Woodend. An on-site meeting was held with the owner and proprietor of one of the main operators in Woodend to ascertain the need. It was clear that two separate parking bays would need to be provided, one for the maxi cab which would need to be marked as a taxi only disabled space and a second parking bay for a taxi cab.

The township of Woodend is covered by two main taxi companies, neither of whom have facilities within Woodend but are quite willing to service the needs of the Woodend community.

12. AO.6 INSTALLATION OF A TAXI PARKING AREA WOODEND (CONT)

Report

A site inspection of the Woodend business area and discussions with the main taxi operator, indicate that the most popular area at the present time for a taxi service is within the vicinity of the 19th Hole Shopping Centre. One of the main user groups of the taxi service are people with mobility issues, and as such the maxi cab which services this group, needs to be provided for. Shown as “A” on the attached plan is a parking bay, that is proposed to be remarked as a disabled space for taxis only. It is considered that this space is ideally located, due to its proximity to the existing pavement and other specialty shops and it is also appropriate due to consideration of grade and other accessibility issues. An additional parking bay shown as “B” on the attached map, has been identified as being suitable for taxi cab use. These spaces also have an added advantage that they are not located in front of any existing business, which on occasion does give rise to concerns from traders. Logically these locations would become known throughout the Woodend community over time, and via appropriate communications.

It is also worthy to note that a Notice of Decision for an additional supermarket located near the Woodend Railway Station was recently granted by Council. Discussions with the proponent at this site have indicated that they are also willing to provide such a service as part of their development, should a demand be identified. This will be further discussed with that developer at an appropriate time.

It also should be noted that other towns may benefit from a similar service and further discussions are proposed to be held with the taxi cab operators to better understand the issues and identify whether a need exists.

Budget

Costs of line marking and provision of signage is several hundred dollars and will be accommodated within existing budgets.

Conclusion

After due and proper consideration it is considered that the two taxi parking spaces as identified on the attached plan be approved and installed.

13. PE.1 MACEDON RANGES BUSINESS FORUM

Officer: Kylie Lethbridge, Manager Economic Development & Tourism

Council Plan Relationship: Sustainable Living – A Strong and Diverse Local Economy.

Attachments:

Chart demonstrating the proposed Macedon Ranges Business Forum.

Synopsis:

In 2009 Macedon Ranges Shire Council disbanded the advisory committee for economic development (Strategic Advisory Group for Economic Development or S.A.G.E).

The *Macedon Ranges Economic Development Strategy – The Way Forward* endorsed in 2009 commits to the development and coordination of a revised advisory / economic development leadership forum.

The purpose of this report is to propose a new structure for the Macedon Ranges and seeks Council support to continue with the development of the Macedon Ranges Business Forum as laid out in the attached chart.

Officer Recommendation:

1. That Council endorse the forums/networks proposed in the attached chart.
2. That Council continue to consult with these forums/networks where necessary and when relevant.

13. PE.1 MACEDON RANGES BUSINESS FORUM (CONT)

Background:

In 2009 Macedon Ranges Shire Council disbanded the advisory committee for economic development (Strategic Advisory Group for Economic Development or S.A.G.E).

The *Macedon Ranges Economic Development Strategy – The Way Forward* endorsed in 2009 commits to the following tasks:

- The development of an annual forum of internal and external stakeholders, to report on progress;
- The development and coordination of a revised advisory / economic development leadership forum.
- Support existing business networks and relevant community groups.

In the years prior to disbanding S.A.G.E, membership fell off and activity lessened. There were many, now forgotten reasons for this however a review of the committee members suggested that a new structure and a fresh approach to economic development was required.

Industry feedback ascertained as a result of consultation undertaken for the Economic Development Strategy also provided evidence that a fresh and innovative approach to consultation and cooperative working was required.

Over the last year, Officers have developed and tested a variety of industry networks, for example:

- Real estate agent network
- Equine industry forum
- Mayor employers forum
- Networking forums, workshops and seminars

All groups identified in the chart attached meet at varying times, some quarterly, some every 6 months and some only when necessary.

Once complete, the members of all the networks/forums could combine to become the informal 'bank of resources' referred to in the attachment as the *Macedon Ranges Business Forum* and when necessary, one or more of the networks/forums could be called to advise on relevant Council activities.

13. PE.1 MACEDON RANGES BUSINESS FORUM (CONT)

Examples of opportunities for consultation, where support might be required, or where advice may be sought from these groups would be:

- Development and implementation of strategies and activities pertaining to economic development in the Macedon Ranges ie. Accommodation Analysis, Tourism Strategy, agribusiness strategy etc.
- Strategic planning projects ie. Settlement Strategy, Urban Design Frameworks, Outline Development Plans, Town Character Studies etc.
- Major infrastructure needs ie. transport routes (roads) which support economic development, extension of natural gas, broadband advocacy etc
- Policy development ie. car parking.

The networks/forums already established have not only provided up to date advice but have better informed the initial development and subsequent implementation of the MRSC Economic Strategy.

Members of these groups have provided positive feedback and feel the networks/forums are a good way to communicate and problem solve industry specific issues.

Next steps:

An addition to working with the existing industry structures ie: Local Learning Employment Network (LLEN), Macedon Ranges Vignerons Association (MRVA), Tourism Macedon Ranges Inc. (TMR), the following groups will be brought together in 2010/11 for consultation and strategic planning:

- Agribusiness
- Industrial estates (shire wide)

The Economic Development & Tourism Unit will continue to support and provide the resources to underpin the forums/networks and will continue to connect these groups with other areas of Council when demand dictates.

Officers will monitor the progress of this structure via:

- Ongoing communication and consideration of feedback;
- through the next business survey scheduled for January 2011. This will compare data to January 2009; and
- by updates on the implementation of cooperative activities.

**13. PE.2 MACEDON RANGES PLANNING SCHEME AMENDMENT
C68 CORRECTION OF ERRORS AND ANOMALIES –
ADOPTION AND REQUEST TO MINISTER FOR APPROVAL**

Officer: Rick Traficante, Manager Planning and Development

File Ref: 48/02/18/C68

Council Plan Relationship:

"Relates to Key Goal Area – Sustainable Development – Appropriate development enhancing our lifestyle and community"

Attachments: Amendment Maps and Addendum

Synopsis:

This report seeks the formal adoption of Amendment C68 to the Macedon Ranges Planning Scheme with one change which results from further review and discussion with DPCD and a supporting submission from DSE. The Amendment corrects several minor mapping errors and anomalies which have been identified for correction for some time. The Amendment facilitates a number of land rezonings by way of mapping corrections. In particular the Amendment:

1. Rezones the rear portion of Lots 60, 64, 65, 68 and 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne from Rural Conservation Zone 4 to Residential 1 Zone.
2. Rezones a small portion at the north-west corner of Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4.
3. Rezones Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) from Rural Conservation Zone 4 to Public Park and Recreation Zone.
4. Rezones the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone.
5. Rezones the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Conservation and Resource Zone.
6. Rezones Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Conservation and Resource Zone.
7. Rezones 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A from Rural Living Zone 1 to Public Park and Recreation Zone.
8. Rezones the southern half of Webb Court New Gisborne from Rural Living Zone 1 to Residential 1 Zone.
9. Rezones 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone.
10. Rezones Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Park and Recreation Zone. (Note: the amendment previously sought to rezone this land to Public Conservation and Resource Zone).

13. PE.2 MACEDON RANGES PLANNING SCHEME AMENDMENT C68 (CONT)

The notification requirements for the proposed Amendment have been undertaken in accordance with the conditions of the Minister of Planning's Authorisation (No. A01715). The formal notification period ended on 8 August 2010.

One supporting submission has been received to date from the Department of Sustainability and Environment. DSE's submission supports the use of the Public Park and Recreation Zone. The application of this Zone has been considered by Council's Planning and Recreation Units and it is agreed that the suggested Zone should be applied to the land as it is the most appropriate zone for the Hanging Rock eastern paddock having regard to the recreation purposes for which the land is to be used.

The purpose and provisions of the Public Park and Recreation Zone at Clause 36.02 of the Planning Scheme:

- best suit the current and ongoing use of the eastern paddock; and
- best provide for the continued implementation of the *Hanging Rock Recreation Reserve Management Plan*.

(The *Management Plan* is a reference document at Clause 21.08 of the Planning Scheme. The document highlights the role of the eastern paddock for the relocation of activities away from the Hanging Rock as an active conservation measure.)

Officer Recommendation:

That Council resolve to:

a. Adopt a change to Amendment C68 to:

- rezone Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Park and Recreation Zone.
- introduce an addendum to the *Hanging Rock Recreation Reserve Management Plan, 1993* being a reference document at clause 21.08 of the Planning Scheme so that land use activities have regard to the Powerful Owl's April/May breeding period.

b. Adopt Amendment C68 to the Macedon Ranges Planning Scheme under Section 29(1) of the *Planning and Environment Act 1987* to rezone land as shown in the maps attached to this report; and

c. Request that the Minister for Planning approve Amendment C68 to the Macedon Ranges Planning Scheme under Section 31 of the Act.

d. Liaise with DSE to establish the terms of a review for the *Hanging Rock Recreation Reserve Management Plan (September 1993)* within the next 12 months.

13. PE.2 MACEDON RANGES PLANNING SCHEME AMENDMENT C68 (CONT)

Background

On 26 May 2010 Council resolved to:

1. Endorse the draft C68 Amendment Documentation as the basis for a Planning Scheme Amendment;
2. Endorse the letter of request to the Minister for Planning seeking authorisation for Council to prepare and approve an Amendment to the Macedon Ranges Planning Scheme referred to as Amendment C68; and
3. Endorse the request to the Minister for a Section 20(2) exemption from full notification requirements of Section 19.

By letter dated 25 June 2010 the Minister of Planning Authorised Council to prepare the Amendment. The Minister considered Council's request for notice exemptions and, pursuant to Section 20(2) of the *Planning and Environment Act*, granted an exemption from the notification requirements of Sections 19(2) and 19(3) of the Act.

The Minister decided that the Amendment must be submitted to the Minister under Section 31 of the Act for approval. The Minister also required notification to one private land holder affected by the Amendment (for land referred to above at point 9 of this report).

Preparation of Amendment

Apart from one change, the Amendment remained in its original form as provided to Council on 26 May 2010.

The proposed C68 Amendment documentation was finalised prior to the notification process in consultation with DPCD and was exhibited in accordance with the conditions of the Minister's Authorisation.

The formal notification and submission process has lead to a recommended change to the Amendment, as noted at the beginning of this report. Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham are to be rezoned from Rural Conservation Zone to Public Park and Recreation Zone. This recommendation which applies to the Hanging Rock eastern paddock is strategically justified and the explanatory report for the Amendment has been updated accordingly.

The Amendment:

1. Rezones the rear portion of Lots 60, 64, 65, 68 and 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne from Rural Conservation Zone 4 to Residential 1 Zone.
2. Rezones a small portion at the north-west corner of Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4.
3. Rezones Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) from Rural Conservation Zone 4 to Public Park and Recreation Zone.

**13. PE.2 MACEDON RANGES PLANNING SCHEME AMENDMENT C68
(CONT)**

4. Rezones the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone.
5. Rezones the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Conservation and Resource Zone.
6. Rezones Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Conservation and Resource Zone.
7. Rezones 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A from Rural Living Zone 1 to Public Park and Recreation Zone.
8. Rezones the southern half of Webb Court New Gisborne from Rural Living Zone 1 to Residential 1 Zone.
9. Rezones 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone.
10. Rezones Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Park and Recreation Zone.

Notification

In accordance with Sections 19 and 20(2) of the Planning and Environment Act 1987, notice of Amendment C68 and copy of the Amendment Documentation was provided by letter to:

- The Minister of Planning on 5 July 2010
- the Department of Sustainability and Environment on 8 July 2010;
- the owners and occupiers of land that Council believed may be materially affected by the amendment on 8 July 2010; and
- Prescribed Ministers under Section 19(1)(c) of the Act on 8 July 2010

As the Amendment sought to correct minor mapping errors and anomalies the Minister of Planning granted a formal exemption from the placing of notices in local papers and the Government Gazette.

The formal notification period provided one month for the receipt of submissions with the formal deadline being 8 August 2010.

Submissions were only received from the Department of Sustainability and Environment. The Department of Sustainability and Environment supports the Amendment and the use of the Public Park and Recreation Zone rather than the Public Conservation & Resource Zone. The Department's support also included the following comments:

- That the *Hanging Rock Recreation Reserve Management Plan (September 1993)* requires review and that this should be done within 12 months. The Department is willing to assist in it's review.
- That, in the meantime, the *Hanging Rock Recreation Reserve Management Plan (September 1993)* include an addendum to reference the existence of

13. PE.2 MACEDON RANGES PLANNING SCHEME AMENDMENT C68 (CONT)

the Powerful Owl and notations to the need to protect the owl's breeding period between April/May from night time activities which may disturb courtship/calling of the Powerful Owl.

It is agreed that the *Hanging Rock Recreation Reserve Management Plan 1993* should be updated. Council officers will liaise with DSE to establish the terms of reference for the review within the next twelve months.

The *Native Title Act* notification requirements were required to be undertaken by DSE for the Gisborne Racecourse Marshlands Reserve, being Crown Land. This is a separate notification process which ended on 9 August 2010. No response was received by DSE to date from the relevant Native Title Representative Body. Accordingly the requirements of the Native Title Act have now been met.

Legislative Framework and Amendment Process

Under Section 29 of the Act Council, as the planning authority, may adopt the amendment with or without changes. In this instance, Council is considering the adoption of Amendment C68 with one change.

Because the proposed change applies to Council owned land and is supported by DSE it is considered that the Amendment notification requirements have been met. As no objecting submissions have been received, it is recommended that the Amendment with changes be adopted by Council.

Conclusion

Having regard to the above and the officer's recommendations set out at the beginning of this report, Council is now in a position to adopt the Amendment and submit the Amendment to the Minister, requesting its approval under Section 31 of the Act.

13. PE.2 MACEDON RANGES PLANNING SCHEME AMENDMENT C68 (CONT)**Sustainability assessment**

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Ensured having regard to the continued management of public land for conservation and recreation purposes in perpetuity.
Enhancing economic & socio-cultural wellbeing	The application of the correct zones will provide for the fair and orderly use and development of land.
Achieving social integrity	The amendment is appropriate and in order thus reflecting social integrity.
Conserving non-renewable & using renewable resources sustainably	The application Public Land Use Zones supports the long term sustainability and management of Council and DSE owned land.
Maintaining & enhancing biodiversity	The application of public land use zones which have conservation as a purpose of the zone will guide the use and development of land in a way that upholds this principle
Adopting precautionary measures	The rezoning of all parcels utilises the most appropriate zone under the Victoria Planning Provisions having regard to the land and the purpose of the proposed zone. Precautionary measures are therefore not required as they are incorporated in each of the relevant zone provisions.

**13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302
USE OF THE LAND FOR OUTDOOR MUSIC CONCERTS AT
HANGING ROCK – EAST PADDOCK, SOUTHROCK ROAD,
NEWHAM**

Officer: Robert Szymanski – Senior Statutory Planning Coordinator

File Ref: 1/1005/300/PA5

Council Plan Relationship:

"Relates to Key Goal Area –
Sustainable Development –
Appropriate Development enhancing
our lifestyle and community."

Attachments: 5

Applicant: Frontier Touring Co Pty Ltd

Date of receipt of Application: 22 July 2010

Trigger for report to Council: Proposal on Council owned land

Synopsis:

This application seeks approval to use the subject site for four (4) outdoor concerts starting from 20 November 2010 to 26 April 2012. The first concert is planned for 20 November 2010, the second concert for 26 April 2011, with the third and fourth concerts held between 1 October 2011 and 26 April 2012. The concerts would be of a 'Day on the Green' type with a target demographic of 25 to 60 years of age. Maximum patron numbers per concert would not exceed 12,000 people, with up to 4,000 people accommodated in reserve seating with the balance bringing along their picnic blankets and deck chairs.

For each concert a large temporary stage would be erected, along with associated concert infrastructure, food and drink stalls (including food and drink from the local area), amenity and first aid facilities. In regards to car parking provisions, 2,200 informal spaces would be accommodated on the southern portion of the land, with an additional 800 informal spaces for overflow within the Hanging Rock Reserve. A coach parking area would be located on the northern portion of the site.

The application was extensively advertised via registered mail to property owners and occupiers within the general vicinity of Hanging Rock, along with a large public notice erected on the Southrock Road and Colwell Road frontages, along with public notices being published in the three (3) locally circulating newspapers. No objections were received and feedback received from surrounding residents was extremely positive.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

It is acknowledged that under the current Rural Conservation zoning of the land a Place of Assembly (includes outdoor concert) is prohibited. Council is currently undertaking a correction and anomalies planning scheme amendment which identifies that this land covered by the incorrect zone, given that it is owned by Council and seeks to rezone the land to Public Park and Recreation. This zoning would enable a use permit to be obtained for a Place of Assembly. Therefore, any approval would be subject to the land being rezoned to Public Park and Recreation prior to a permit being issued.

Importantly, this application does not involve the construction of any permanent buildings and works and is purely a use permit and comes with the support of the Hanging Rock Reserve Committee. In the event a permit is forthcoming Council as the land manager would upgrade Straws Road, construct additional crossover/gates and internal roads on the land. In addition the applicant would need to enter into a licence agreement with Council, for the use of the eastern paddock, prior to a concert being held.

The application was referred externally to CFA, DSE, VicRoads, Victoria Police and Ambulance Victoria and internally to Major Projects, Environmental Health, Building and the Conservation Planner who all gave conditional consent to the proposal. Council's Conservation Officer and DSE have given conditional consent to proposal and require that concerts only occur between 1 November and 31 March (or weekend immediately following) outside the breeding and baby rearing period of the Powerful Owl. Therefore, any approval should only extend until 1 April 2012 (inclusive), not 26 April 2012 as requested by the applicant.

The proposal is considered to meet the intent of the relevant provisions of State and Local Planning Policy and the Public Park and Recreation zone, as such a use will bring tourist to the area, thus facilitating economic development in the Shire, whilst protecting the surrounding natural environment which is a key attribute for the Municipality. Therefore, provided that the land is rezoned to PPRZ a temporary permit should be issued to Frontier Touring to hold four (4) concerts on the subject site until 1 April 2012 (inclusive) with the relevant conditions attached.

Officer Recommendation:

That the Council resolve subject to the land being rezoned to Public Park and Recreation, grant a Permit to use the land for outdoor music concerts (Place of Assembly) at Hanging Rock Reserve – East Paddock (C/A 7B-7E) subject to the following conditions:

- 1. The layout of the use and the placement of temporary structures shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

2. Traffic Management, Emergency Management, Security Management, Access Management, Waste Management, Noise Management, Alcohol Sale & Procedure, on site water, temporary fencing and power supply must be implemented as per the endorsed documentation that forms part of this planning permit and must be at all times to the satisfaction of Council, VicRoads, the Country Fire Authority, Department of Sustainability and Environment, Victoria Police and Ambulance Victoria.

Use Conditions

3. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.
4. Unless with the prior written consent of the Responsible Authority, live music may only be performed between 5.00pm to 10.30pm on the day of a scheduled concert (this does not include sound checking and tuning).
5. Unless with the prior written consent from the Responsible Authority, the number of patrons present on the property at any one time for a concert must not exceed 12,000 people, to the satisfaction of the Responsible Authority.
6. A maximum of four (4) concerts can be held to the 1 April 2012, unless with the further written consent of the Responsible Authority.
7. No concerts are to be held on any Code Red Day. If a concert is scheduled for a certain date and a Code Red Day is announced on that day, the concert must be cancelled.
8. Two (2) months prior to any concert the operator must submit for approval by the Responsible Authority and Victoria Police an artist/performer schedule.
9. Within one (1) month after each concert the applicant must undertake a de-brief/review of issues arising from the concert with Council, Victoria Police, Ambulance Victoria, the Country Fire Authority, and the Department of Sustainability and Environment; and make any amendments as agreed between the relevant stakeholders to the endorsed documents relating to the operation and management of the use on the site.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

10. All external lighting associated with the use of the land as hereby approved must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Country Fire Authority

11. Suitable access must be provided for emergency vehicles into and around the site including truck turnarounds adjacent to the stage and food areas. The truck turn around can take the shape of a court bowl with minimum radius of 10 metres, a roadway encircling the relevant areas or a “T” or “Y” head solution with each leg measuring 8 metres from the centre point with a minimum trafficable width of 4 metres.
12. Access and egress routes are to have a minimum trafficable width of 6 metres and must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable width.
13. Suitable access to a water supply must be provided for firefighting purposes (e.g. dams).
14. No fires will be permitted in the open without the written consent of CFA.
15. In the event that a Total Fire Ban day is declared, permits for cooking must be obtained (these permits are available on application to CFA in Chapel Street Bendigo).

Note: The permits should be obtained prior to close of business on the Friday.

16. An Emergency Management Plan must be developed which is to include appropriate signage for Emergency Assembly Areas.
17. A draft copy of the Emergency Management Plan is to be submitted to CFA not less than two (2) months prior to any proposed event to provide opportunity for comment to the Responsible Authority.
18. A finalised copy of the Emergency Management Plan is to be submitted to CFA not less than three (3) weeks prior to any proposed event to provide opportunity for comment to the Responsible Authority.
19. Appropriately trained Fire Wardens must be in attendance at the venue at all times.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

20. The event organizer is to appoint Safety Officers for each of the events. Each Safety Officer must have completed the “Safety Officer – In a place of Public Entertainment” course or hold an equivalent competency.
21. Vegetation works must be undertaken prior to the events to remove fuel hazards (long grass etc.) where necessary across the site.
22. A minimum 10 metre buffer zone must be provided around the event site (i.e. fire breaks around car parks, stage, food area etc.).
23. All stalls, displays, tents and marquees (either temporary or permanent structures) must be a minimum of 6 metres apart or may have a lesser separation distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stall etc will not occur.
24. Traffic management Personnel must be on site at all times to facilitate emergency vehicle access to the site in case of emergency.
25. The grassed areas in and around car parking, vehicular routes, camping areas and Emergency Assembly Areas must be maintained to a height of no more than 100mm to the satisfaction of CFA.
26. A 10 metre fuel reduced zone around the internal perimeter of the event site must be provided to the satisfaction of CFA. Grass must not exceed 100mm in height.
27. Written authorisation from the CFA Operations Manager, District 2, Bendigo must be obtained for any use of CFA resources and/or personnel.

VicRoads

28. The Traffic Management Plan must be amended to the satisfaction of VicRoads a minimum of 4 weeks prior to the first event (i.e. issues to be addressed are (i) the signs indicated in the legend are not indicated on the plan and distances between the signs and intersections are not shown, (ii) traffic management is proposed to commence at 1.00pm, the car park to open at 3.00pm and the doors to the concert area to open at 4.00pm. Consideration needs to be made to opening the car park earlier because of the concern that there will be queuing of vehicles along the road, especially if it is expected that there could be 12,000 people at the concert with 2,000-3,000 cars in the car park, coaches and taxis and staff accessing also).

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

- 29. The use of Variable Message Signs (VMS) will not be permitted on the Calder Freeway.
- 30. A Memorandum of Authority (MOA) must be submitted to VicRoads for approval a minimum of 4 weeks prior to the first event (concert).

Victoria Police

- 31. No glass containers are to be allowed on site and Responsible Service of Alcohol must be adhered to at all times.

Department of Sustainability and Environment

- 32. Concerts must only occur between 1 November and 31 March (or weekend immediately following).

Conservation Planner

- 33. The southern car park fence line is to be maintained and appropriately signed to prevent access of vehicles and/or persons to the creek environs to the satisfaction of the Responsible Authority.
- 34. All silt and rubbish resulting from all activities involved in the event must be contained within the site during site preparation, the actual event and pack up to the satisfaction of the Responsible Authority.
- 35. All rubbish must be removed from the site after each event and disposed of at the appropriate facility to the satisfaction of the Responsible Authority.
- 36. Any weed infestation not currently present within the site that occurs as a result of the proposed activities is to be removed/controlled by the applicant or their agent to the satisfaction of the Responsible Authority.

Environmental Health

- 37. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 to the satisfaction of the Responsible Authority.
- 38. Any temporary or permanent premise which sells food to the public must contact council to determine their requirements under the Food Act 1984. All water supplied must be of a potable quality and freely available at all times. (This does not include the sale of bottled water).

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

- 39. All waste generated on site must be appropriately disposed of as determined by Council *prior* to any events occurring.**

Major Projects

- 40. The applicant/owner shall restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).**
- 41. All internal major circulation and access roads are to be defined with appropriate temporary fencing and have a two way lane width adequate for the expected circulation of a CFA truck or Ambulance to the satisfaction of the Authorities**
- 42. Suitable drainage is to be provided to ensure all access roads and hardstand areas provide appropriate access to the vehicles intended to use these areas.**

Time Limits

- 43. This permit allows the use of the land only by *Frontier Touring Co Pty Ltd*. If *Frontier Touring Co Pty Ltd* ceases to use the land, this permit will expire, unless with the prior written consent of the Responsible Authority.**
- 44. Except with the written consent of the Responsible Authority, the use of the land for the purpose of *outdoor concerts (place of assembly)* must cease on *1 April 2012*.**

Note: The applicant must apply for a temporary siting approval from the Municipal Building Surveyor prior to each concert.

Existing conditions and relevant history

The subject site is located on the northwest corner of the intersection of Southrock road and Straws Lane and has an area in excess of 2 hectares. The site also adjoins the Hanging Rock Reserve to the west and Colwells Road to the north.

The site generally consists of pasture grasses with associated scattered remnant vegetation and has been grazed in the past. The southern half of the land is generally flat, while the northern section slopes up towards Colwells Road. A seasonal creek and associated remnant vegetation is located in the southern portion of the property and is fenced off with stock proof fencing from

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

the rest of the land. Straws Lane and Colwells Road roadside contain remnant vegetation, including large significant habitat trees.

The subject land is owned by Council.

Surrounding land is generally rural in nature with associated residential dwellings.

The proposal

This application seeks approval to use the subject site for four (4) outdoor concerts starting from 20 November 2010 to 26 April 2012. The first concert is planned for 20 November 2010, the second concert for 26 April 2011, with the third and fourth concerts held between 1 October 2011 and 26 April 2012. The concerts would be of a 'Day on the Green' type with a target demographic of 25 to 60 years of age. Maximum patron numbers per concert would not exceed 12,000 people, with up to 4,000 people accommodated in reserve seating with the balance bringing along their picnic blankets and deck chairs.

For each concert a large temporary stage would be erected, along with associated concert infrastructure, food and drink stalls (including food and drink from the local area), amenity and first aid facilities. In regards to car parking provisions, 2,200 spaces would be accommodated on the southern portion of the land, with an additional 800 space overflow within the Hanging Rock Reserve. A large coach parking area would be located on the northern portion of the site.

Set up time for a concert would start 5-7 days prior to an event and pack up after an event would take 3-4 days. Traffic management would commence at 1pm on the day of an event and conclude at 1am after an event. Car park gates would open at 3pm, doors to the concert area at 4pm. The first act would start at 5pm and the last act would finish by 10.30pm. The site will be cleared of patrons and their vehicles by 11.30pm.

Documentation has been submitted with the application that addresses Emergency Management, Security Management, Access Management, Waste Management, Noise Management, Alcohol Sale & Procedure, on site water, temporary fencing, power supply and key contacts.

In regards to noise management the applicant submits that noise levels would not exceed 110dbA at front of stage, or 65dbA at any sensitive areas (e.g. Residential dwelling), as per EPA requirements. The applicant further submits these noise levels would be monitored by an acoustic consultant during a concert, and any breaches in these levels would be immediately rectified by this person.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

Additional to the above documentation a detailed Risk Assessment has been submitted, along with a Traffic Management Plan and details of the type temporary structures to be used at each event.

Importantly, this application does not involve the construction of any permanent buildings and works and is purely a use permit. In the event a permit is forthcoming Council as the land owner would upgrade Straws Road, construct additional crossover/gates and internal roads on the land. In the event a planning permit is forthcoming the applicant would need to enter into a licence agreement with Council prior to a concert being held. This licence would require the applicant to adhere to strict operational requirements such as the number of bins required, toilet facilities etc.

Relevant Macedon Ranges Planning Scheme controls***State Planning Policy Framework***

MRPS Clause No.	Clause Name
12.06-2	Culture and the arts
12.07-2	Native habitat and biodiversity
15.09	Conservation of native flora and fauna
17.04-1	Tourism

Local Planning Policy Framework

MRPS Clause No.	Clause Name
21.07-5	Encouragement of Economic Development and Tourism
21.07-2	Protection of the Environment and Landscape
22.06	Vegetation Protection

Zoning and Overlay Controls

MRPS Clause No.	Clause name
35.06 (current zone)	Rural Conservation Zone – Schedule 1 (RCZ1)
36.02 (proposed zone)	Public Park and Recreation Zone (PPRZ)
42.01	Environmental Significance Overlay – Schedule 4 (ESO4)
43.01	Significant Landscape Overlay – Schedule 1 (SLO1)
42.02	Vegetation Protection Overlay – Schedule 9 (VPO9)
44.06 (Part)	Wildfire Management Overlay (WMO)
42.02 (Abuts)	Vegetation Protection Overlay – Schedule 2 & 6 (VPO2 VPO6)
36.04 (Abuts)	Road Zone Category 1 (RDZ1)

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

The relevant permit trigger is summarised below:

Zone, Overlay or Particular provision	Permit requirement
35.06 (current zone)	To use the land for a Place of Assembly is prohibited under the RCZ1
36.02 (proposed zone)	To use the land for a Place of Assembly is a section 2 use under the PPRZ

State Policy

Clause 12.06-2 (Culture and the Arts) aims to develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

Clause 12.07-2 (Native Habitat and Biodiversity) aims to protect habitat and areas of important biodiversity through appropriate land-use planning.

Clause 15.09 (Conservation of Native Flora and Fauna) aims to assist in the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 17.04 (Tourism) aims to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Local Policy

Clause 21.07-5 (Encouragement of Economic Development and Tourism) recognises that economic and tourism are important to the economic base of the Shire and includes agriculture, tourism, commercial centres and industrial areas.

Clause 21.07-2 (Protection of the Environment and Landscape) acknowledges the Macedon Ranges and its surrounds as an area of both state and national environmental and conservation significance.

Clause 22.06 (Vegetation Protection) aims to preserve exotic and native vegetation as a fundamental component of the environment, character and landscape of the Shire.

Zone

The land is proposed to be rezoned Public Park and Recreation which aims to achieve the following objectives:

- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

The Process to Date

Referral

The application was referred to the following MRSC units and external bodies:

Authority/Unit	Response
Major Projects Unit	No objection subject to conditions.
Building Unit	No objection to the proposal, but advise that the applicant must apply for temporary siting approval from the Municipal Building Surveyor prior to each concert.
Conservation Planner	Conditional consent to the proposal, but requires that no concerts are held during the mating season of the Powerful Owl which is listed as Endangered under the Flora and Fauna Act 1988. There is a successful breeding pair on Hanging Rock.
Health Unit	Conditional consent provided that the concerts comply with EPA SEPP 2 noise requirements.
VicRoads	Conditional consent to the proposal but requires minor amendments to the traffic management plan 4 weeks prior to the first event.
Department of Sustainability and Environment	No objection to the proposal provided that the land is rezoned PPRZ and a condition included that concerts only occur between 1 November and 31 March (or weekend immediately following) outside the mating and baby rearing period of the Powerful Owl.
Country Fire Authority	Conditional consent on the basis that appropriate vehicle access for Emergency vehicles is provided, grass is kept to a maximum height of 100mm and a more detailed Emergency Management Plan is submitted.
Victoria Police	Is supportive of the concerts, but want to the ability to add additional requirements after the review of the first concert if the need arises. Also require a condition prohibiting glass containers on site and concerts should be located outside the height of the fire season.
Ambulance Victoria	No objection to the proposal and will be working with the organisers prior to and during each event.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

Advertising

The application was extensively advertised via registered mail to property owners and occupiers within the general vicinity of Hanging Rock, along with a large public notice erected on the Southrock Road and Colwell Road frontages, along with public notices being published in the three (3) locally circulating newspapers. No objections were received and feedback received from surrounding residents was extremely positive, particularly given the target patron demographic of the concerts (Day on the Green) being 25-60 years of age.

Officer Assessment

It is acknowledged that under the current Rural Conservation zoning of the land a Place of Assembly (includes outdoor concert) is prohibited. Council is currently undertaking a correction and anomalies planning scheme amendment which identifies that this land covered by the incorrect zone, given that it is owned by Council and seeks to rezone the land to Public Park and Recreation which allows a use permit to be obtained for a Place of Assembly. Therefore, any approval would be subject to the land being rezoned to Public Park and Recreation prior to a permit being issued.

It is considered that the key issues that need to be considered for the proposed use relate to impact on the environment, traffic and car parking, threat of wildfire and impact on the amenity of surrounding residents (including noise).

Environment

State and local policy highlight the importance of economic development and tourism for the Shire. Such policies also identify that a key asset for the Shire is its pristine environment which is a key determinant why people visit the area. Therefore, any new use must ensure that it does not adversely impact on its surrounding natural environment.

In light of the above, the application was referred to Council's Conservation Planner, as well as the Department of Sustainability and Environment (DSE) who identified that the immediate area is home to a successful breeding pair of Powerful Owls on Hanging Rock, which are listed as endangered under the Flora and Fauna Act 1988. They also identify a seasonal creek and associated remnant vegetation being located on the southern portion of the property, fenced off with stock proof fencing from the rest of the land. Further, Straws Lane and Colwells Road roadside contains remnant vegetation, including large significant habitat trees.

Council's Conservation Officer and DSE have given conditional consent to proposal and require that concerts only occur between 1 November and 31 March (or weekend immediately following) outside the mating and baby

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

rearing period of the Powerful Owl. Therefore, any approval should only extend until 1 April 2012 (inclusive), not 26 April 2012 as requested by the applicant.

It is important to reiterate that this application does not involve the construction of any permanent buildings and works and is purely a use permit. In the event a permit is forthcoming, Council as the land owner would upgrade Straws Lane, construct additional crossover/gates and internal roads on the land. Council's Conservation Officer is of the view that this can be achieved with no or minimal impact on existing remnant provided he and DSE are consulted throughout this process.

Car Parking and Traffic

A detailed Traffic Management Plan has been submitted with this application and was referred to VicRoads and Council's Major Projects Unit. In light of this document and associated information VicRoads has given conditional consent to the proposal provided that minor amendments are made to the plan which includes the need open car park gates before 3pm if queuing of vehicles on the surrounding road network starts to adversely impact on other traffic flows.

Council's Major Projects Unit has stated that for 12,000 patrons a total of 3,600 car parking spaces (12,000 x 0.3 car spaces per patron under the State draft provisions) would be usually required. Under the proposal only 3,000 spaces would be provided, which the Unit in this instance considers an acceptable number given that a large number of patrons will arrive by bus and an appropriate area towards the northern area of the site has been set aside to accommodate such vehicles.

Wildfire

The western portion of the land is covered by the Wildfire Management Overlay. Furthermore, the State Government has identified the nearby towns of Woodend, Macedon and Mt Macedon in the top 51 towns in the State at the biggest risk to the Wildfire. In light of this, the applicant has stated that if a concert falls on a Code Red Day, the concert would be cancelled. The application was also referred to the Country Fire Authority (CFA) for comment. The CFA had no objection to the proposal on the basis that appropriate vehicle access for Emergency vehicles is provided, grass is kept to a maximum height of 100mm and a more detailed Emergency Management Plan is submitted for approval.

Residential Amenity

The proposed use was extensively advertised with no objections being received. Feedback from the residents was extremely positive, particularly given the target demographic being 25-60 years of age ('A day on the Green')

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

and that concerts were to be limited to a maximum of four (4) concerts until the 26 April 2012. A clear message was that surrounding residents would be less supportive of such a use if the target demographic was younger, concerts stretched over an entire weekend, the number of concerts greatly increased or heavy metal/rock acts were involved.

The application was referred to the Victoria Police who are generally supportive of the proposal but raised the following issues:

- **Audience and Entertainer** - *The current stated (or targeted/intended) demographic of the audience and style of entertainment would be considered appropriate for the venue and surrounding environment/community - should this change to a different style of music attracting a completely different style of audience, I would have greater concerns relative to many issues.*

Response: A condition of any approval will require that all performers will need the prior approval of Council and Victoria Police prior to a concert being held, which will address the above concerns.

- **Emergency Management** – *Emergency Management aspects particularly if planned concerts were during, at the height or near the end of the fire season, are of concern and complete acceptance/agreement from all Emergency Services would be needed prior to any Permit being issued, in my view.*

Response: The application was referred to the CFA who has given conditional consent to the proposal.

- **Traffic** - *Traffic management and flow on issues in and around the venue.*

Response: The application was referred to VicRoads and Council's Major Projects Unit who both offered conditional consent to the proposal. Furthermore, Council Officers have had additional meetings with the Gisborne Police who will work with Frontier Touring, Council and VicRoads prior to and on the day of a concert in relation to traffic management.

- **Surrounding towns/communities** - *The potential for flow on anti-social behavioural issues in surrounding towns, particularly if the style of audience or entertainer changes.*

Anti-social behaviour – *Issues surrounding public transport and transport locations.*

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)

Response: The above potential adverse impacts will be greatly reduced with a condition requiring that all acts obtain the prior approval of Council and Victoria Police.

- ***Licensing issues*** - *No glass containers on site and Responsible Service of Alcohol is required.*

Response: The above matter can be addressed through a permit condition on any approval.

- ***The granting of a "blanket four concert Planning Permit"*** - *I would prefer that once all pre-concert conditions are agreed to, the first concert is held and a review of the issues arising from that concert is conducted and any new conditions required are imposed to future concerts, plans are amended/refined where required and if all stakeholders are satisfied, the other concerts be approved.*

Response: A condition can be included on any approval issued requiring that after each concert Frontier Touring undertake a review of issues arising from the concert with Council, Victoria Police, Ambulance Victoria, CFA and DSE and that any new conditions, required to address issues arising from a concert are included within an amended planning permit prior to the next concert being held.

Furthermore, as Council owns the land, Frontier Touring also must enter into a licence agreement with Council prior to using the land for outdoor concerts. Such an agreement can state that Council needs to agree to the dates, times and all other aspects of event planning which includes but not limited to the type of artist, audience demographic being targeted, prior to any concert being undertaken.

Victoria Police have advised in a subsequent email that such conditions/requirements would resolve such a concern.

In regards to noise the applicant has advised that noise levels within the site will not exceed 110dbA within the site and 65dbA and nearby surrounding sensitive areas (i.e. residential dwellings). Council's Environmental Health Unit has advised that such levels are within EPA SEPP 2 levels for noise and such a condition be included on any permit issued.

Finally, the proposed use will involve the erection of temporary flood lighting and a condition should be included on any approval that such lighting is appropriately baffled so as to not adversely impact on the amenity of the surrounding area.

13. PE.3 APPLICATION FOR PLANNING PERMIT P2100302 (CONT)**Conclusion**

The proposal is considered to meet the intent of the relevant provisions of State and Local Planning Policy and the Public Park and Recreation zone, as such a use will bring tourist to the area, thus facilitating economic development in the Shire, whilst protecting the surrounding natural environment which is a key attribute for the Municipality. Therefore, provided that the land is rezoned to PPRZ a temporary permit should be issued to Frontier Touring to hold four (4) concerts on the subject site until 1 April 2012 (inclusive) with the relevant conditions attached.

Sustainability Assessment

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	The application makes efficient use of the land.
Enhancing economic & socio-cultural wellbeing	The proposal supports economic development and tourism without adversely impacting on the natural environment.
Achieving social integrity	The social integrity of the proposal is balanced, insofar as the zoning objectives allow such a use to be supported, provided that the surrounding environment is not adversely impacted.
Conserving non-renewable & using renewable resources sustainably	The proposal can be appropriately managed so as to not adversely impact on the natural environment.
Maintaining & enhancing biodiversity	The proposal does not remove any native vegetation.
Adopting precautionary measures	Assessment of this proposal is based on both State and Local Planning Policies and Municipal Strategic Statement and other relevant provisions of the Macedon Ranges Planning Scheme.

14. NOTICE OF MOTION

Notice of Motion No. 15/2010 – Cr Morabito

That a letter under the common seal of the Macedon Ranges Shire Council be presented to Mr John Morgan retiring President of the Clarkefield Recreation Reserve Committee of Management acknowledging his significant contribution to the Clarkefield community through his voluntary service to the Clarkefield Recreation Reserve and associated sporting and community organizations.

Notice of Motion No. 16/2010 – Cr Jukes

That a letter under the common seal of the Macedon Ranges Shire Council be presented to Mr Laurie Fielding acknowledging his receipt of a 60 years Service Badge from the Country Fire Authority of Victoria and congratulating him for his significant contribution to the Kyneton Community and the Macedon Ranges Shire Council and Regional Victoria through his service.

Notice of Motion No. 17/2010 – Cr Letchford

That the Council:

1. Supports in-principle the establishment of a Neighbourhood Safer Place in the Macedon Township area,
2. Decides that, subject to receipt of appropriate financial support from the State Government and Federal Government, a Neighbourhood Safer Place (NSP) be established in the Macedon Township area or proximity,
3. Requests the Chief Executive Officer (CEO) to investigate the opportunities for the Macedon Community Hub to provide a further role as a NSP, and
4. Requests the CEO to formulate preliminary costings on a Macedon NSP incorporated into Macedon Community Hub as well as identifying the financial support of State and Federal Government, and present an options paper with possible draft plans/costings for a NSP to the Council's October ordinary meeting.

15. URGENT AND OTHER BUSINESS

In accordance with Council's Local Law No. 9 Meeting Procedure, business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by Council.

16. CONFIDENTIAL REPORTS

16.1 Licence With Frontier Touring

17. DIVISION 1A – CONDUCT & INTERESTS

76B Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

76BA General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, council officers and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

76D Misuse of position

- (1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—
 - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - (b) to cause, or attempt to cause, detriment to the Council or another person.
- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—
 - (a) making improper use of information acquired as a result of the position he or she held or holds; or
 - (b) disclosing information that is confidential information within the meaning of section 77(2); or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using public funds or resources in a manner that is improper or unauthorised.
- (3) This section—

- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
- (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

76E Improper direction and improper influence

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
 - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
 - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
 - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
 - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

77 Confidential information

- (1) A person who is, or has been, a Councillor or a member of a special committee, must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this section, information is **confidential information** if—
 - (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (c) subject to subsection (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
- (3) Confidential information referred to in subsection (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.

77A Direct and indirect interests

- (1) A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person has a direct interest in a matter if the relevant person has an interest of a kind described in section 77B.
- (3) A relevant person has an indirect interest in a matter if the relevant person has—
 - (a) a close association as specified in section 78; or

- (b) an indirect financial interest as specified in section 78A; or
 - (c) a conflicting duty as specified in section 78B; or
 - (d) received an applicable gift as specified in section 78C; or
 - (e) become an interested party as specified in section 78D.
- (4) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.
- (5) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest the relevant person holds is one held as a resident, ratepayer or voter and the interest—
- (a) is held in common with other residents, ratepayers or voters; and
 - (b) does not exceed the interests held by other residents, ratepayers or voters.

77B Direct interest

- (1) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subsection (1), a person has a direct interest in a matter if—
- (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) there is a reasonable likelihood that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

78 Indirect interest by close association

- (1) In this section—

daughter means a biological daughter, step-daughter, adopted daughter, or female child for whom the person has custodial responsibilities;

direct relative means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

family member means—

- (a) a spouse or domestic partner of the person; or
- (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

relative means—

- (a) a direct relative of the person;

(b) a direct relative of a person who is the direct relative of the person;

son means a biological son, step son, adopted son or male child for which the person has custodial responsibilities.

- (2) A person has an indirect interest by close association in a matter if—
- (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person's household has a direct interest in a matter.
- (3) For the purposes of the definition of **domestic partner** in subsection (1)—
- (a) **registered relationship** has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
 - (c) a person is not a domestic partner of another person only because they are co-tenants.

78A Indirect interest that is an indirect financial interest

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if—
- (a) the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
 - (b) the person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.
- (4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.
- (5) For the purposes of determining the value of shares under this section, the share value is to be taken from—
- (a) the close of business on the most recent of 30 June or 31 December; or
 - (b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

78B Indirect interest because of conflicting duties

- (1) A person has an indirect interest in a matter because of a conflicting duty if the person—
- (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;

(c) is a trustee for a person who has a direct interest in a matter.

(2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.

(3) A person does not have an indirect interest because of a conflicting duty if—

(a) the person is only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;

(b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person—

(i) was appointed or nominated to that position by the Council; or

(ii) was appointed to the relevant special committee of the Council to be a representative of the not-for-profit organisation;

(c) the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;

(d) the person only holds a position that has been prescribed for the purposes of this section.

78C Indirect interest because of receipt of an applicable gift

(1) In this section, **applicable gift** means one or more gifts with a total value of \$200 or more, received from a person or persons specified in subsection (2), in the 5 years preceding the decision or the exercise of the power, duty or function.

(2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from—

(a) a person who has a direct interest in the matter; or

(b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or

(c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.

78D Indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

79 Disclosure of conflict of interest

(1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or the special committee, the Councillor or member must—

(a) if he or she intends to be present at the meeting, disclose the conflict of interest in accordance with subsection (2);

(b) if he or she does not intend to be present at the meeting, disclose the conflict of interest in accordance with subsection (3).

(2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest—

(a) by either—

(i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or

- (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
 - (b) classifying the type of interest that has given rise to the conflict as either—
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, or 78D; and
 - (c) describing the nature of the interest; and
 - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- (3) A Councillor or member of a special committee who has a conflict of interest and will not be attending the meeting of Council or special committee must make a full disclosure of that interest to the Chief Executive Officer or Chairperson that—
- (a) is in writing; and
 - (b) classifies the type of interest that has given rise to the conflict as either—
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, or 78D; and
 - (c) describes the nature of the interest.
- (4) If a Chairperson has been given a written disclosure under subsection (3), he or she must give the written disclosure to the Chief Executive Officer.
- (5) The Chief Executive Officer must—
- (a) keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee; and
 - (b) destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.
- (6) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must—
- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
 - (b) remain outside the room and any gallery or other area in view or hearing of the room.
- (7) The Mayor or the Chairperson of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after—
- (a) consideration of the matter; and
 - (b) all votes on the matter.
- (8) If a Councillor or member of a special committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
- (a) the declaration of the conflict of interest; and
 - (b) the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.

- (9) Unless section 80 applies, a Councillor or member of a special committee who fails to comply with this section is guilty of an offence.

79A Conflict of interest defence

It is a defence to a prosecution under section 79(9), 80A(3), 80B(2) or 80C(2) if the relevant person proves that he or she did not know—

- (a) that he or she had a conflict of interest in relation to the matter; or
- (b) that a matter in respect of which he or she had a conflict of interest was considered or discussed at the relevant meeting.

79B Conflicting personal interest

- (1) This section does not apply to a Councillor or member of a special committee who has a conflict of interest in the matter.
- (2) If a Councillor or a member of a special committee considers that he or she has a personal interest in relation to a matter that is in conflict with his or her public duty in relation to the matter, the Councillor or member may, immediately before the matter is considered at the relevant meeting, apply to the Council or special committee to be exempted from voting on the matter.
- (3) If a Councillor or member of a special committee makes an application under subsection (2), he or she must give reasons in support of the application.
- (4) A Council or special committee may consent to an application made under subsection (2) and must not unreasonably withhold consent.
- (5) If a Council or special committee consents to an application under subsection (4), sections 79(6), 79(7), 79(8) and 79(9) apply as if the personal interest that is the subject of an application under subsection (2) were a conflict of interest specified under this Act.

79C Certain situations where Councillor taken to not have a conflict of interest

- (1) A Councillor is taken to not have a conflict of interest for the purposes of this Division if the matter relates to—
 - (a) the nomination or appointment by the Council of the Councillor to a position for which the Councillor will not be remunerated;
 - (b) the election of the Mayor under section 71 or the appointment of an acting Mayor under section 73(3);
 - (c) a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2);
 - (d) the adoption of a policy in relation to the reimbursement of expenses under section 75A;
 - (e) the adoption of a Councillor Code of Conduct under section 76C;
 - (f) an application to a Councillor Conduct Panel or VCAT under Division 1B;
 - (g) an application for an exemption under section 80;
 - (h) the appointment of members and Chairpersons of special committees;
 - (i) a resolution that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under taxation legislation.
- (2) If a budget or revised budget to be approved by a Council includes funding for a matter in respect of which a Councillor has a conflict of interest the Councillor is taken to not have a conflict of interest for the purposes of approving the budget or revised budget if—
 - (a) the Council approved the matter and the proposed funding previously; and

- (b) the Councillor disclosed the nature of the conflict of interest under this Division when the decision in respect of the funding was originally considered and made.