Macedon Ranges Shire Council

ORDINARY COUNCIL MEETING

to be held on Wednesday 26 May 2010 at 7.00pm

at the Gisborne 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 April 2010
Planning Committee Meeting: Wednesday, 12 May 2010
Special Council Meeting: Wednesday, 19 May 2010

Recommendation:

That the Minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday, 28 April 2010; the Planning Committee Meeting held on Wednesday, 12 May 2010 and the Special Council Meeting held on Wednesday, 19 May 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 COMMUNITY CONSULTATION FRAMEWORK

Officer: Ros Handley – Public Relations Officer

Council Plan Relationship: Responsible Governance - transparent accountable leadership and democratic decision-making

Attachment: Draft Consultation Framework

Synopsis:

This report provides a draft Consultation Framework and seeks adoption for public exhibition from 1 June 2010 to 18 July 2010.

Over the last two months, this document has been reviewed by an internal cross-organisational working group, and we are now actively seeking community feedback.

Officer Recommendation:

That Council adopt the draft Consultation Framework for public exhibition from 1 June 2010 to 18 July 2010.

9. CX.1 COMMUNITY CONSULTATION FRAMEWORK (CONT)

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	This framework encourages the planning of consultations that are inclusive of those who may be affected by or interested in a proposed decision.
Enhancing economic & socio-cultural wellbeing	A range of methods are suggested for any consultation, as a means of maximizing awareness and participation.
Achieving social integrity	This framework encourages the planning of consultations to reduce the possible barriers to participation.
Conserving non-renewable & using renewable resources sustainably	The range of methods suggested are designed to maximize awareness and participation, whilst minimizing the use of resources, particularly paper-based resources.
Maintaining & enhancing biodiversity	Not applicable.
Adopting precautionary measures	International and statewide consultation guidelines have been incorporated into this framework and referenced, along with elements of Council's other strategic work, notably the 2025 Vision. Sources include the International Association of Public Participation, Local Government Victoria, and the Victorian Local Governance Association.

Background:

Council's consultation framework was developed in 1999. During the last two months the document has been reviewed by a cross-organisational working group which has identified areas for improvement.

This draft consultation framework now includes:

- Council's Vision and Mission
- Definitions of governance, engagement, participation and consultation
- A model of Council's decision-making process
- Principles underpinning Council's consultations

9. CX.1 COMMUNITY CONSULTATION FRAMEWORK (CONT)

- When Council will consult (statutory consultation and categories of 'issues – as per existing matrix)
- How Council will plan a consultation
- Determining the level of participation
- Methods of consultation (revision of existing matrix)
- Use of social media
- Privacy and consultation
- Capturing and using data

1. How does it relate to the Council Plan?

This document sets out the principles and planning of consultations relating to actions in the Council Plan.

This document includes the following elements of the Council Plan:

- Council's Vision and Mission, based on the 2025 Vision for the Macedon Ranges Shire
- The model of Council's decision-making process

2. Legislative Framework

This document spells out the requirements relating to statutory consultation, planning scheme amendments and consultation relating to planning permits.

3. Policy Framework

This document sets out the principles and planning of consultations relating to the development of council policies, strategies and plans.

The document encourages the planning of consultations to reduce the possible barriers to participation. This includes:

- people who have an impairment/disability,
- people who may not have access to transport,
- people who may not have access to broadband internet access,
- people who may have limited time to participate.

4. Historic / Common Usage Framework

This document is based upon the framework developed in 1999 and has been updated to reflect new consultation tools available, Council's Vision and Mission and International and statewide consultation guidelines, such as those of the International Association of Public Participation, Local Government Victoria, and the Victorian Local Governance Association.

9. CX.1 COMMUNITY CONSULTATION FRAMEWORK (CONT)

5. Budget Implications

This document acknowledges that adequate resources are required in order to undertake consultation processes. These resources may be in the form of labour, expertise, and financial resources to utitilse the consultation methods (eg. Advertising, staff training, workshop venue/faciitators, etc.)

6. Consultation

The following actions have been taken or are proposed, in accordance with Council's consultation matrix:

- Survey: Online survey developed – currently available on council's website. This survey is asking people what they like/dislike about consultations they have participated in (not necessarily council consultations), and/or what has prevented them from participating in the past.

- Council's shire-wide 'Update' newsletter
  - article published in Council's April/May newsletter to generate awareness of this review and inviting people to register for mail list.
  - article to be published in Council's June/July newsletter.

- Council-organised community forums/meetings.
  This will be dependent upon the level of interest expressed by those wanting to register for mail list.

- Media release/advertisement
  A media briefing re: this report on 25 May 2010.
  Advertisement to be published 8 June 2010.
  Article re: this consultation review sent to the 10 community-based newsletters in the shire.

- Input via Advisory Committee
  Survey to be circulated to council advisory committees, along with the draft consultation framework.
  Also, attendance at two advisory committee meetings in June 2010.

- Personal contact or meetings on site.
  Personal contact to date has included meetings with internal stakeholders including:
  - the internal cross-organisational working group
  - councillors

9. CX.1 COMMUNITY CONSULTATION FRAMEWORK (CONT)

- Attendance at community-organised meetings
  Not applicable at this time.

- Feedback at service centres
  A copy of the survey and the draft consultation framework will be available during the exhibition period.

- Feedback formally requested. This has been via:
  - the advertisement on 8 June 2010
  - the 'For Your Comment' section on Council's website
  - council's June/July 'Update newsletter

7. Advisory Committee

Survey to be circulated to council advisory committees, along with the draft consultation framework.

Also, attendance at two advisory committee meetings in June 2010.

8. "Whole of Government"

Internal consultation has commenced via the cross-organisational working group that has been reviewing the existing framework.

It is intended to invite the views of all staff on this draft document.

To date, key recommendations have included:

- Inclusion of internal stakeholders in this reviewed framework document.
- Coordination of consultations (scheduling) across the organisation.
- Identification of internal expertise.
- Development of resources that can be published on Council's intranet for staff planning consultations.

Conclusion

This consultation framework aims to provide the community with an understanding of how and when council will consult with them on any type of issue. It also spells out the circumstances when council might not consult.

For those planning a consultation, this document provides a framework for developing a consultation plan and advice on things to consider in planning a consultation.

10. CS.1 ADVERTISING COUNCIL'S INTENTION TO SELL - OLD KYNETON OUTDOOR POOL

Officer: **Stephen Hendy, Team Leader Property & Valuations**

File Ref: **6/2850/1150**

Council Plan Relationship: Responsible Governance - transparent accountable leadership and democratic decision-making ; to protect and manage Council owned property.

Attachment: Locality Plan

Synopsis:

The Kyneton Sports and Aquatic Centre is a major project, which is nearing completion.

Council has identified the sale of the old Kyneton Outdoor Pool as a source of part of the funding for that project.

This Report recommends that Council proceed with the statutory processes to advertise its intention to sell the land comprising the old Kyneton Outdoor Pool and surrounds.

Officer Recommendation:

1. **That Council undertakes the statutory process to sell the old Kyneton Outdoor Pool, commencing with the advertising of its intention to sell;**

2. **That, following the completion of the Environmental Site Assessment, a further report be brought to Council to recommend the appropriate rezoning of the land, and the method of sale;**

3. **That if submissions are received in relation to Council's advertised intention to sell, a meeting of the Section 223 Committee be convened to consider submissions and make a recommendation to Council.**

10. CS.1 ADVERTISING COUNCIL'S INTENTION TO SELL - OLD KYNETON OUTDOOR POOL (CONT)

Background:

The old Kyneton Outdoor Pool is situated on the corner of Mollison and Maxwell Streets, Kyneton (see attached Locality Plan).

Council has determined that part of the funds for the construction of the Kyneton Sports and Aquatic Centre in Victoria Street, Kyneton, is to derive from the sale of the former outdoor pool.

The sale of the property is subject to the completion of the statutory process pursuant to Sections 189 and 223 of the Local Government Act 1989.

It is necessary for Council to advertise its intention to sell the land, and to call for submissions in relation to that intention If submissions are received, it is necessary to convene the Section 223 Committee of Council to hear the submissions and to make a recommendation to Council whether to proceed with the sale.

In preliminary investigations of the land and buildings, to determine whether its use as a public swimming pool might have contributed to any environmental risks, it has been alleged that at some time in the distant past there may have been a refuse disposal site on or near the property.

An Environmental Risk Assessment has been commissioned, and the results are expected in six to eight weeks. This Report will indicate which future uses are allowed on the site, and from this the appropriate rezoning can be determined. This recommendation and a proposal for the selling of the land will be the subject of a future report to Council.

It is considered appropriate however, that Council commence the statutory process at this time, by advertising its intention to sell the land.

10. CS.2 REQUEST TO PURCHASE AN ALLOTMENT AT NEW GISBORNE INDUSTRIAL ESTATE

Officer: **Stephen Hendy, Team Leader Property & Valuations**

File Ref: **3/230/6500**

Council Plan Relationship:

Responsible Governance - transparent accountable leadership and democratic decision-making, to protect and manage Council owned property.

Synopsis:

A request has been received to purchase by private treaty, an allotment in Council's subdivision of land at New Gisborne Industrial Estate.

Officer Recommendation:

That as this Report concerns matters which Council considers would prejudice the Council or any person, then pursuant to Section 89(2)(e) 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.

11. CW.1 AQUATIC FACILITIES OPENING HOURS

Officer: **Rod Clough, Manager Recreation and Cultural Development**

File Ref: **25/12/01**

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

Synopsis:

Council developed its Aquatic Strategy in 2000 which supported a demand management model of operation. After five years of operation at the Gisborne Aquatic Centre it is timely that the model be reviewed particularly with the opening soon of the Kyneton Sports and Aquatic Centre.

The demand management model has aimed to lessen the operating costs of Council's aquatic facilities through the provision of facilities at times when they are more likely to be used.

The model has assisted the Gisborne Aquatic Centre in achieving its budgets for the last five years but has also caused some confusion and concern by the general public.

It is recommended that the model be retained to ensure budget management but refined to be more flexible and responsive.

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

Officer Recommendation:

That Council adopt a demand management model for determining the operation of its aquatic facilities based on the following parameters:

1. **Core public hours – the Gisborne Aquatic Centre and the Kyneton Sports and Aquatic Centre will be open to the public no less than 58.5 hours along the following general hours:**

	Morning Session	Evening Session
Monday	**6am – 12pm**	**3.30pm – 8pm**
Tuesday	**9am – 12pm**	**3.30pm – 8pm**
Wednesday	**6am – 12pm**	**3.30pm – 8pm**
Thursday	**9am – 12pm**	**3.30pm – 8pm**
Friday	**6am – 12pm**	**3.30pm – 8pm**
Saturday	**9am – 5pm**	
Sunday		**1pm -5pm**

2. **Public hours – will be limited to those times that regular and consistent demand or use justifies the cost of opening the facility within the available budget determined by Council. This may result in different hours at different centres due to different demand.**

3. **Public hours adjustments – May be made by the Director of Community Well Being subject to the facilities overall budget being achieved and provided that a minimum of 1 months notice is provided to the general public.**

4. **Program hours – The centre may be used outside of public hours for programs provided that the cost of opening is covered. The public may be able to access the facility at these times if it is determined that it is safe and feasible to do so.**

5. **Supervision - The supervision of the these programs and all use of the facilities will be conducted in accordance with Royal Life Saving Guidelines for Safe Pool Operation but will exclude the use of the Low Patronage Pools guideline.**

6. **Review – The model is to be reviewed after 12 months of operation of the Kyneton Sports and Aquatic Centre.**

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	The opening hours model proposed in this report can and should be reviewed from time to time thereby not restricting decisions future generations may wish to make.
Enhancing economic & socio-cultural wellbeing	The opening hours proposed for the aquatic facilities are based upon balancing the demand for the services against the costs of providing them. They review present arrangements with the aim to further achieve this principle.
Achieving social integrity	Community pools are a significant part of the social fabric of the community across all age groups. Pools greatly enhance the social connection in communities in which they exist.
Conserving non-renewable & using renewable resources sustainably	Careful consideration of opening hours can reduce the overall costs to Council both financially but also in the use of water and electricity.
Maintaining & enhancing biodiversity	This principle is not applicable.
Adopting precautionary measures	The recommendations contained regarding opening hours are based upon responding to demand albeit that some assumptions on future demand have had to be made.

Background

Council developed its Aquatic Strategy in 2000 which has subsequently led to and guided the development of the Gisborne Aquatic Centre (GAC), improvements to outdoor pools in Woodend and Lancefield and the soon to be completed Kyneton Sports and Aquatic Centre.

As part of the development of the strategy Council also formulated and subsequently adopted a demand management model of operation.

This model has been operating for five years at the Gisborne Aquatic Centre and with the imminent opening of the Kyneton Sports and Aquatic Centre (KSAC) it is timely that it be reviewed.

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

Program/Demand Management Model

The program or probably more correctly termed demand management model has aimed to lessen the operating costs of Council's aquatic facilities through the provision of facilities at times when they are more likely to be used.

A large proportion of fixed costs associated with indoor pools are staff and the demand management model aims to carefully manage the supervisory staff component of this.

Indoor pools are in demand throughout the day for a variety of different uses from very early morning for lap swimming before school or work through to early evening. In metropolitan centres there are sufficient numbers of visits over this spread of hours to enable the facility to be open as there is enough income to support the financial outlay of opening.

In rural areas however, whilst the needs and supervisory requirements and costs are similar, the attendance numbers are not, leading to less income and obviously greater cost to Council. Often if a rural centre is open for a large span of hours there will be many times when the centre has minimal usage.

Essentially the demand management model considers carefully the hours the facility is open for general public use, thereby managing the supervisory staffing requirement and cost. There is a fine balance in ensuring that the facility is open sufficient lengths of time to satisfy demand but not too great a time that demand is just spread thinly across the hours.

Obviously this may not be convenient for all users but the model attempts to minimize the inconvenience by opening at more popular times (e.g. after school, on weekends, in the morning). To provide full convenience for all users requires a price to be paid as any expansion of hours does not necessarily lead to an equal increase in use.

Under the model the facility is available for use at less popular times, termed 'programmed' times, provided that there is sufficient usage booked to enable the centre to open. The public may access the facility at these times through participation in programs run by clubs, groups, the centre or schools.

The model as adopted by Council 20 April 2005 is:

Core public hours (original)

	Early Session	Late Session
Monday	6am – 11am	3.30pm – 8pm
Tuesday		3.30pm – 8pm
Wednesday	6am – 11am	3.30pm – 8pm
Thursday		3.30pm – 8pm
Friday	6am – 11am	3.30pm – 8pm
Saturday		1pm - 5pm
Sunday		1pm -5pm

The above hours apply to EST. Weekend hours during daylight savings period will be 1-6pm.

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

Program hours

Bookings and programs must generate approximately $55 per hour (excluding additional program costs and considering set-up and pack-up) in income then the centre will open and be available for other users. Obviously the overall actual hours of operation of the centre will vary depending upon demand.

Guiding principles

Hours of operations are based on the following guiding principles:

- *The cost of operating an aquatic centre is related directly to hours of operation after a certain level of fixed costs. As such the Council has adopted the "programmed" or demand management model that attempts to balance the accessibility needs of general public access against the cost of opening but to cater for identified demand (e.g. programs) where it exists. This operational model will require commitment and careful management to ensure its acceptance and success.*

At the Gisborne Aquatic Centre over the last few years consistent demand for some programs and in particular learn to swim has enabled the hours the centre is open to the general public to be expanded specifically on weekday and weekend mornings. In these cases because the centre is so busy with learn to swim both a receptionist and lifeguard is required and paid for by the program. As a result the public has been allowed to access the centre as well albeit with restricted access to water areas.

However under the model a permanent change or adjustment to core public hours requires a Council resolution.

The following table provides a comparison of publicly accessible opening hours at various local rural and metropolitan centres:

Table 1: Comparison of centre hours

	Hours per week accessible to casual public use
Gisborne Aquatic Centre	62.5 (core hours) 72.5 (with program hours)
Kilmore Leisure Centre	78.5
Seymour Leisure Centre	70
Sunbury Aquatic Centre	105
Ascot Vale Leisure Centre	114

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

How has it gone?

The Gisborne Aquatic Centre has proven to be a popular and extremely well used centre with over 1000 children enrolled every term in learn to swim programs and users coming from Sunbury, Kyneton and beyond.

The annual nett operating cost to Council has been maintained at an average of approximately $250k each year which compares favourably with other rural facilities. In context the annual nett operating costs of the old outdoor pool would have been approximately $80k per annum. Both annual costs are operating and exclude major maintenance costs.

Thus it would appear that amongst other factors the model has achieved its aim of managing operating costs as for the past five years the nett operating cost of the Gisborne Aquatic Centre has been maintained generally to set budgets.

However this achievement has come at the expense of convenience to some users. Over 30% of formal complaints received at the centre relate to opening hours and often users whom are unaware of the published opening hours experience frustration when they cannot access the centre upon arrival despite the centre being used by a program.

There is also the perception that as a result Council loses out on income because the potential users either do not visit or go elsewhere. This would be the case at popular times however most times pools are open to the public they are losing money despite usage. Again the balance is being able to open at popular times and being inconveniently closed at times when the facility is less likely to be used.

There is also no doubt confusion as to when the centre is actually open to the public despite the publicized opening hours which presently are:

Table 2: Gisborne Aquatic Centre opening hours

Hours of Operation

	Morning Session	Lap Swimming	Evening Session
Monday	6am – 12 noon	12 noon to 2pm	3.30pm – 8pm
Tuesday	9am – 12 noon	12 noon to 2pm	3.30pm – 8pm
Wednesday	6am – 12 noon	12 noon to 2pm	3.30pm – 8pm
Thursday	9am – 12 noon	12 noon to 2pm	3.30pm – 8pm
Friday	6am – 12 noon	12 noon to 2pm	3.30pm – 8pm
Saturday	9am		5pm
Sunday	1pm		5pm

*** During periods of daylight saving, the pool will remain open until 6.00pm at weekends**

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

As can be seen the demand management model does have its positives in terms of maximizing the community/cost benefit to Council and its constituents but also its negatives in causing frustration and concern to people who may wish to access the centre when it is closed.

It has also been difficult to adjust public hours when demand warrants and budgets allow because this requires a Council resolution and often such adjustments are of a temporary nature.

Council's internal auditors also examined the model and its operation in November 2007 and whilst supporting the model recommended adjustments such as opening to the public when programs such as learn to swim were in operation. As a result he centre was able to open on Tuesday, Thursday, Saturday and Sunday mornings. The audit also suggested a review of Friday evening hours which is still to occur.

With the imminent opening of the Kyneton Sports and Aquatic Centre it is prudent that Council review the method by which it wishes to determine public opening hours for its aquatic facilities. This is especially important as the Macedon Ranges Shire is one of the few Councils of its size to possess two indoor heated pools.

At present the hours of operation proposed for KSAC under the demand management model and by which the proposed budget for 2010/11 is based is:

Table 3: Kyneton Sports and Aquatic Centre proposed opening hours

	Morning Session	**Evening Session**
Monday	6am – 12noon	3.30pm – 8pm
Tuesday	9am – 12 noon	3.30pm – 8pm
Wednesday	6am – 12 noon	3.30pm – 8pm
Thursday	9am – 12 noon	3.30pm – 8pm
Friday	6am – 12 noon	3.30pm – 8pm
Saturday	9am – 5pm	
Sunday	1pm – 5pm	

Total hours = 58.5(GAC 62.5)

This is 8 more weekly hours than the 2007 Business Projections but is based on the experience at GAC where weekday mornings are utilized for learn to swim programs and the public can access the facility at no additional cost.

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

Aquatic Facilities Opening Hours Options

Two options exist for Council to consider:

1. Standard hours model – the manner in which most facilities operate.

2. Demand management model – retain the present model or refine based on experience to date.

1. Standard hours model

Most aquatic facilities and for that matter Council facilities operate on a model where opening hours are set as per Table 1.

Advantages:

- No confusion by public – opening hours are set and perhaps reviewed and adjusted from time to time by either Council or as per any delegations.

Disadvantages:

- Increases the chance that budgets won't be achieved as whilst operating costs for aquatic facilities can be reasonably predicted usage/income is not so certain. Thus less use than expected could lead to greater than expected nett operating costs with less flexibility to adjust accordingly. Obviously the risk for a new centre such as KSAC is much greater than an established facility such as GAC where demand is known.

2. Demand management model

Council could either retain the present model or refine it based upon experience to date.

The advantages and disadvantages of the present model have been previously discussed and Council could determine to continue it.

It is recommended that in order to improve the model its flexibility and responsiveness to demand and budget management be enhanced by delegating the formulation of public opening hours to the Director of Community Wellbeing subject to the achievement of the relevant facilities budgets. The outcomes of this approach could be reviewed after 12 months of KSAC operation.

Examples of how this model might be used in the next 12 months:

1. Demand is known at GAC and budgets are being achieved. Public hours could be expanded slightly in the coming day light savings period (e.g. 2 additional early mornings, open in the weekday afternoon gap)

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

on the basis that people are more likely to swim in summer than winter. Hourly demand information plus budget impact would then be available to support future decisions on operation hours.

2. Demand is unknown at KSAC however based on GAC opening it is known that the first month or so will be busy. As a result public hours would be expanded for the initial opening month or so through the afternoon gap so as people turning up are not turned away and informed of the future operational hours (as per Table 3). Hourly demand information plus budget impact would then be available to support future decisions on opening hours. Hours may also be expanded through the December/January period.

Advantages:

- Retains model that assists in the achievement of budgets especially in relation to the unknown demand at KSAC.
- Refinement assists in being responsive to changes in demand due to season, opening periods and the like whilst at the same time gathering demand information to support future decisions.
- Clarifies to centre managers the parameters under which they can operate.

Disadvantages:

- Will still result in opening hours that will be inconvenient for some.
- Will still be confusing to some although better methods of informing on opening hours may assist.
- As it is based on demand may result in differences in opening hours between GAC and KSAC which may or may not be of concern.

The demand management model allows the centre to be used outside of publicized public hours for programs including those conducted by external hirers such as schools and health agencies.

The supervision of the these programs and all use of the facilities will be conducted in accordance with Royal Life Saving Guidelines for Safe Pool Operation but will exclude the use of the Low Patronage Pools guideline.

Recommendation

That Council adopt a demand management model for determining the operation of its aquatic facilities along the following parameters:

11. CW.1 AQUATIC FACILITIES OPENING HOURS (CONT)

1. **Core public hours** – the Gisborne Aquatic Centre and the Kyneton Sports and Aquatic Centre will be open to the public no less than 58.5 hours along the following general hours :

	Morning Session	Evening Session
Monday	6am – 12noon	3.30pm – 8pm
Tuesday	9am – 12 noon	3.30pm – 8pm
Wednesday	6am – 12 noon	3.30pm – 8pm
Thursday	9am – 12 noon	3.30pm – 8pm
Friday	6am – 12 noon	3.30pm – 8pm
Saturday	9am – 5pm	
Sunday	1pm – 5pm	

2. **Public hours** – will be limited to those times that regular and consistent demand or use justifies the cost of opening the facility (presently approximately $62.50 per hour) within the available budget determined by Council. This may result in different hours at different centres due to different demand.

3. **Public hours adjustments** – May be made by the Director of Community Well Being subject to the facilities overall budget being achieved and provided that a minimum of 1 months notice is provided to the general public.

4. **Program hours** – The centre may be used outside of public hours for programs provided that the cost of opening is covered. The public may be able to access the facility at these times if it is determined that it is safe and feasible to do so.

5. **Supervision** - The supervision of the these programs and all use of the facilities will be conducted in accordance with Royal Life Saving Guidelines for Safe Pool Operation but will exclude the use of the Low Patronage Pools guideline.

6. **Review** – The model is to be reviewed after 12 months of operation of the Kyneton Sports and Aquatic Centre.

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment

Officer: **Emma Pryse, Community Infrastructure Coordinator**

File Ref: **22/12/44**

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

Attachment:
1. Ray Tonkin report
2. Ray Tonkin report attachment

Synopsis:

In February 2010 Council received the Final Report by Ray Tonkin, heritage consultant on the Kyneton Mechanics Institute Management and Use. Council's resolution at that time was for a future report to be presented to Council within three months responding to the consultant's recommendations.

This report is a response to recommendations within the report by Ray Tonkin and also includes some further commentary and recommendations on the progress of the Kyneton Mechanics Institute Conservation and refurbishment.

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

Officer Recommendation:

That Council:

1. **Delay going to tender for stage one works to allow the funds committed from Council to act as leverage for the funding application to Department of Planning and Community Development.**

2. **Authorise the CEO that if the July 2010 DPCD application is unsuccessful, to seek advice from DPCD about the value of resubmitting for the October funding round and to determine at that time whether to further delay Stage One works.**

3. **Endorses recommendations 12.2,12.3,12.4,12.5,12.6,12.7,12.8,12.11,12.12, 12.13, 12.14 and 12.15 in the Tonkin report.**

4. **Prioritize recommendation 12.4 to investigate long term accommodation for the Historical Society including the potential to use 75 Piper Street, Kyneton, and to temporarily relocate KHS in the Mollison Street end of the North wing.**

5. **Authorise the CEO to relocate the KMI Collection temporarily during construction and at that time reconcile items with the catalogue and with input from Heritage Victoria determine if any items should be deaccessioned.**

6. **Authorise custodianship of the KMI Collection (objects) to Kyneton Museum.**

7. **Seek funding for the future management of the KMI Collection.**

8. **Does not undertake complete removal of the Billiard room toilets at this stage as it will negatively impact the functionality of the building and to create a small meeting room at the front, West side of the building as part of Stage 2 works.**

9. **Subject to extra funding becoming available, reconfigure the Billiard room toilets to create another community room.**

10. **Further investigate the option of a door to the Bowling Club toilets and the placement of a solid partition wall with fire exit door for back of house use.**

11. **Progress the option to locate the accessible toilet as is included in the architect's documentation, in the old librarian's office if it is found not to be feasible to access the Bowling Club toilets for back of house use.**

12. **Endorses the functions plan prepared by Ray Tonkin(Appendix 5, Attachment 2)**

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	This report is about the future management and use arrangements of the Kyneton Mechanics Institute (KMI). KMI is an iconic public building in the centre of the township. The report is to inform the proposed conservation and restoration works. These works will preserve the building and reserve for future generations and to ensure community use of the building and reserve for current generations.
Enhancing economic & socio-cultural wellbeing	The KMI has always been used by the community of Kyneton for community events and activities It is anticipated that the building will be used by many community groups and there are several possibilities for community use being discussed, all of which enhance social well being. The hall has previously been used for community events, music, performances, lectures, markets and private functions. It is envisaged this use will continue. The central position of the KMI encourages increased participation and inclusion by residents in the economic and socio-cultural events in the community.
Achieving social integrity	The process of public consultation and community input has been useful in reengaging various parts of the community in discussion about the building and acknowledging the strong sentiment within the community for the KMI. KMI will provide a community focal point and opportunity to strengthen community cohesiveness
Conserving non-renewable & using renewable resources sustainably	As an historic building the KMI is a non-renewable resource, its history means it cannot be replaced. The proposed restoration works seek to preserve this building. There is consideration to incorporating sustainable features into the restoration works as far as the constraints of the building and budget will allow.
Maintaining & enhancing biodiversity	n/a
Adopting precautionary measures	This report reinforces and confirms the existing body of knowledge about the future of the building. Every effort is being made to ensure decisions are thoroughly examined and discussed.

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

Introduction

In August 2009 Council resolved to call for expressions of interest from Heritage consultants to prepare a report to Council detailing:

a. The best uses for the Kyneton Mechanic's Institute Building having regard to it's history and heritage values;
b. A business plan for the building;
c. A management plan for the building;
d. Identify sources of Government, Corporate, Philanthropic and other funding that Council could obtain to restore the building and give effect to the business plan; and
e. To consult with the community in achieving (a) to (c)

The subsequent report by Ray Tonkin with his colleague Maurice Hanrahan has provided some clarity as to works required to support the anticipated users of the facility. This will require some small adjustments to the architects design.

Budget

Council has committed $1M for the KMI Conservation works. The full package of works to the building will cost $1,782,560. This does not include landscaping works estimated to be another $130,000 for Stage 1 and $460,000 for the Balance of works on the Landscape Masterplan.

In October 2008, Council resolved to authorise works of $130,000 for urgent landscape works for drainage and path repair and $870,000 for minimum urgent conservation works to the building. Since that time $150,000 has been expended on detailed design works in preparation for construction, the Tonkin report and community consultation.

Since that time Council has undertaken further community consultation to scope these works. Design work and architectural drawings have already been funded from Council's $1M allocation. The remaining funds of $850,000 leave a funding shortfall of approximately $1M for works to the building.

Council Officers are applying to the Department of Planning and Community Development for $630,000 for works to the building and exploring the possibility of funds from the Creating Better Places program for Landscape Works.

Recommendations from the Tonkin report

The final report, Kyneton Mechanic's Institute Use Study by Ray Tonkin contains fifteen recommendations.

The project methodology used by Ray Tonkin to develop these recommendations consisted of a review of previous documentation about the

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

building, proposed conservation and refurbishment works and extensive community consultation.

Officer Response to recommendations from the Tonkin report

Below is a Summary Table of Officer response to the recommendations.

Full wording of the Tonkin recommendations is in Attachment 1, p30. Officer comments and a summary of the issues follow the table.

	Tonkin Recommendation	Officer comment	Officer Response
12.1	**The conservation (Stage 1) works should commence as soon as possible.**	See comments below, Timing and Scope of works	See comments below
12.2	**Macedon Ranges Shire Council should request that the consultative users committee recommend the adoption of a vision statement for KMI**	This recommendation received strong support at the public presentation of the Tonkin report.	Support recommendation
12.3	**Alternative longer term accommodation arrangements (at St Mary's Hall) for the Senior Citizens Club should be confirmed.**	The Senior Citizens have confirmed their decision to remain at St Mary's.	Support recommendation
12.4	**Discussions should take place with the Kyneton Historical Society about alternative accommodation in the town. In the meantime it should be assumed that KHS will be provided with accommodation at KMI. This should be in the front, north east room (facing Mollison St).**	In the long term, suitable accommodation must be seen as a priority for the Historical Society. 75 Piper Street is a possible space and works to upgrade the building should be investigated. See comments below, Accommodation for Kyneton Historical Society.	Support recommendation
12.5	**The Kyneton Historical Society should be relieved of its custodianship of the KMI Collection.**	Goldfields Library Corporation have informally indicated they could oversee the management for the books within the KMI collection. See KMI Collection below.	Support recommendation
	The following recommendations (6–11) are made with a view to making KMI a more flexible and usable space. It is accepted that they are conditional on the availability of funds and that MRSC will have to consider them in the light of available funds.	Evaluation of these recommendations was done using a set of selection parameters discussed below in "Use of the Building"	

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

12.6	**The remaining spaces in the northern wing should remain as flexible meeting spaces**	The community consultation has identified a significant need in Kyneton for meeting room spaces and activity spaces for many groups..	Support Recommendation
12.7	**The auditorium (and stage) should be refurbished to provide a flexible performance and exhibition space.**	There is significant indication that the hall will be well used by the community. It is a beautiful space. Works to the Stage are being documented	Support recommendation
12.8	**The proposed new kitchen be redesigned as a smaller facility (see plan at p30)**	As the Senior Citizens club has decided to stay at St Mary's hall, there is no reason for a larger kitchen. All the community consultation has supported a smaller kitchen facility, located in the room behind the supper room.	Support recommendation
12.9	**The area at the back of the stage be redesigned to provide limited back stage facilities and consideration be given to providing adequate access to toilet facilities (see plan at p30).**	The redesign of the kitchen does allow for opportunity for a more functional back of stage. See comments below at 4.1 Toilets	Support recommendation
12.10	**The current toilets constructed within the former Billiard Room be removed or reconfigured.**	See comments below at 4.1 Toilets	Support reconfiguration when funds allow.
12.11	**The refurbishment works include the design of limited storage for users.**	This recommendation is well supported by the community consultation and the user groups. The architects have documented some storage options.	Support recommendation
12.12	**For purposes of day to day management KMI should be managed by the facilities staff of MRSC.**	This arrangement is most equitable, and allows for the professional management of the facility.	Support recommendation

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

12.13	**MRSC should establish a consultative users committee once Stage 1 works are complete.**	This recommendation allows for some community involvement in management arrangements without being too onerous for a community group to take on. The draft terms of reference prepared by Ray Tonkin is listed in Appendix 1. p16.	Support Recommendation
12.14	**The pricing regime for the hire of KMI should be comparable to that applying to the Woodend Community Centre and the Gisborne Mechanic's Institute.**	This is the most equitable arrangement.	Support recommendation
12.15	**MRSC should establish a strategy for capital fundraising for KMI over the next 3-5 years.**	Council officers are actively seeking funding opportunities as they arise.	Support recommendation

Summary of Issues and Officer Comment

1. Timing and Scope of works (refer Recommendation 12.1)

MRSC is putting in a grant request for $630,000 with DPCD Community Support Fund. These grants are very competitive and require a significant commitment of funds from Council to act as leverage. Assessment of applications will be in July.

If funding is successful, the Scope of works will include

- Conservation works (documented as Stage 1),of $720,000 (Council's contribution of $1M less $130,000 landscape works, less $150,000 spent on architects and consultants fees)
- Some of Stage 2 works up to $630,000
    - Hydronic Heating system
    - Interior paint (not to Hall)
    - Floor coverings
    - Small Kitchen
    - Works to the stage
    - Accessible toilet for back of house
    - Services (including mechanical, hydraulic, electrical, fire services)

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

This will not cover the removal or relocation of the toilets, air conditioning, covered walkway to toilets, removal of coating to wall in backstage, all floor finishes and operable wall. A further $450,000 is required to do these works. In the long term other funding will need to be sourced for these works.

Officer Recommendation:

That Council:

1. *Delay going to tender for stage one works to allow the funds committed from Council to act as leverage for the funding application to DPCD.*
2. *Authorise the CEO that if the July 2010 DPCD application is unsuccessful, to seek advice from DPCD about the value of resubmitting for the October funding round and to determine at that time whether to further delay Stage One works.*

2. Accommodation for Kyneton Historical Society (refer Recommendation 12.4)

In the long term, suitable accommodation must be seen as a priority for the Historical Society. 75 Piper Street is a possible space and works to upgrade the building should be investigated to make this a long term accommodation prospect for KHS. Other options will also be explored.

If short term accommodation at KMI is required, the options have been assessed using the evaluation parameters discussed at section 4.below- Use of the Building.

Option 1 KHS accommodated in the West end of the North wing

Pros

- Allows for the Mollison Street rooms to be available as community meeting rooms. This is the historic function of these rooms.
- The public face of the building is open and accessible to the community

Cons

- Community meeting room would not have ready access to toilets or kitchen facilities.
- Community meeting room not located in a spatial relationship to the stage where it could serve as performer's dressing room space.

Option 2 KHS accommodated in the Mollison St end of the North wing, (the Public face of the building)

Pros

- Allows for more functional use of the hall, in the case where a room is required as dressing room/greenroom space.
- Allows a meeting room with accessible toilet.

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

- Activates the public face of the building with people visiting the Historical Society for research etc.

Cons

- Public face of the building would be visually closed off to the reserve and street (the materials the historical society collects are sensitive to light and some protection is necessary, currently the Historical Society have an old tarp hung over the window of the room they are using as storage at KMI)

Officer Recommendation:

That Council:

1. *Prioritize recommendation 12.4 to investigate long term accommodation for the Historical Society including the potential to use 75 Piper Street, Kyneton, and to temporarily relocate KHS in the Mollison Street end of the North wing.*

3. KMI Collection (refer Recommendation 12.5)

Goldfields Library Corporation have informally indicated they could oversee the management for the books within the KMI collection. A formal letter of request has been drafted to be sent to the library CEO.

The KMI Art collection (or object collection) includes paintings, the sets that are currently on the KMI stage and other miscellaneous objects. It is currently partially spread to other repositories in Kyneton. Heritage Victoria have advised that the display locations are appropriate and the locations are included in the catalogue.

As cataloguing the collection and providing a management plan formed part of the Building Permit from Heritage Victoria MRSC will need to apply for an amendment to permit, noting changes to the original management statement.

The estimated cost of Collection exhibition and Storage requirements is

- $24,175 for storage cabinets, storage plan drawer, environmental dehumidifier and professional services, (informed by KMI Collection management Plan) and
- $200,000 for conservation treatment of the collection, $180,000 books and $20,000 paintings (based on Rolley Report 2004)

Officer Recommendation:

That Council:

1. *Authorise the CEO to relocate the KMI Collection temporarily during construction and at that time reconcile items with the catalogue and with input from Heritage Victoria determine if any items should be deaccessioned.*

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

2. *Authorise custodianship of the KMI Collection (objects) with the Kyneton Museum.*
3. *Seek funding for the future management of the KMI Collection.*

4. Use of the Building (refer Recommendations 12.6-12.11)

Recommendations 12.6-12.11 relate to the use of the building. Evaluation of these recommendations was done using a set of selection parameters developed around three main questions:

1. **Does the recommendation support the broadest possible community use of the building, i.e. allow for multiple events/functions to run concurrently?**
2. **Does the recommendation allow for the most amenable use of the building, i.e. Easy access to toilets, kitchen and tea and coffee facilities and private uninterrupted use of the rooms?**
3. **Is there no significant extra cost associated?**

A number of assumptions were made in the process of evaluation.

Assumptions:

a) A design that allows for concurrent events to be run best supports the long term viability and sustainability of the building.
b) Accessible toilets for people with disabilities should be available.
c) The public have come to expect toilets to be located “conveniently”. i.e. they do not have to traverse around the perimeter of a building to access. This is particularly so if they are paying for the use of the space.
d) Ideally toilets should be located so that an audience does not have walk near the front of stage to access.
e) A group paying a hire fee for a room will want private uninterrupted use of that space for the duration (e.g. someone from an adjacent room doesn’t need to pass through the room to access toilets etc)
f) Even a small group of performers or musicians will require a private space to dress in/warm up/set props etc that is easily accessible to the stage and has at the most basic, access to running water and a toilet.
g) Prior to and during a performance, a performer requires a degree of privacy and convenience, i.e. it is not ideal to expect a performer to use a public toilet.

4.1 Toilets

Council resolved o n October 2008 to “Relocate the internal toilets to an appropriate place which does not detract from the heritage values of the building and the full use of its internal spaces.” It is important to consider this direction in the context of the functionality of the building and budget constraints.

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

There are two issues in relation to the toilets

a) What to do with the current toilets located in the Old Billiard room?, and
b) How to create access to back of stage toilets to make the stage functional?

Using the evaluation tools discussed above, it is apparent that the Billiard room toilets are not in a location that is suitable for back of house use by performers, and hence these two issues are discussed separately, below.

4.1.1 Current internal toilets located in Old Billiard Room

Option 1 Complete removal of the toilets and a covered walkway erected to access public toilets adjacent to the library.

Pros

- Creates more useable space in KMI or possible alternate temporary location for KHS, freeing up North wing
- The architects have documented this option

Cons

- Does not allow for the building's "full use of its internal spaces", as it would mean occupants would be required to traverse through another room that may be occupied by another group.
- Not private access (so not suitable for performers back of house toilets)
- An estimated cost of $22,000 (this is to remove the toilets and make good)
- Cost of covered walkway (approx $75,722)
- Further costs to make this room useable.
- Makes the Hall and supper room less functional

Option 2 Reconfigure toilets to take up less space in the Billiard room and better reflect the buildings historic character.

Pros

- Creates more useable space in KMI or possible alternate temporary location for KHS, freeing up North wing
- Toilets in this location make the Hall and Supper room more functional and score highly using the selection parameters

Cons

- an estimated cost of $22,000 (this is just to remove and make good)
- Further costs to reconfigure and fit out room (approx $70,000)

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

Option 3 Leave as is

Pros

- Toilets in this location make the Hall and Supper room more functional and score highly using the selection parameters
- No extra cost associated.
- Allows for a very small meeting room (6-10 people) at the front of the building if a partition wall and door was located at the end of the toilets, with minimal associated cost.
- This room could be offered at a nominal fee as it is a very small room and would have no access to the kitchen.

Cons

- Community consultation has identified a universal dislike of these toilets

Officer Recommendation:

That Council:

1. *Does not undertake complete removal of the Billiard room toilets at this stage as it will negatively impact the functionality of the building, and to create a small meeting room at the front, West side of the building as part of Stage 2 works.*
2. *Subject to extra funding becoming available, reconfigure the toilets to create another community room.*

4.1.2 Access to Back of House Toilets

For the stage to be functional, toilets are required in the back of house. If located in the North West side they could also be used by the North meeting room.

Option 1 Access to Public toilets (near the library)

Pros

- The architects have designed a covered canopy

Cons

- Not private access
- Cost (approx $75,722)

Option 2 Toilet built in room 5 (old librarian's office)

Pros

- The architects have designed an accessible toilet for this space
- This would also service the north wing meeting room

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

- If fitted with a baby change table makes this meeting room an ideal space for parents/playgroups who have expressed interest in using the space

Cons

- Cost (approx $15,000)

Option 3 Door through to the bowling club to access toilets

While the Bowling Club remains a licensed gaming venue, it is inappropriate for Council to consider a door for shared access to the toilets with Bowling Club patrons. However, if it was possible to enter into a formal agreement with the Bowling Club, where a separation could be maintained (i.e. a solid wall constructed that complied with Council's Electronic Gaming Machine (Pokies) Community Policy) to achieve functional separation between KMI and the bowling club and prevent conflicts of use and security issues.

Pros

- Creates more dressing room/back of house space.
- Door to Bowling Club that opens to Reserve and Library would have to be closed (fire exit only) Better from a good practice civic design perspective.

Cons

- Possible unforeseen problems with managing such an agreement in the future
- Not costed or designed.
- May be more expensive than Option 2

Informal conversations about this possibility have been positive and a meeting has been scheduled to explore it in more detail.

Officer Recommendation:

1. *Further investigate the option of a door to the Bowling Club toilets and the placement of a solid partition wall with fire exit door for back of house use.*

2. *If it is found not to be feasible to access the Bowling Club toilets for back of house use, progress the option to locate the accessible toilet as is included in the architect's documentation, in the old librarian's office.*

5. Performers dressing room space (refer recommendations 12.6 &12.9)

The redesign of the kitchen does allow for opportunity for a more functional back of stage for a small ensemble, especially if fitted with multifunction benches with sinks as discussed in Ray Tonkin's Report p.3 no.8. If a larger group was to be performing (for example a twenty piece musical ensemble), they could use the north meeting room or the supper room to act as dressing room if they required one.

11. CW.2 KYNETON MECHANICS INSTITUTE: Conservation and Refurbishment (CONT)

Conclusion

The public presentation of the report by Ray Tonkin received overwhelming support. The community consultation undertaken by Ray Tonkin, assisted by Council staff, has provided clarification of the position of future users of KMI.

A key finding from this report that will contribute to the future success of the Kyneton Mechanic's Institute as a community facility is that the design allow for the most flexible use of the spaces.

It is vital for the success of activating this building that there is a visible space available for community use at the front of the building, especially as it has been closed for a long time.

It is most important that the building be open again to the community and once it is being used, minor adjustments can be made.

11. CW.3 GISBORNE INDOOR SPORTS FACILITY

Officer: Rod Clough, Manager Recreation and Cultural Development

File Ref: 25/08/05

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

Attachments: 2

Synopsis:

In December 2009 Council adopted an Indoor Sports Facilities Feasibility Study that provides guidance to Council in the future provision and development of indoor sports facilities across the shire.

In particular the study recommended that more detailed planning be undertaken into the needs identified for additional indoor sports courts in Gisborne and Woodend in that priority.

As a result further planning has been undertaken on a facility in Gisborne in order to request funding from other levels of government.

Officer Recommendation:

That Council supports in principle the Gisborne Indoor Sports Facility concept as outlined in this report and actively seeks funding from both the Federal and State Governments.

11. CW.3 GISBORNE INDOOR SPORTS FACILITY (CONT)

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	Indoor sports facilities provide programs and services to all residents but particularly young people.
Enhancing economic & socio-cultural wellbeing	Indoor sports activities bring the community together and generate economic activity.
Achieving social integrity	Again social cohesiveness is enhanced through sport.
Conserving non-renewable & using renewable resources sustainable	These principles are included in the development and management of the facilities.
Maintaining & enhancing biodiversity	Not applicable.
Adopting precautionary measures	Consideration has been given to keeping options open in the future.

Background

In December 2009 Council adopted an Indoor Sports Facilities Feasibility Study that provides guidance to Council in the future provision and development of indoor sports facilities across the shire.

In particular the study recommended that more detailed planning be undertaken into the needs identified for additional indoor sports courts in Gisborne and Woodend in that priority.

As a result further planning has been undertaken on a facility in Gisborne in order to request funding from other levels of government in the near future.

Tasks have included:

- Consultation with the Education Department on the siting of the facility which has been moved into the school resulting in savings in terms of construction costs.
- Review of estimated costs for the facility against other similar facilities which is still ongoing.
- Preparation by stakeholder representatives of a fundraising plan to assist with funding the facility.
- Consideration of the future needs for outdoor netball.

This report provides the outcomes of the planning.

Council should also note that planning for the Woodend facility which incorporates an expansion of the existing stadium will occur once planning funding for such is approved in the 2010/11 budget.

11. CW.3 GISBORNE INDOOR SPORTS FACILITY (CONT)

The identified external funding opportunity for the Woodend project is Sport and Recreation Victoria's Major Facilities Program for a maximum grant of $500k. This is the program that is funding the Romsey Sports Oval and another application cannot be made until this project is complete. Of course Council will need to determine what future project will be put to this program for funding.

As there is no immediate urgency further planning will occur once funding becomes available in Council's 2010/11 budget from 1 July 2010. Tasks then will include:

- Refinement of plans to conceptual level.
- Review of estimated costs with quantity surveyors and against other similar known projects.
- Production of a stand alone proposal to assist with seeking funding (the next potential funding program being the Sport and Recreation Victoria's Major Facilities Program unless other opportunities come along).

Gisborne Indoor Stadium Proposal

A proposal is presently being prepared for presentation to both State and Federal Governments for funding.

The proposal has been developed in consultation with the Gisborne Indoor Stadium Working Group consisting of various stakeholders including the Gisborne Secondary College, Gisborne Basketball Club, Gisborne Netball Association, Macedon Ranges Futsal, Bendigo Bank, general sporting interest groups and Council representatives.

The proposal is consistent with the Indoor Sports Facilities Feasibility Study and is conceptual only with more detailed planning to occur once funding has been acquired.

The features of the concept proposal include:

- A two court indoor facility with opportunity for expansion.
- Associated changerooms, meeting room and reception to support both the indoor facility and outdoor courts.
- Replacement and improvements of some of the outdoor courts.
- Provision of a front to the facility that welcomes the community and provides a good first impression of the school.
- Management by Council on behalf of the community to ensure quality facility provision.
- Some expansion of car parking to service the indoor facility, outdoor courts and school itself.

The site of the concept proposal differs slightly from that proposed initially in the feasibility study. In order to facilitate a future integration with a music drama facility the Education Department prefers the site adjacent to the existing stadium rather than the pine plantation. This also makes the concept less expensive as there are

11. CW.3 GISBORNE INDOOR SPORTS FACILITY (CONT)

uncertainties with soil type and slope on the pine plantation site and services such as water, power and sewer exist at the school site.

It also ties in with the school's master plan and is the next stage planned.

Attached is a plan outlining the new site.

The pine plantation site is still required for car parking, possible outdoor court expansion and cemetery expansion.

The plans are conceptual and should funding eventuate more detailed planning may result in changes to the site, orientation, facility design and construction. The proposal will be fine tuned further in the next few weeks however the principles as outlined will be retained.

The benefits to the Macedon Ranges community are significant and include:

- Provision of long awaited indoor sports facilities to the Gisborne township catchment. Gisborne is the largest and fastest growing town in the shire and lacks this type of facility that is popular in Riddells Creek, Romsey, Macedon, Woodend and Kyneton.

- Enhancing the participation in indoor sports by students from across the shire that attend Gisborne Secondary College. Gisborne Secondary College is the shire's largest school and its existing indoor sports facility is in poor condition and does not meet current standards for various sports.

- Provision of a large indoor area that can be used for other non-sporting events.

- Provision of a facility that could have a role as an emergency recovery centre in the event of fire that destroys houses in places such as Bullengarook and Macedon/Mt Macedon.

In terms of the above it is obvious that such a facility provides significant benefits to both the community and school and as such the cost of establishment and then operation would be shared.

Capital cost estimates are presently being refined with a current estimate for core facilities of approximately $6.4M. This is being reviewed against other similar and known projects.

Council's Eight Year Capital Works program has allowed for $2.3M towards such a facility with the remainder to be sourced from the community and State and Federal Governments.

The community has pledged to raise a minimum of $120,000 for the project via a fundraising plan that has been developed.

11. CW.3 GISBORNE INDOOR SPORTS FACILITY (CONT)

It is recommended that Council endorse the plan and actively seek support from both the Federal and State Governments for funding including the Department of Education and Early Childhood Development.

11. CW.4 EVENTS STRATEGY

Officer: Danielle Phyland, Tourism Marketing Coordinator

Council Plan Relationship:

Community Wellbeing - healthy, vibrant and resilient communities Sustainable Living – A strong and diverse local economy.

Attachment: Draft Events Strategy 2010 -2013 *(circulated to Councillors only and available to download at www.mrsc.vic.gov.au)*

Synopsis:

From the Council Plan in 2006, Outcome 1.1 A strong and diverse local economy -'Develop and promote tourism to increase visitation and improve integration across the region'. The action related to this was 'Develop a coordinated approach to dealing with events held in Macedon Ranges Shire' action dated 2008/2009. To address this action it was determined an Events Strategy would direct Council to an organisational approach.

Officer Recommendation:

That Council:

That Council approves the draft Events Strategy 2010-2013 for public consultation from the 26th of May to the 16th June (a period of 3 weeks) for the document to be further considered following consultation at the June Council meeting.

11. CW.4 EVENTS STRATEGY (CONT)

Background:

Macedon Ranges Shire Council currently no has organisational approach for dealing with events. As recommended in the 2006 Council Plan, Council needs to develop a coordinated approach to events in the Macedon Ranges Shire.

With such a diverse range of industries, attractions and townships, the number of recorded events annually exceeds 200, made up of community, tourism, civic, health and wellbeing, youth and cultural events.

Currently, many Council departments work with external event organisers on various components of event management from road closures to signage, waste management to promotion. Some Council departments organise and manage events for community participation.

There is no formal process for dealing with events within Council and on some occasions all departments are not aware of events taking place, which may cause some significant legal and safety issues. These issues may be in relation to permit requirements for temporary structures or food safety. This type of incident can not only be a risk to Council but also to event organisers and attendees.

With such a large number of events taking place across the Shire the scheduling of events is important. Consideration needs to be given to the impact an event has on the community in relation to parking, noise, regular facility users, attendance levels etc.

Awareness of other events also needs to be addressed to avoid events 'competing' against each other and to develop a balanced events calendar across the year, both within the Shire and in other regions.

Funding is a consideration for all events and Council's Community Funding Scheme is the current channel for events to gain Council funding. Over past years there have been inconsistencies with funding and various methods of determining funding allocation. Through the Community Funding Scheme, Council seeks to encourage development, improvement and innovation in existing and new events. At present the Community Funding Scheme is being refined and Council is considering other possibilities for assisting events with funding.

Process:
This document has been developed by the Tourism Unit and has undergone significant internal consultation with various Council departments.

Community Consultation:
The draft Events Strategy will go out for community consultation, based on the Consultation Matrix for 'Service Planning with Shire Wide Impacts', via

11. CW.4 EVENTS STRATEGY (CONT)

Council's website and direct email to event organisers (where email does not exist hard copy will be sent via post). A media release will be developed and distributed to local publications.

Strategies:

Strategy 1 Educate event organisers

1.1 Produce a series of fact sheets to inform event organisers what Council's role and responsibilities are in relation to events. Included in these would be hints and tips on applying for grants, promoting you event and safety advice.
Responsibility: Tourism Unit in conjunction with other Council departments related to event
Completion: December 2011

1.2 Complete and implement an Event Guidelines manual.
Introduce to all event organisers (where applicable) in a phased program
Responsibility: Tourism Unit and Cultural Development Unit
Completion: December 2011

1.3 Coordinate an Event Organisers Forum to create a networking group and a basic skills development program offering workshops on grant writing, event development and planning.

Responsibility: Tourism Unit, Cultural Development Unit, Community Development Unit
Completion: October 2011

1.4 Improve distribution of information, particularly through the Council website; to include downloads such as templates, funding application forms, fact sheets and other general links to useful websites
Responsibility: Tourism Unit and Cultural Development Unit
Completion: Ongoing

Strategy 2 Improve event compliance with local and state laws

Investigate an events permit/compliance process
Responsibility: Tourism Unit supported by all departments related to events incl. Waste, Local Laws, Planning, and Environmental Health
Completion: June 2013

Strategy 3 Increase new external events

Develop an Event Attraction Process – step by step process for new event attraction with a kit that can be offered to prospective events which details venues, access and an events calendar.
Responsibility: Tourism Unit in conjunction with other departments specific to event type i.e. sporting events, business events.
Completion: December 2012

11. CW.4 EVENTS STRATEGY (CONT)

Strategy 4 Increase Council resources for events
Investigate the benefits for a dedicated Events Officer to be employed to take on the responsibilities of liaison with event organisers, development and distribution of an annual calendar of events for the Shire, providing funding advice, maintaining events information on Council's website.
Responsibility: Research led by the Tourism and Cultural Development Unit
Completion: June 2013

Implementation:
Once community consultation is complete the strategies from the document will be implemented according to the timelines by the responsible departments and/or officers.

Conclusion:
The Events Strategy details strategies that will assist Council in implementing a whole of organisation approach to event management across the Shire. This document will assist all event stakeholders with knowledge of Council's role in events and provide an approach which will make event management in the Macedon Ranges a streamlined process.

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	This strategy aims to develop an organisational approach to events within the Shire which will have flow on effects for the future, one of which being to encourage sustainable events over the long term.
Enhancing economic & socio-cultural wellbeing	The Events Strategy identifies the social, cultural, environmental and economic benefits of events and supports those values of the Shire.
Achieving social integrity	Every effort will be made to ensure social integrity in the delivery of the strategy.
Conserving non-renewable & using renewable resources sustainably	This strategy will consider sustainability of resources, environment and physical events.
Maintaining & enhancing biodiversity	Where possible biodiversity will be maintained and enhanced.
Adopting precautionary measures	This strategy has been developed to educate on taking precautionary measures and risk will be measured before implementing each strategy.

12. AE.1 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C69 - PUBLIC LAND REZONINGS AND MAPPING CORRECTIONS – REVISED REQUEST TO MINISTER

Officer: **Rick Traficante, Manager Planning and Development**

File Ref: **48/02/18/C69**

Council Plan Relationship: Relates to our strategic objectives for appropriate development enhancing our lifestyles and community

Attachments:
Proposed Amendment documentation
Letter of Request to Minister for Planning

Synopsis:

This report seeks to include a number of additional land rezonings and mapping corrections to the recent letter of request (dated 3 May 2010) for Authorisation from the Minister for Planning for Council to prepare, exhibit and approve proposed Amendment C69 to the Macedon Ranges Planning Scheme. The original request was sent following Council's adoption of the proposed Amendment at its Ordinary Council Meeting on 28 April 2010.

Officer Recommendation:

That Council resolve to:

1. **Endorse the addition of nine areas of land (as listed below) to the proposed public land rezoning amendment and that they be included in the draft C69 Amendment Documentation as the basis for a Planning Scheme Amendment: and**

2. **Request the Minister for Planning to authorise the Council to prepare, exhibit and approve an Amendment to the Macedon Ranges Planning Scheme referred to as Amendment C69.**

12. AE.1 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C69 - PUBLIC LAND REZONINGS AND MAPPING CORRECTIONS – REVISED REQUEST TO MINISTER (CONT)

Background:

The additional planning scheme map changes, being sought as part of proposed Amendment C69, include the following:

1. Rezone Reserve 1 PS 302693G Parish of Gisborne V10087 F614, Reserve 1 PS 602767F Parish of Gisborne V9420 F651 and Crown Allotment 9A Section 24 Parish of Gisborne from Rural Conservation Zone 4 to Public Park and Recreation Zone on Planning Scheme Map 37.
2. Rezone Wesley Park Rochford Road (south-west corner Dons Road) Newham from Township Zone to Public Use Zone 6 (Local Government) on Planning Scheme Map 17.
3. Rezone 6 Robertson Drive Newham, being Lot 15 LP149699K from Public Use Zone 6 (Local Government) to Township Zone Planning Scheme Map 17.
4. Rezone Crown Allotment 1, Section 19, Township of Kyneton (North West corner Donnithorne and Ebden Streets) from Public Park and Recreation Zone to Residential 1 Zone on Planning Scheme Map 13
5. Rezone 22-24 Jennings Street Kyneton, being CP 163814V Parish of Lauriston (Certificate of Title Volume 9714 Folio 381) from Public Use Zone 1 (Service and Utility) to Business 1 Zone on Planning Scheme Map 13.
6. Rezone 16 Yaldwin Street Kyneton being Crown Allotment 2 Section 9 Parish of Lauriston (Certificate of Title Volume 9801 Folio 840) from Public Park and Recreation Zone to Public Use Zone 6 on Planning Scheme Map 13.
7. Rezone 40 Smith Street Macedon from Public Use Zone 6 to Low Density Residential Zone on Planning Scheme Map 27.
8. Remove the Development Plan Overlay 8 (Romsey Golf Course) from 3 Couzens Lane, Romsey CP 173609 P/Lancefield (Two Parcels one Title) Planning Scheme Map 29.
9. Remove the Development Plan Overlay 8 (Romsey Golf Course) from 1821 Romsey Road Romsey being Lot 1 LP 2202945 Planning Scheme Map 29.

The proposed changes to the Macedon Ranges Planning Scheme Maps are shown on the maps provided in the attachment to this report.

Following consultation with DPCD on the proposed C69 errors and anomalies Amendment to the Macedon Ranges Planning Scheme (currently being prepared for Council's consideration) it was deemed that it was more appropriate for the proposed planning scheme map changes listed above to

12. AE.1 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C69 - PUBLIC LAND REZONINGS AND MAPPING CORRECTIONS – REVISED REQUEST TO MINISTER (CONT)

be included as part of proposed Amendment C69 so that the full notification requirements of Clause 19 would also be applied to these changes.

The strategic justification for the proposed land rezonings is based on a straight forward correction of errors and anomalies and is deemed to satisfy the statutory requirements for the proposed Planning Scheme Amendment. The explanatory report and draft amendment documentation for C69 will be revised and updated to provide DPCD with the necessary background to the additional mapping changes now being sought.

Conclusion:

Having regard to the above it is deemed appropriate that the officer's recommendation at the beginning of this report be adopted so that the Minister's Authorisation for the preparation of the proposed Amendment can be formally requested in its revised form.

12. AE.2 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C68 - MAPPING CORRECTIONS / PUBLIC LAND REZONINGS – REQUEST TO MINISTER

Officer: Rick Traficante, Manager Planning and Development
Sharon Macaulay, Strategic Planner

File Ref: 48/02/18/C68

Council Plan Relationship: Relates to our strategic objectives for appropriate development enhancing our lifestyles and community

Attachments:
Proposed Amendment documentation
Letter of Request to Minister for Planning

Synopsis:

This report seeks to affect an Amendment to the Macedon Ranges Planning Scheme to correct several errors and anomalies. The amendment would facilitate a number of land rezonings by way of mapping corrections and wording corrections at Clause 22.02 of the Planning Scheme. Authorisation from the Minister for Planning is required for Council to prepare and approve proposed Amendment C68 to the Macedon Ranges Planning Scheme.

Officer Recommendation:

That Council resolve to:

3. **Endorse the draft C68 Amendment Documentation as the basis for a Planning Scheme Amendment: and**

4. **Request the Minister for Planning to authorise the Council to prepare and approve an Amendment to the Macedon Ranges Planning Scheme referred to as Amendment C68.**

5. **Endorse the request to the Minister for a Section 20(2) exemption from full notification requirements of Section 19.**

12. AE.2 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C68 - MAPPING CORRECTIONS / PUBLIC LAND REZONINGS – REQUEST TO MINISTER (CONT)

Background:

Authorisation from the Minister for Planning is required for Council to prepare and approve proposed Amendment C68 to the Macedon Ranges Planning Scheme. The amendment would facilitate a number of land rezonings by way of mapping corrections and wording corrections at Clause 22.02 of the Planning Scheme.

The amendment would affects several parcels of land being:.

1. Residential lots on the south side of Jackson Creek Way and Cassandra Drive Gisborne being Lots 60, 64, 65, 68 And 69 PS 432506G and Lots 513, 514, 515, 516, 517, 518, and 519 PS 534632H Parish of Gisborne;

2. North west corner of 29 Melbourne Road Gisborne, Part of Lot A PS302693G Parish of Gisborne

3. Reserve 2 PS 432506G Parish of Gisborne (Certificate of Title Volume 10799 Folio 436) being part of the Jacksons Creek escarpment, adjacent to the Calder Freeway and which is accessed from Jackson Creek Way. Also known as 38a Jacksons Creek Way, Gisborne.

4. Part of Lot 5 on LP205979, Robertson St Gisborne, Dixon field Recreation Reserve

5. Gisborne Racecourse Reserve Marshlands and adjoining reserves including Part Crown Allotment 19B, Crown Allotment 19C, Part Crown Allotment 19 Parish of Gisborne, 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve), Crown Allotment 61A, and Part Webb Court New Gisborne Road Reserve.

6. 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne

7. Part of Hanging Rock Reserve, Straw Lane and South Rock Road being Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham.

The proposed Amendment also corrects a wording anomaly at Clause 22.02 which applies to the townships of Gisborne, Woodend, Kyneton, Riddells Creek, Romsey and Lancefield

The amendment proposes to correct a number of errors and anomalies, by seeking to:

1. Rezone 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. Rezone a small portion at the north-west corner of Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4.

12. AE.2 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C68 - MAPPING CORRECTIONS / PUBLIC LAND REZONINGS – REQUEST TO MINISTER (CONT)

3. Rezone 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. Rezone the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone.
5. Rezone the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Resource and Conservation Zone.
6. Rezone Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Park and Conservation Zone.
7. Rezone 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. Rezone 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone.
9. Rezone Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Resource and Conservation Zone.
10. Remove multiple references to the *Macedon Ranges Residential and Industrial Land Review 1999* document as a reference document under Clause 22.02.

A detailed explanation of why the above changes are required is provided in the accompanying explanatory report. The proposed changes to the Macedon Ranges Planning Scheme Maps are shown on the maps provided in the attachment to this report.

The proposed Amendment to the Planning Scheme is required for a number of reasons though primarily based on the need to correct errors and anomalies. The following explanations for each change is given in the order listed above:

1. The zone change from Rural Conservation Zone 4 to Residential 1 Zone on Scheme Map 37 is required to correct a mapping anomaly so that the zone boundary aligns with the final plan of subdivision for Stage 6 of the Jackson Creek Estate residential subdivision which was approved but the required rezoning to the rear portion of the residential lots was not translated in the drafting of the "new format" planning scheme. The original zone boundary for the Residential 1 area as shown in the old format planning scheme zone map dated October 1996 was designated along the Jackson Creek escarpment line and the detailed planning for the subdivision provided for a revised boundary with provision of a reserve to the rear of the residential lots to provide a suitable interface to the escarpment which would be free from development. The subdivision was approved under Planning Permit no 90339 issued on 19 November 1991 however being a large staged subdivision the statement of compliance for Stage 6 did not issue until 1 April 2004. The land and is now fully developed for residential purposes. The correction to the zone map anomaly will provide for a minor zone boundary realignment, the correction of which has been delayed for some time due to previous resourcing constraints. The developer for the subdivision, Sunnyacres Pty Ltd, has requested that Council rectify the anomaly.

12. AE.2 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C68 - MAPPING CORRECTIONS / PUBLIC LAND REZONINGS – REQUEST TO MINISTER (CONT)

2. The rezoning of part Lot A PS302693G Parish of Gisborne from Residential 1 Zone to Rural Conservation Zone 4 on scheme map 37 is required to correct a mapping anomaly so that the zone boundary aligns with the final plan of subdivision for Stage 6 of the Jackson Creek Estate residential subdivision, mentioned above.

3. The zone change to the 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 on Scheme Map 37 is required to reflect the land as a Council owned reserve.

4. The zone change to the western most part of Lot 5 on LP205979, Robertson St Gisborne from Rural Conservation 4 to Public Park and Recreation Zone on Scheme Map 36 is required to correct an anomaly and reflect the land as forming part of the Council owned reserve (Dixon Field) used for public open space and recreation. The realignment of the zone boundary to the lot boundary line rather than being arbitrary located along a water course being a tributary to the Jackson Creek. The zoning change will continue to provide appropriate land use and development provisions to ensure the watercourse is protected particularly given that Council is and will continue to be the responsible land manager.

5. The zone change to the western two thirds of Crown Allotment 19B Parish of Gisborne from Public Park and Recreation Zone to Public Resource and Conservation Zone on Scheme Maps 34 and 36 is required to provide a more appropriate zone to that part of the land which contains the Gisborne Racecourse Marshlands being a natural resource and habitat for indigenous and migratory water birds. This amendment has been prepared at the request of the Department of Sustainability and Environment.

6. The zone change to Crown Allotment 19C (two parcels) Parish of Gisborne from Public Use Zone 6 (Local Government) to Public Park and Conservation Zone on Scheme Maps 34 and 36 is required for the reasons explained above being the southern section of the Gisborne Racecourse Marshlands.

7. The zone change to 21 Webb Court New Gisborne, Crown Allotment 19D (Reserve); and Crown Allotment 61A from Rural Living Zone 1 to Public Park and Recreation Zone on Scheme Maps 34 and 36 is required to reflect the land as a public owned reserve.

8. The zone change to 20 Robertson Street Gisborne being Lot 1 LP 98085 Parish of Gisborne from Public Park and Recreation Zone to Business 1 Zone to correct a new format scheme map anomaly and reflect the private ownership and use of the land for business purposes.

9. The zone change to Crown Allotments 7B, 7C, 7D, and 7E Section 2 Parish of Newham from Rural Conservation Zone to Public Resource and Conservation Zone on Scheme Map 17. The amendment corrects a zone map anomaly so that the land matches the zone of the adjoining Hanging Rock reserve. The land, traversed by Five Mile Creek, has formed part of the Hanging Rock Recreation Reserve since it was purchased by the former Shire of Newham and Woodend Council in 1990. The Department of Conservation and Natural Resources provided $75,000 towards the purchase to assist in its creation as a conservation based reserve. The land was

12. AE.2 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C68 - MAPPING CORRECTIONS / PUBLIC LAND REZONINGS – REQUEST TO MINISTER (CONT)

purchased as a reserve to assist in the preservation and conservation of the existing reserve and accordingly forms part of the Hanging Rock Recreation Reserve Management Plan prepared and implemented since 1993. The reserve is managed by Council under the direction of a Committee of Management focused on the preservation and conservation of Hanging Rock for perpetuity. The zoning change will continue to provide appropriate land use and development provisions to ensure the land and watercourse is protected particularly given that Council is and will continue to be the responsible land manager. Following the acquisition of the land the former Shire of Newham and Woodend resolved on 13 December 1994 to have the land rezoned to a Public Open Space Reservation to match the zoning of the Hanging Rock land. The proposed Amendment was not carried through because the former Shire was amalgamated in 1995 to form the Macedon Ranges Shire resulting in the current zone anomaly. The currently proposed rezoning of the land to Public Conservation and Resource Zone is supported by the Public Land Services Unit of the Department of Sustainability and Environment.

10. The deletion of multiple references to the *Macedon Ranges Residential and Industrial Land Review 1999* document as a reference document under Clause 22.02 for the townships of Gisborne, Woodend, Kyneton, Riddells Creek, Romsey and Lancefield is required because:

    - The removal of this report as a reference document is supported by the recommendations of the 2004 Panel Report on proposed Amendment C8 to the Macedon Ranges Planning Scheme.
    - The document is contrary to the various township structure plans set out at Clauses 22.02-2 Gisborne, Clause 22.02-3 Woodend, Clause 22.02-4 Kyneton, Clause 22.02-5 Riddells Creek, Clause 22.02-6 Romsey, and Clause 22.02-7 Lancefield.
    - The document is not a Reference Document at Clause 21.08 and therefore should not be reference document under the Local Planning Policy section.
    - the local ordinance provisions need to be correct so that the Macedon Ranges Planning Scheme can be properly administered.

In general applying the correct zone to land rectifies the anomalies created when the “new-format” VPP based planning scheme came into affect on 8 June 2000. The privately owned properties incorrectly zoned prejudices their orderly planning, use and development. These zoning anomalies and errors are required to ensure privately owned properties are correctly zoned to:

- reflect the current use of the land having regard to surrounding land use;
- remove unfair constraints as a result of errors and anomalies for the land’s use and development having regard to the purpose and provisions of the zone.

Whilst properties which are used for public purposes but which are not in a Public Land Zone or the most appropriate public land zone require unnecessary expenditure of public resources on the administration of planning permit

12. AE.2 PROPOSED MACEDON RANGES PLANNING SCHEME AMENDMENT C68 - MAPPING CORRECTIONS / PUBLIC LAND REZONINGS – REQUEST TO MINISTER (CONT)

applications that would otherwise not be required had the land been correctly zoned for its intended public use.

Under Section 20 (2) of the Planning and Environment Act 1987, Council seeks the Minister's exemption from the full notification requirements of Section 19 of the Act.

The Section 20(2) notice exemption request is deemed appropriate given that the proposed amendment corrects anomalies and errors and does not create a strategic shift from how the affected parcels of land are currently developed or used. As a result it is deemed that no person would be materially affected by the Amendment except to benefit the directly affected landowners. The amendment reflects the wishes of directly affected landowners and land managers who are limited or constrained by the above listed errors and anomalies. The proposed changes are consistent with the strategic objectives and policies of the Macedon Ranges Planning Scheme and the Victoria Planning Provisions.

Conclusion:

Having regard to the above it is deemed appropriate that the officer's recommendation at the beginning of this report be adopted so that the Minister's Authorisation for the preparation of the proposed Amendment can be formally requested.

12. AE.3 BLACKMORE ROAD, WOODEND - SPECIAL CHARGE ROAD UPGRADE

Officer: **Alex Alagaratnam, Engineering Design Co-ordinator**

File Ref: **22/31/0087/01**

Infra Ref: **106072**

Council Plan Relationship: Sustainable Infrastructure & Environment - safe, functional assets and a protected natural environment

Attachment: Layout Plan

Synopsis:

The purpose of this report is for Council to resolve to adopt the special charge for the upgrade of a section of Blackmore Road, between Quarry Road and Commons Lane, Woodend. Council has previously resolved to publish a notice about its intention to declare a special charge. No submissions were received in response to the publication of the notice.

Officer Recommendations:

That Council:

1. **Declares a Special Charge Scheme as detailed in Table 1 for the purposes of defraying expenses related to the upgrading of the section of Blackmore Road, between Quarry Road and Commons Lane, Woodend.**

2. **Provides a notice, to include details of all options available for payment of contributions, to each person liable to pay the special charge for the upgrading of the section of Blackmore Road, between Quarry Road and Commons Lane, Woodend.**

3. **Utilises $113,200 from the 2009/10 budget allocated for the Special Charge Scheme upgrade of Washington Lane, Woodend which did not proceed for the upgrade of Blackmore Road, Woodend.**

12. AE.3 BLACKMORE ROAD, WOODEND - SPECIAL CHARGE ROAD UPGRADE (CONT)

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	The special charge ensures that the owners of properties that benefit from works contribute towards the capital costs associated with the works.
Enhancing economic & socio-cultural wellbeing	Those who benefit from the works, do so through improved amenity and access. These improvements contribute positively to their overall wellbeing.
Achieving social integrity	The works will increase the ease with which people can access their property and will minimize road safety and dust issues.
Conserving non-renewable & using renewable resources sustainably	Council's financial resources are limited. By declaring a special charge, Council's financial resources can be spread across other services.
Maintaining & enhancing biodiversity	No impact on biodiversity.
Adopting precautionary measures	The issues associated with the works in Blackmore Road have previously been considered by Council. Affected property owners have been advised and submissions sought. Council's decision on the special charge can be made in the knowledge that the issues have been considered.

Background

Blackmore Road, Woodend is an unsealed, municipal road located between Quarry Road in the north and Canning Park Road in the south which Council currently maintains. The section of road considered for a special charge is located in the township area and is an unsealed road located between Quarry Road and Commons Lane.

The section of Blackmore Road that is the subject of this report (the Road) is between Quarry Road and Commons Lane, a distance of approximately 450 metres. The location of the Road is shown in Attachment 1 (Layout Plan) to this report. The works to be undertaken are upgrading of the Road to a 6.2m wide, sealed pavement including drainage works (no kerb and channel).

12. AE.3 BLACKMORE ROAD, WOODEND - SPECIAL CHARGE ROAD UPGRADE (CONT)

At the Council meeting held on the 25 November, 2009, Council resolved to publish a notice of its intention to declare a special charge on all those properties abutting the gravel section of the Road.

Discussion

A public notice was subsequently published in local newspapers on 15 December 2009 and in December 2009 a copy of the public notice was sent to all property owners liable to pay the special charge. The period of 35 days for lodgment of submissions ended with no submissions being received.

The estimated cost of the works is $ 113,200 and the apportionment of cost is set out in Table 1. At the Ordinary Council Meeting held on the 25 November 2009, Council resolved to "*allocate the Council funds allocated for the upgrade of Washington Lane to other special charge schemes which will be after evaluation subject to Council approval*". It is proposed that an amount of $113,200 be utilised from the funds allocated for the upgrade of Washington Lane ($123,104) included in Council's Capital Works Program for 2009/10, for the upgrading of the Road.

Table 1

PROPERTY	**APPORTIONMENT OF COST**
10 Blackmore Road	$1,713.18
12 Blackmore Road	$1,622.84
14-16 Blackmore Road	$2,532.88
18 Blackmore Road	$3,422.27
32 Blackmore Road	$3,455.32
38 Blackmore Road	$1,619.26
27 Commons Lane	$ 688.59
117 Quarry Road	$ 559.41
121 Quarry Road	$1,368.37
121 Quarry Road (By Council 50%)	$1,368.37
123 Quarry Road	$1,107.26
125 Quarry Road	$ 629.65
Lot 6 Blackmore Road	$1,523.68
Lot 4 Blackmore Road	$1,494.21
7 Simpsons Lane	$ 978.08
36 Blackmore Road (Dept of Human Resources)	$1,434.71
149, Blackmore Road (Woodend Transfer Station)	$2,781.92
Council	$84,900.00
TOTAL	**$113,200.00**

12. AE.3 BLACKMORE ROAD, WOODEND - SPECIAL CHARGE ROAD UPGRADE (CONT)

Conclusion

In accordance with section 163 of the Act, it is considered appropriate that Council levy the special charge by sending notices to the persons who are liable to pay the special charge. The notice will also set out the options for payment of the special charge. Affected property owners will then have another opportunity to make a submission to VCAT on this special charge scheme.

12. AE.4 EVALUATION OF TENDERS FOR CONTRACT C10.526 PROVISION OF CRUSHING AND SCREENING OF GRAVEL SERVICES

Officer: Brendan Pearce, Manager Operations

Council Plan Relationship:

Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment. By ensuring that our infrastructure assets are maintained in a manner that is sustainable whilst minimising risk and our open space is presented in a safe condition that encourages participation.

Synopsis:

Tenders were invited from suitably experienced Contractors for the provision of crushing and screening of gravel services at Council's Kettlewells gravel extraction pit.

An Evaluation Panel was formed to evaluate all tenders received. The Panel has prepared a report for Council's consideration; however the Victorian Local Government Code of Tendering states that the Council will respect the confidentiality of a respondent who discloses information which has a commercial or intellectual property value. It also states that Council will not participate in improper practices such as disclosure of confidential information.

The attached report provides general background information in respect to this contract and a confidential report is included in the confidential section of this agenda.

Officer Recommendation:

That as this report concerns matters which Council considers would prejudice the council or any person, then pursuant to Section 89(2)(h) 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 and without questions and debate, Council may resolve to adopt the Officer recommendation as contained in the confidential section in open council at any time. The Minute Secretary will then formally read out this resolution. The Council resolution will then immediately become public information but the confidential report will remain confidential.

12. AE.4 EVALUATION OF TENDERS FOR CONTRACT C10.526 PROVISION OF CRUSHING AND SCREENING OF GRAVEL SERVICES (CONT)

1. Introduction

This contract is for the provision of crushing and screening of gravel services at Council's Kettlewells gravel extraction pit.

2. Type of Contract

This contract is a Schedule of Rates contract.

3. Duration

The Contract term is the period of five (5) years from the commencement date, with an additional five (5) year option.

4. Tendering Process

Public notice inviting tenders for this contract was given in the Age Saturday 27 March 2010 and the Midland Express, Macedon Ranges Leader and Macedon Ranges Telegraph, Tuesday 30 March 2010.

5. Summary of Tenderers

Tenders closed at 2:00 pm on the 20 April 2010 and three tenders were received:

TENDERER	COMPANY'S LOCATION
Musty's Earthmoving	Lancefield
Hughes Plant	Traralgon
SJ Crushing Pty Ltd	Mandurah W.A.

6. Budget

The current year (2009 - 2010) budget is $318,535. The anticipated annual value of the contract will be of this order dependant upon the quantity of material required to be produced.

12. AE.4 EVALUATION OF TENDERS FOR CONTRACT C10.526 PROVISION OF CRUSHING AND SCREENING OF GRAVEL SERVICES (CONT)

7. Confidential Information

Section 89(2)(d) of the Local Government Act 1989 permits Council to resolve to close a meeting to members of the public if council needs to discuss contractual matters. The Victorian Local Government Code of Tendering was developed as a guide to good practice in local government tendering. Amongst other things, it states that Council will not participate in improper tendering practices such as disclosure of confidential information.

For these reasons, this report does not contain any information which is of a commercial, business or financial nature of the tenderers concerned. A confidential report has been prepared for consideration by Council in a meeting to be closed to members of the public pursuant to Section 8992)(d) of the Local Government Act 1989.

8. Evaluation Panel

In accordance with Council's Tendering and Evaluation Procedures & Guidelines, a Panel was formed to evaluate these tenders consisting of:

- Brendan Pearce - Manager Operations
- Ged McCarthy – Road Construction Works Officer
- Corrine Farley – Contracts Coordinator

It is the responsibility of the Evaluation Panel to evaluate all tenders received in accordance with the evaluation criteria. The role of the Panel is:-

- To ensure consistency of approach
- To demonstrate accountability and integrity in the evaluation process
- To interview tenderers as it deems appropriate
- To recommend the tender to be accepted
- To prepare a comprehensive report.

12. AE.4 EVALUATION OF TENDERS FOR CONTRACT C10.526 PROVISION OF CRUSHING AND SCREENING OF GRAVEL SERVICES (CONT)

9. Evaluation Criteria

The Local Government Act 1989 contains no prescription of the evaluation method or criteria to be used. However, Section 186 of the Local Government Act states that the Council does not have to accept the lowest tender or to accept any tender.

In accordance with the Local Government Code of Tendering, all potential tenderers were advised that without limiting Council's ability to evaluate a tender, the Evaluation Panel will evaluate each tender in accordance with the following evaluation criteria in the order of priority as shown:

- Experience and Proven Performance
- Management and Human Resources
- Methodology
- Tender Price
- Customer Service
- Resources
- Quality Management

All Tenderers were also advised that the principle that underlines the awarding of all council contracts is that the following consideration and evaluation of all tenders, the contract will be awarded on the basis of the best value for money, the most benefit to the community and the greatest advantage to Council.

10. Award of Contract

The Evaluation Panel considered all tenders. At the conclusion of the evaluation the Panel has identified the preferred Tenderer. However, delegated authority to award this contract does not currently exist.

The confidential report includes the Evaluation Panel's recommendation for council's consideration and determination. Whilst the Victorian Local Government Code of Tendering obliges Council to have regard to the Evaluation Panel's report, the code also provides Council with the ability to award the contract on the basis of best quality and value for money for its community.

12. AE.5 BUILDING ASSETS CONDITION AUDIT

Officer: Clay Drysdale, Manager Infrastructure Planning and Design

File Ref: 22/42/03

Council Plan Relationship: Sustainable Environment & Infrastructure - safe, functional assets and a protected natural environment

Synopsis:

The purpose of this report is to advise Council on the outcome of a condition audit undertaken for Council's building assets.

The audit contributes towards attainment of the goals of Council's Asset Management Policy in terms of good governance and the sustainable provision of Council services.

Officer Recommendation:

That Council notes this report and seeks a further update after the 2011 building condition audit.

12. AE.5 BUILDING ASSETS CONDITION AUDIT (CONT)

Sustainability principles	Response to principle
Ensuring inter & intra generational equity	There is no decision required of this report that will impact on this principle
Enhancing economic & socio-cultural wellbeing	There is no decision required of this report that will impact on this principle
Achieving social integrity	There is no decision required of this report that will impact on this principle
Conserving non-renewable & using renewable resources sustainably	There is no decision required of this report that will impact on this principle
Maintaining & enhancing biodiversity	There is no decision required of this report that will impact on this principle
Adopting precautionary measures	This report provides information for Council to consider prior to making decisions about future expenditure on building assets

1. Background

The goals of Council's Asset Management Policy include:

1. *To maintain an accurate, consistent and consolidated asset register, which records all of Council's assets including depleted or redundant assets*
3. *To regularly maintain and renew assets to assist in the delivery of the required level of service and to ensure assets continue to function as-built, for their full life*
4. *To prioritise funding for the maintenance, operation and renewal* of existing assets above the funding of new assets

In 2008 at Council's cost, the first complete audit of all Council-owned buildings was carried out by an external building specialist. The completion of the audit ensured that Council had an accurate and consistent register of its building assets.

The audit process included the rating of the condition of particular aspects of each building. The condition-ratings were then combined to give an overall condition-rating of each building. The overall condition-rating is an indicator as to whether buildings are able to deliver the required level of service. The overall condition-rating was then used in the calculation of the current value and replacement value of each building. These values and other relevant Council information were then used to determine the level of funding required

12. AE.5 BUILDING ASSETS CONDITION AUDIT (CONT)

to maintain Council's buildings in a serviceable condition. This level of funding was compared to Council's actual level of funding for building maintenance as part of the Municipal Association of Victoria's Step Asset Management Program. This comparison showed that as at 30 June 2009 there was a gap in the level of funding for building maintenance, estimated at between $2,500,000 and $3,500,000 each year over the next 20 years.

The audit resulted in the production of a list of approximately 3,950 items across Council's 331 buildings that required attention, varying in priority from requiring urgent attention to being required by 2023. The estimated cost of completing all 3,950 items was $29,000,000. Of these items, 3,700 were identified as building maintenance issues, requiring an estimated expenditure of $3,300,000 to address. The remaining 250 items were major renewal projects.

2. Discussion

Over the past few years Council's funding of the building maintenance program as set out in Table 1, has dramatically increased. During recent years Council has constructed a number of new buildings and has accepted maintenance responsibility for a number of older buildings previously maintained by other bodies. Two Council-owned buildings have been demolished in this same time-period.

Table 1

FINANCIAL YEAR	BUILDING MAINTENANCE BUDGET ALLOCATION
2005/06	$426,710
2006/07	$472,491
2007/08	$712,751
2008/09	$689,950
2009/10	$802,538
Proposed 2010/11	$860,000

As the number and age of Council's building assets increases, so too does its maintenance liability. Likewise, when legislation results in the need for an increase in the standard of a particular class of buildings Council's maintenance liability increases.

Since the 2008 audit was completed, 110 of the 3,700 listed building maintenance items have been dealt with through Council's Building Maintenance Program. This work has been completed in addition to the annual reactive and programmed building maintenance works undertaken.

12. AE.5 BUILDING ASSETS CONDITION AUDIT (CONT)

In addition to increased budget allocations for building maintenance, staffing arrangements have been reviewed and realigned to enable more efficient use of Council's internal resources. This has resulted in a significant number of minor maintenance works being completed without the need for a contractor, thereby spreading the community's dollars further.

It is proposed to undertake another Building Asset Condition Audit in the second half of 2011 as part of the continuing cycle of data collection. At the completion of that audit process it will be possible to review the extent of the gap in the level of building maintenance funding and to assess the impact of the continued increasing maintenance effort. In June this year a report will be submitted to Council in relation to the first iteration of Council's Building Asset Management Plan. This Plan will utilise data obtained through the 2008 Building Asset Condition Audit in preparing a long-term plan for the management of Council's buildings and facilities.

Conclusion

The audit of Council owned buildings identified the extent of building maintenance issues, which has led to the financial quantification of the "gap" in renewal expenditure for Council's building assets.

Council has indirectly acknowledged the importance of its building assets in delivery services to the community, through the significant increases in the building maintenance program.

The continued cyclic condition-rating of building assets will inform Council as to the sustainability of the serviceability of its buildings.

13. NOTICE OF MOTION

Notice of Motion No. 8/2010 - Cr Manning

That Council resolve to terminate the lease with the Kyneton Bowling Club immediately.

Officer Comment

Council has a lease agreement with the Kyneton Bowling Club. Pursuant to Clause 6.4 of the lease and section 146(1) of the Property Law Act 1958, prior to terminating the lease the Macedon Ranges Shire Council must serve a notice advising of breach(s) and allow the Kyneton Bowling Club 30 days to rectify any breach.

Notice of Motion No. 9/2010 - Cr Morabito

That Council write to the Department of Sustainability and Environment, Parks Victoria and Melbourne Water (Chris Chesterfield) regarding the feedback it has received from landowners in the shire regarding the alarming increase in numbers of kangaroos and wombats on private land and seek their response regarding to their management plans in relation to these wildlife and request a meeting to discuss this issues.

Notice of Motion No. 10/2010 Cr Helen Relph

That Council request the Chief Executive Officer to investigate the Macedon Ranges Shire entering the Age-Friendly Cities program of the World Health Organisation.

Background

Council has been recognised for its work towards positive ageing activities and efforts towards making the shire an inclusive and accessible environment that promotes active ageing.

The Age-Friendly Cities programme of the World Health Organisation is an international effort to help communities prepare for two global demographic trends;

- the rapid ageing of populations, and
- increasing urbanisation.

The Age-Friendly Cities programme targets the environmental, social and economic factors that influence the health and well being of older adults.

The Global network which is being set up seeks municipalities from around the world to commit to a cycle of continually assessing and improving their age-friendliness. This process is expected to be implemented over 4 cycles (planning, implementation, evaluation and continual improvement) over a 5 year period. Council's recent positive ageing activities, their work towards establishing a multi-agency community wide positive ageing and aged friendly

strategy, and the work being done by Council's Positive Ageing Advisory Committee have already demonstrated Council's preparedness and working towards the planning for aged friendly communities.

Becoming a member of the network requires an application being made to the WHO with a letter of support from the Mayor which commits Council to the 4 cycle process over the next 5 years. In turn Council gains access to a global network of civil society experts, access to key information including best practices, technical guidance and training towards making the shire inclusive and accessible and opportunities to partnership with other cities.

14. 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.

15. CONFIDENTIAL REPORTS

15.1 Request to Purchase an Allotment at New Gisborne Industrial Estate

15.2 Evaluation of Tenders for contract C10.526 Provision of Crushing and Screening of Gravel Services

16. 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.