

Council Meeting Agenda

**Ordinary Council Meeting
Wednesday 28 August 2013 at 7.00pm
Gisborne Administration Centre**

Public Question Time:

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

Recording of Council Meetings:

The recording of Council Meetings, either visually or by sound, or the taking of photographs in Council Meetings is not permitted without first obtaining the consent of Council or the Chairperson.

TABLE OF CONTENTS

Page 1 of 3

ITEM	SUBJECT	PAGE NO.
1.	Prayer	1
2.	Present	1
3.	Apologies	1
4.	Declaration of Conflicts of Interest	1
5.	Mayor's Report	1
6.	Petitions	2
7.	Adoption of Minutes	2
8.	Record of Assemblies of Councillors	3
9.	Deputations and Presentations to Council	8
	Persons (Applicant and Objectors) who have made a submission on a land use and development application to be considered at this meeting may address the Council. The Chairperson will call for submissions in order of the items listed below and submitters will have three minutes only. At the conclusion of each submission, Councillors may wish to ask questions of the submitter.	
10.	Director Planning and Environment	
PE.1	Planning Application PLN/2012/84 for the Development of Nine (9) Dwellings, Nine (9) Lot Subdivision, Variation of Easements and Vegetation Removal at 43 High Street, Woodend	9
PE.2	Application for Development Plan DP/2013/4 for the Land at 95 Brooking Road, Gisborne	34
PE.3	Application for Approval of a Development Plan Application DP/2013/5 at 7 George Street, Kyneton, being Lot 1, LP 119734, Parish of Lauriston	42
PE.4	Hanging Rock Development & Investment Plan	49

PE.5	Macedon Ranges Planning Scheme Amendment C84 – MSS Update and Inclusion of MRSS and Other Recent Strategic Documents	68
PE.6	Amendment C92 Macedon Restructure Overlay Review	77
11.	Chief Executive Officer’s Reports	
CX.1	Councillor Grants – Consideration of Grant Applications	85
12.	Director Corporate Services	
CS.1	Contracts to be Awarded as at 28 August 2013	88
CS.2	Evaluation of Tenders for Contract No. C14-655 Cleaning Maternal and Child Health Centres and Kindergartens	91
CS.3	Financial Statements and Standard Statements for the Year Ended 30 June 2013	95
CS.4	Quarterly Report for the Period Ended 30 June 2013	104
CS.5	Environmental Audit of the Former Kyneton Outdoor Pool Site	106
CS.6	Report from the Audit Committee Meeting held on 21 August 2013	112
13.	Director Community Wellbeing	
CW.1	Live4Life Future Directions	113
CW.2	Gisborne Early Years Hub Pine Plantation Site	120
14.	Director Assets and Operations	129
15.	Notices of Motion and Rescission	
	No. 6-2013/14: Councillor Morabito	130
	No. 7-2013/14: Councillor McLaughlin	133
16.	Urgent or Other Business	133
17.	Confidential Reports	133

17.1 Evaluation of Tenders for Contract No. C14-655 Cleaning Maternal and Child Health Centres and Kindergartens

18. Division 1A: Conduct and Interests

Reproduced as the concluding pages at the back of Notice Paper

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. MAYOR'S REPORT

This item in each Council Notice Paper offers an opportunity for the Mayor to provide a brief report on recent Council activities and initiatives of a Shire wide nature.

Councillor reports on any meetings they have attended as a Councillor delegate are provided at Councillor Briefings or via email communications. Any matters requiring Council deliberation/decision are considered by Council via a report to a Council Meeting.

Recommendation:

That the Mayor's report be received.

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

Any Councillor whether in attendance or not at the subject meeting can move and second the adoption of the minutes, however accepted practice is that Councillors who were in attendance moved and second these motions.

Ordinary Council Meeting: Wednesday 24 July 2013

Recommendation:

That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 24 July 2013 as circulated be confirmed.

Proposed Change to the Ordinary Council Meeting Date - December 2013

Council, in March this year, considered a report setting the Ordinary Council Meeting dates for the period 1 July 2013 to 30 June 2014. This report recommended that Council's Ordinary Meeting in December 2013 be held on Wednesday 11 December 2013.

Consideration has been given to the business required to be considered in December and the timing of the Christmas/New Year recess, and it is recommended that the December Ordinary Council Meeting be rescheduled from 11 December 2013 to a week later on 18 December 2013.

Subject to Council's approval of this change, appropriate advertising will be undertaken via Council's website and in the local media.

Officer Recommendation

- 1. That the December 2013 Ordinary Council Meeting be rescheduled from Wednesday 11 December 2013 to Wednesday 18 December 2013; and**
- 2. Appropriate advertising promoting this change be undertaken via Council's website and in the local media.**

8. RECORD OF ASSEMBLIES OF COUNCILLORS – AUGUST 2013

Summary / Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the minutes of the formal Council Meeting.

Policy Context

An amendment to the Local Government Act 1989, which came into effect on 24 September 2010 requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the minutes (Refer Local Government and Planning Legislation Amendment Act 2010 – No. 58 of 2010 – Section 17).

Background Information

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. Is an Advisory Committee of the Council where one or more Councillors are present.

Note: Advisory Committee means any committee established by the Council, other than a special committee, that provides advice to (a) the Council, or (b) a special committee, or (c) a member of Council staff who has been delegated a power, duty or function of the Council under Section 98.

This requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

Report

Outlined below are the details of assemblies of Councillors held since the last meeting.

1.	Date / Time	Type of Assembly
	23 July 2013 – 6.00pm	Hanging Rock Advisory Committee Meeting
Venue		Hanging Rock Reserve
Present - Councillors		Councillors Anderson and Mowatt
Present - Officers		Rod Clough, Anne Walsh, Lachlan Milne and Kylie Lethbridge
Items Discussed		2012/13 Attendance Data Concert Review and Future Regional Development Australia Fund Development and Investment Plan

Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed	Nil
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2.	Date / Time	Type of Assembly
	24 July 2013 – 1.45pm	Councillor Briefing
Venue		Kyneton Administration Centre
Present - Councillors		Councillors Mowatt, Piper, Anderson, Connor and Jukes Councillors Letchford and McLaughlin (Arrived at 5.00pm)
Present - Officers		Peter Johnston, Sophie Segafredo, Karen Stevens, Dale Thornton, David Nevin, Leon den Dryver, Hayley Drummond, Rick Traficante, Rod Clough, Anne-Louise Lindner, Robert Muscat, Pauline Neil and Micheline Williams
Items Discussed		Planning/Progress on Capital Works, Council Plan, Legislative and Operational Matters Light Horse Project Rural Councils Summit Gisborne Festival Riddells Creek Community House Gilbert Gordon Oval Councillor Briefing Confidential Information Code of Conduct Email Information Received and Accuracy Planning Scheme Amendment C92 – Macedon Restructure Overlay Submissions Former Kyneton Outdoor Swimming Pool Agenda Review for Ordinary Council Meeting on 24 July 2013
Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed		Peter Johnston declared a direct interest in items CX.3 and 17.1 of the Ordinary Council Meeting of 24 July 2013 regarding the Chief Executive Officer's Key Performance Indicators due to the matters directly relating to his employment

3.	Date / Time	Type of Assembly
	31 July 2013 – 12.00pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Councillors McLaughlin, Letchford, Piper, Anderson, Connor and Jukes Councillor Hackett arrived at 1.50 pm
	Present - Officers	Peter Johnston, Sophie Segafredo, Dale Thornton, Karen Stevens, Glenn Owens, Rick Traficante, Kylie Lethbridge, Rod Clough, Anne Walsh and Stephen Mahon
	Items Discussed	C84 Further Discussion Review of Planning Items – Tieve Tara – Mt Macedon Health Service Planning Road Closures / Festival Support Bullengarook Reserve Stage Removal Hanging Rock Development & Investment Plan Woodend Scouts Woodend Neighbourhood House/Sustainability Group Council Owned Land – Aitken Street, Gisborne Kyneton Mens Shed Footpath Works Priorities Lancefield Park House
	Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed	The Manager Council and Customer Services declared a direct interest in the Hanging Rock Development & Investment Plan due to his ownership of property in the vicinity of Hanging Rock.

4.	Date / Time	Type of Assembly
	7 August 2013 – 1.45 pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Councillors Hackett, McLaughlin, Morabito, Mowatt, Piper, Anderson, Connor and Jukes Councillor Letchford arrived at 5.30pm
	Present - Officers	Peter Johnston, Karen Stevens, Sophie Segafredo, Dale Thornton, Glenn Owens, Rick Traficante, Katie Xiao, David Nevin, Jill Karena, Teresa O'Dowd and Stephen Mahon
	Items Discussed	Rural Living and Houses in Farm Zones Discussions Riddells Creek Structure Plan Prevention of Violence Against Women Councillor / Officer Issues Kyneton Landfill Update Gisborne Netball Facility Construction and Cash Flow

Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed	Nil
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5.	Date / Time	Type of Assembly
	14 August 2013 – 12.30pm	Councillor Code of Conduct Working Group
	Venue	Gisborne Administration Centre
	Present - Councillors	Councillors Letchford, Mowatt, Anderson and Jukes
	Present - Officers	Stephen Mahon
	Items Discussed	Draft Councillor Code of Conduct
	Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed	Nil

6.	Date / Time	Type of Assembly
	14 August 2013 – 2.00pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Councillors Hackett, McLaughlin, Morabito, Letchford, Mowatt, Anderson and Jukes
	Present - Officers	Peter Johnston, Sophie Segafredo, Dale Thornton, Rick Traficante, Christo Crafford, Karen Stevens, Glenn Owens, Leon den Dryver, Stephen Mahon
	Items Discussed	Review of Planning Items <ul style="list-style-type: none"> - 95 Brooking Street, Gisborne - 7 George Street, Kyneton - 43 High Street, Woodend - C84 - C92 Gisborne Early Years Hub Site Report (Pine Plantation) End of Financial Year – Preliminary Results Live 4 Life Future Directions Walking and Cycling Strategy Feedback from Councillors – Hanging Rock Development and Investment Plan Councillor / Officer Issues Performance Reporting Framework

	Former Romsey Primary School Update Park Lane House, Lancefield Update
Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed	Councillor Jukes declared an indirect conflict of interest in 7 George Street, Kyneton Development Plan matter due to a neighbouring property being owned by an employee of his business. The Manager Council and Customer Services declared a direct interest in the Hanging Rock Development & Investment Plan due to his ownership of property in the vicinity of Hanging Rock.

7.	Date / Time	Type of Assembly
	21 August 2013 – 1.30pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present - Councillors	Councillors Hackett, McLaughlin, Morabito, Letchford, Mowatt, Piper, Anderson, Connor and Jukes
	Present - Officers	Sophie Segafredo, Karen Stevens, Dale Thornton, Kylie Lethbridge, Glenn Owens, Jacqui Besanko, Rod Clough and Gemma Gamble,
	Items Discussed	Briefing by Rob Mitchell – Member for McEwen Review of Planning Items - Braemar College - Rural Zones - Macedon / Mt Macedon Township Studies Pine Plantation / Gisborne Early Years Centre Gisborne Festival Tieve Tara – Mt Macedon Briefing by Donna Petrovich Open Space Strategy Briefing by Lisa Chester Communications Strategy Lancefield Park House VicRoads Station Road, Gisborne Calder Regional Waste WorkSpace Tour Airfield Funding Councillor Grants Woodend Neighbourhood and Sustainability Group Matter 43 High Street, Woodend Development Cellardoor Natural Environment Strategy Update Gisbus Routes and Tender Process Councillor Code of Conduct Working Group

Conflicts of Interest declared and the name(s) of the person(s) leaving the meeting when the matter about which the person(s) has a conflict(s) is discussed	Nil
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Officer Recommendation:

That Council endorse the record of assemblies of Councillors as outlined in this report.

9. 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 three minutes unless otherwise approved.

10. PE.1 PLANNING APPLICATION PLN/2012/84 FOR THE DEVELOPMENT OF NINE (9) DWELLINGS, NINE (9) LOT SUBDIVISION, VARIATION OF EASEMENTS AND VEGETATION REMOVAL AT 43 HIGH STREET, WOODEND

Officer: Lisa Laskovski, Town Planner

File Ref: PLN/2012/84

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

Attachments: 1: Previous Plans
2: Current Plans

Date of Receipt of Application: 5 March 2012

Trigger for Report to Council: Councillor call in

Applicant: Tomkinson Group

Synopsis:

The subject site is located on the west side of High Street, Woodend approximately 440 metres south of the town centre and is zoned Residential 1. The subject site is irregular in shape and has a battle axe configuration with a narrow frontage of 7.8m that serves as a driveway (common property) with the balance of the lot at the rear.

The site has a total area of 6657sqm metres and was created in a two lot subdivision of the original land holding (41-43 High Street). The site is at present vacant with the exception of some vegetation on the eastern portion consisting of non-native trees between 5 and 7m in height. A drainage line extends from the north east corner of the site to the south west corner.

Existing dwellings in the immediate vicinity of this site are predominantly of weatherboard and corrugated iron roof construction with large open spaces, established gardens and a mix of native and exotic vegetation scattered throughout.

The application seeks approval for the construction of nine (9) dwellings, nine (9) lot subdivision, variation to easements and vegetation removal. Dwellings 1 to 6 are proposed along the northern side of the site and have a varying setback of between 4.5 and 14.9 metres from the northern boundary. Dwellings 7 to 9 are located on the southern side and have varying setbacks to the southern boundary of between 5 and 7.5 metres. Each dwelling will front the internal driveway and will have private open space at the side or rear. Dwellings 1 to 4 will include a first floor component which consists of an attic style bedroom only. The balance of development will be single storey.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

A total of nine (9) objections have been received and relate to character, density, traffic and amenity impacts.

The original landholding (No 41-43 High Street) was subject to a previous planning permit application for 10 dwellings and a 10 lot subdivision that was subsequently refused by VCAT. In the Tribunal's decision *Valley Investments (VIC) Pty Ltd v Macedon Ranges SC* [2009] VCAT 2194, the member notes that the site is suitable for further development, however makes specific reference to factors to be considered in any future application.

The current proposal has satisfactorily reduced the size of the buildings, built form and scale. The notable distinctions between the current proposal and the previous application are the increase in side and rear setbacks, reduction of dwelling numbers and size, and reduction of the first floor component of the development.

The proposed development and subdivision will utilise existing zoned and serviced land and contribute to the mix of lot sizes in the area which is consistent with State and Local planning policies. The site is also well located in terms of walkable distance to the Woodend Town Centre and has access to existing infrastructure.

The proposal is considered to adequately address the matter of neighbourhood character through the use of generous setbacks to adjoining property boundaries and also between the proposed dwellings themselves. Sufficient area is provided to allow for appropriate landscaping and to minimise impacts of built form along boundaries. The use of weatherboard and colourbond roofing is reflective of existing built form elements and also representative of newer dwelling developments in the township.

Clause 55 and 56 (ResCode) assessments have been undertaken in relation to the proposal. The assessments demonstrate that all applicable objectives are either met or able to be met through permit conditions.

It is considered that this site is suitable for further development and is consistent with current state and local planning policies. It also satisfactorily addresses the concerns raised by VCAT with respect to intensity of development across this site and as such should be supported.

Officer Recommendation:

That Council resolve to issue a Notice of Decision to grant a planning permit for the Development of nine (9) dwellings, nine (9) lot subdivision, variation of easements and vegetation removal for the land at 43 High Street, Woodend subject to the following conditions:

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- 1. Before the development commences and before the plan of subdivision is certified under the Subdivision Act 1988 three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated February 2012 and prepared by Woodend Building Design but modified to show:
 - (a) The common property access shown along the northern boundary of the site to be widened from 3 metres to 3.5 metres in accordance with Country Fire Authority condition 31 of this permit.****
- 2. The subdivision and development allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.**
- 3. Only those trees/vegetation marked “tree/vegetation to be removed” on the endorsed plans are permitted to be removed or destroyed, to the satisfaction of the Responsible Authority.**
- 4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
- 5. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.**
- 6. In the event that the development hereby approved under this permit is not constructed prior to subdivision of the land, the owner/s of the lot must, prior to a Statement of Compliance being issued, enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
 - a) That each lot is to be developed in accordance with the endorsed plans approved and associated conditions under Planning Permit PLN/2012/84 unless with the prior written consent of the Responsible Authority.**
 - b) Any future dwelling on Lots 6 and 7 must be constructed to a minimum bushfire attack level of BAL-12 in accordance with the relevant sections to AS3959-2009 and in accordance with Condition 32 of Planning Permit PLN/2012/84.****

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- c) Prior to and during occupation of any future dwelling on Lots 6 and 7, a static water supply must be provided within each lot in accordance with Condition 33 of Planning Permit PLN/2012/84 and must:
- (i) Have a minimum capacity of 10,000 litres and be dedicated solely for fire fighting purposes.
 - (ii) Be stored in an above ground water tank constructed of concrete, steel or corrugated iron.
 - (iii) Incorporate an outlet with a ball or gate valve to provide access to the water by the resident of the dwelling.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to a Statement of Compliance being issued.

The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- 7. Prior to the issuing of the Statement of Compliance for subdivision the owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
- 8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 9. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 10. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
- 11. The owner of the land must enter into an agreement with:
 - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
12. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre
13. Measures must be undertaken to minimise any loss of amenity to the neighbourhood caused by dust, noise, the transport of materials to and from the land, and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.
14. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.

Engineering Infrastructure & Projects

15. Prior to the issue of a Statement of Compliance or the occupation of the development, whichever occurs first, the applicant must construct the service road from its connection to High Street to north end of the property frontage. This is to be a 6m wide sealed surface and 0.5m shoulders to the satisfaction of Council.
16. The property must be adequately drained with an underground drainage system to the satisfaction of the Macedon Ranges Shire Council, to a legal point of discharge to be nominated by Council.
17. The subdivision is to be provided with an underground drainage system to a design approved by the Responsible Authority and such that:

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- (a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage. All new drainage is to be connected via underground piping into Council's existing drainage network.
- (b) All drainage courses within the development must pass through easements.
- (c) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the development shall be constructed at the cost of the applicant and the applicant shall secure adequate easements for such drainage to be constructed within.
- (d) The volume of water discharging from the development in a 10% AEP storm shall not exceed the peak flow experienced in a 10% AEP storm prior to development. The peak flow shall be controlled by the use of retardation basins or approved detention systems located on the subject site to the requirements and satisfaction of the Responsible Authority. The storage system shall have a storage capacity of a 1% AEP (1:100 year storm).
- (e) The flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans.
- (f) The quality of the water discharged is to be in accordance with the Macedon Ranges Planning Scheme Clause 56.07-4, Standard C25.
- (g) The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the development.
- (h) The drainage system is to incorporate a Sediment Trap or other similar measure designed to the satisfaction of Macedon Ranges Shire Council.
- (i) A separate underground drain must be constructed to convey storm water runoff from the external catchment that enters 41 & 43 High Street from High Street to the approved point of discharge. This drainage pipe is to be sized to accommodate a 100yr ARI storm event and is to be constructed within a 3m wide easement in favour of Macedon Ranges Shire Council. Detailed plans and associated calculation to be submitted for approval by the responsible authority. The subdivision is to provide an uninterrupted open channel path for the existing drainage path that flows through the eastern end of the site. This drainage path to be constructed and to Council approval.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- (j) A separate underground drain must be constructed to convey storm water runoff from the external catchment that enters 43 High Street from 12 Goldies Lane to the approved point of discharge. This is to be generally in accordance with the submitted conceptual drainage plan (Drawing No 959303D02, sheet 2, Rev C). This drainage pipe is to be sized to accommodate a 10yr ARI storm event and is to be constructed within a 3m wide easement in favour of Macedon Ranges Shire Council. Detailed plans and associated calculation to be submitted for approval by the responsible authority. The subdivision is to provide an uninterrupted open channel path for the existing drainage path that flows through the southern end of the site. This drainage path to be constructed and shaped to Council approval with a capacity equal to the 100 year path from the upstream catchment.
18. Prior to statement of compliance or the occupation of the development, whichever occurs first, all drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the development shall be constructed at the cost of the applicant and the applicant shall secure adequate easements for such drainage to be constructed within. All drainage infrastructure constructed must be provided with an unrestricted and free draining outlet. The applicant shall seek and obtain approval from Responsible Authorities and applicable land owners to undertake the works.
19. Drainage is to be established along the frontage of the property boundary and extended if necessary to Council approval.
20. Prior to the Certification of the Plan of Subdivision, a 2.5m drainage easement is to be created along the rear northern boundary extending along the western boundary to the stormwater outfall point of the subdivision to the satisfaction of Council.
21. The subdivision is to be constructed in accordance with Macedon Ranges Engineering requirements for Infrastructure Construction June 2010.
22. Any boundary fencing within the development located adjacent to drainage easements must be constructed in a form that does not impede overland storm water flows to the satisfaction of the Responsible Authority.
23. Prior to the occupancy of the development or the issue of a Statement of Compliance, whichever occurs first, the common property access way to all lots is to be constructed to an asphalted/concreted standard with appropriate drainage.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- 24. Engineering Plans detailing the civil works and drainage are to be submitted for Macedon Ranges Shire Council approval. Plan checking and supervision fees must be paid prior to commencement of works.**
- 25. Prior to the issue of a Statement of Compliance, or the occupation of the development, whichever occurs first, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:**
- a) Constructed to MRSC standards;**
 - b) Properly formed to such levels that they can be used in accordance with the plans;**
 - c) Surfaced with asphalt or concrete, to the satisfaction of the Responsible Authority**
 - d) Drained and maintained;**
 - e) Line marked to indicate each car space and all access lanes;**
 - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.**
- 26. Prior to the issue of a Statement of Compliance, or the occupation of the development, whichever occurs first, the existing vehicle crossing into the development must be upgraded to an asphalted/concreted construction to a minimum width of 5 metres for a length of 7 metres within the property boundary to the satisfaction of the Responsible Authority.**
- 27. The applicant/owner shall restrict sediment discharges from any construction sites within the property in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995).**
- 28. Prior to any development works being undertaken, an “Asset Protection Permit” must be obtained from Council for the Council road reserve and drainage assets.**
- 29. All lots must be serviced by an underground drainage system within their own property boundaries.**
- 30. Before the development commences, a Site Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:**
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;**
 - b) Dust control;**
 - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;**

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

- d) Where access to the site for construction vehicle traffic will occur;
- e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
- f) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Site Management Plan to the satisfaction of the Responsible Authority.

Country Fire Authority

- 31. Vehicular access within the development must provide a minimum trafficable width of 3.5 metres.
- 32. The construction of buildings within proposed Lots 6 and 7 must be to a minimum bushfire attack level of BAL-12 in accordance with the relevant sections to AS3959-2009.
- 33. Prior to and during occupation of the dwelling, a static water supply must be provided within proposed Lots 6 and 7 and must:
 - (i) Have a minimum capacity of 10,000 litres and be dedicated solely for fire fighting purposes.
 - (ii) Be stored in an above ground water tank constructed of concrete, steel or corrugated iron.
 - (iii) Incorporate an outlet with a ball or gate valve to provide access to the water by the resident of the dwelling.

Goulburn-Murray Water

- 34. Wastewater from each dwelling must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of Western Water.
- 35. All construction activities and on-going use of the site must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 36. All stormwater discharged from the subdivision must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Western Water

- 37. Payment of new customer contributions for lot created by the development, such amount being determined by Western Water at the time of payment.**
- 38. All internal sewer and water mains servicing all lots within the development must be owned and maintained by an owners corporation.**
- 39. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.**
- 40. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.5m wide for a dedicated sewerage easement.**
- 41. The existing sewer mains within the proposed development must be re-laid so as not to be built over by any permanent structure to the satisfaction of Western Water and at the owner/developers expense. No permanent structure is to be located over a Western Water sewerage asset.**
- 42. No sewerage easement is to be removed until the existing sewer pipes within them have been removed or decommissioned to the satisfaction of Western Water.**
- 43. The owner/developer must enter into a Build Over Agreement with Western Water regarding the construction of any permanent hard surface or building works over any Western Water asset regardless of it being abandoned or not.**
- 44. Any damage that may be caused to Western Water's assets by any construction works within the development site is to be repaired or replaced at the owner/developer's expense and to the satisfaction of Western Water.**
- 45. The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.**

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

VicRoads

- 46. A single point of access must be provided from the subject land to the service road of Black Forest Drive. This access must be sealed and constructed at a location and standard approved in writing by the Responsible Authority.**
- 47. The discharge of any concentrated drainage or sullage onto the Black Forest Drive reserve must not be permitted unless approved in writing by VicRoads.**

Powercor

- 48. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.**
- 49. The applicant shall:-**
- (a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.**
 - (b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.**
 - (c) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.**
 - (d) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.**
 - (e) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.**

Tenix

- 50. The plan of subdivision submitted for certification must be referred to SP AusNet (Gas) in accordance with Section 8 of the Subdivision Act 1988.**

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Expiry

51. This permit will expire if one or more of the following circumstances apply:

- a) The development is not commenced within two years of the date of this permit.**
- b) The development is not completed within four years of the date of this permit**
- c) The plan of subdivision is not certified within two years of the date of this permit.**
- d) The registration of the subdivision is not completed within five years of the date of the certification of the plan of subdivision.**

In accordance with Section 69 of the Planning and Environment Act 1987 an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Existing conditions and relevant history

The subject site is located on the west side of High Street, Woodened approximately 440 metres south of the town centre. The subject site is irregular in shape and has a battle axe configuration with a narrow frontage of 7.8m that serves as a driveway (common property) with the balance of the lot at the rear. The site has a total area of 6657sqm metres and was created in a two lot subdivision of the original land holding (41-43 High Street). The site is referred to as Lot 2 on PS606771T created under Planning Permit 2070254 and was registered at titles office on 23rd December 2008. The existing dwelling on the original land holding was retained within the property at 41 High Street.

The subject site is at present vacant with the exception of some vegetation on the eastern portion of the site consisting of non-native trees between 5 and 7m in height. Vegetation on the western side of the site was removed from the site under a previous planning permit (2080280) for the removal of a dam and re-instalment of an overflow drain. A drainage line extends from the north east corner of the site to the south west corner. The site is relatively flat with a gentle slope towards the north west from the centre of the property

The property immediately north of the site is 45 High Street and is known as “Seven Chimneys” and includes a large single storey weatherboard dwelling and various outbuildings. A planning permit for a two lot subdivision for this site was refused by Council and subsequently approved by VCAT (Tappin v Macedon Ranges SC [2013] VCAT 1253).

Further north of this site at 47 High Street is a vacant lot that has been issued with a planning permit at the direction of VCAT for five (5) dwellings and a five (5) lot subdivision.

Existing dwellings in the immediate vicinity of this site are predominantly of weatherboard and corrugated iron roof construction with large open spaces, established gardens and a mix of native and exotic vegetation scattered throughout. The land to the south and west contains existing residential development in the form of large dwellings on large allotments that are well vegetated.

High Street is a sealed road with a gravel service road on the western side and open table drains on both sides with existing footpaths on both sides of the road and along the property boundary.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

The original landholding (No 41 High Street) was subject to a previous planning permit application for 10 dwellings and a 10 lot subdivision that was subsequently refused by VCAT. In the Tribunal's decision *Valley Investments (VIC) Pty Ltd v Macedon Ranges SC* [2009] VCAT 2194, the member notes that the site is suitable for further development, however makes specific reference with regard to factors to be considered in any future application. This will be further discussed later in this report.

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

A current copy of title has been provided with the application which shows no Covenants, Section 173 Agreements or restrictions have been registered on the title to this property.

The Certificate of Title identifies seven (7) various drainage and sewerage easements, generally occurring in a north west to south east alignment across the western portion of the land and along part of southern boundary and also along the eastern boundary.

Previous planning permit history

Planning Permit PLN/2007/254 for a two (2) lot subdivision of the original land holding at 41-43 High Street, Woodend was issued on 28 November 2007.

Planning Permit application PLN/2008/387 for the development of ten (10) dwellings and a ten (10) lot subdivision was refused, with the decision of Council being upheld by VCAT in *Valley Investments (VIC) Pty Ltd v Macedon Ranges SC* [2009] VCAT 2194.

The proposal and relevant application history

The application seeks approval for the construction of nine (9) dwellings, nine (9) lot subdivision, variation to easements and vegetation removal.

Dwellings

The proposal seeks to develop nine (9) dwellings on the lot. Access to the development will be via the existing common property (driveway). The driveway will have a minimum road width of 5 metres and will extend through the centre of the development and terminate at the western boundary with a roundabout type facility to allow for vehicles to turn and exit the site in a forward motion.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Dwellings 1 to 6 are proposed along the northern side of the site and have varying setbacks of between 4.5 and 14.9 metres from the northern boundary. Dwellings 7 to 9 are located on the southern side and have varying setbacks to the southern boundary of between 5 and 7.5 metres. Each dwelling will front the internal driveway and will have private open space at the side or rear.

Dwellings 1 to 4 consist of two bedrooms, open plan living, dining and kitchen and all amenities at ground level. The first floor consists of an attic style third bedroom only. Each of these dwellings is also provided with a double garage. The dwellings are to be constructed in weatherboard with colourbond roofing and will have an overall height of 7.7metres to the highest pitch of the roof. The dwellings feature verandahs and gables and are representative of the cottage style dwellings common in Woodend. Private open space is provided on the north side of the dwellings and range in area from 143sqm to 162sqm.

Dwellings 5 and 6 are located on the northern most portion of the land. The dwellings are single storey and of partial attached construction with the garages being attached. Each of the dwellings will consist of three bedrooms, kitchen, living, and meals and will include a front verandah, single garage and tandem parking space. The dwellings will be of similar design to dwellings 1 to 4 and will have an overall height of 5.3 metres. These dwellings will be setback 14.9 metres from the northern boundary and dwelling 6 will have a setback of 4.2 metres from the western boundary. Private open space is provided on the north side of the dwellings with private open space of 230 and 281 square metres respectively.

Dwellings 8 and 9 are located in the south west corner of the site and are also single storey with three bedrooms. These dwellings include a formal lounge at the front of the dwelling, with the main living and kitchen area at the rear of the dwelling. Dwelling 9 has a side setback of between 2.2 and 4.3 metres to the adjoining boundary to the east. The rear setback of dwelling 9 is 5 metres while dwelling 8 has an increased setback to the rear (south) of 7.5 metres. Each dwelling has southern orientated open space of between 172 and 202 sqm metres. The dwellings will also be weatherboard construction and colourbond roofing and will have an overall height of 6.1 metres. Each dwelling is provided with a single car garage and tandem parking space.

Dwelling 7 is located in the south west corner and has a larger floor area than the other dwellings. It includes three bedrooms, lounge, meals, living, kitchen, central terrace, all amenities and a double garage. This dwelling is setback between 3.9 and 6 metres from the southern boundary and has a minimum setback of 3.1metres to the adjoining boundary to the west. Private open space is provided within the terrace, at the eastern and southern sides of the dwellings and has an area of 301sqm.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

The proposal also includes three (3) visitor parking spaces and bicycle parking within the driveway and emergency vehicle access including turning circles have been marked on the plan.

A common property open space area is also provided on the site between dwellings 7 and 8 and has a width of 13.1 metres. This area has been set aside as open space as it is affected by the overflow drain on the site.

A detailed landscape plan has been submitted with the application which demonstrates native and exotic plantings along the driveway, dwelling frontages and communal open spaces. It also details fencing treatment between the proposed dwellings.

Subdivision

The application also proposes a nine (9) lot subdivision of the land with common property. The proposed subdivision has been designed to reflect the proposed dwelling development and has lots ranging in area from 380sqm to 702sqm. The common property has an area of 2152sqm and incorporates the driveway, visitor parking and open space area between dwellings 7 and 8.

Variation to easements

Existing sewerage and drainage easements are located on the site and cover sewerage and stormwater assets that service the subject land and adjoining properties to the south and cover existing surface and piped drainage assets.

To facilitate the development it is proposed to construct new sewerage and stormwater drainage assets on different alignments, and abandon some of the existing assets. This will require the removal of the existing easements, covering the abandoned assets and creation of new easements.

Vegetation Removal

The application also seeks approval to remove the remaining vegetation from the eastern portion of the site. This vegetation consists of a total of eighteen (18) non-native trees including cypress, silver birch, golden elm and fruit trees.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Relevant Macedon Ranges Planning Scheme controls

SPPF

Clause No.	a) Clause Name
11.02	Urban growth
11.05-2	Melbourne's Hinterland Areas
11.05-4	Regional planning strategies and principles
15.01	Urban environment
16.01	Residential development

LPPF

Clause No.	Clause Name
21	Municipal Strategic Statement
21.07	Strategic Directions
22.01	Macedon Ranges and Surrounds
22.02-3	Woodend Township

Zone

Clause No.	b) Clause Name
32.01	Residential 1 Zone

Overlays

Clause No.	c) Clause Name
42.01	Environmental Significance Overlay 4 – Eppalock Proclaimed Catchment
44.06	Bushfire Management Overlay (in part)

Particular Provisions

Clause No.	d) Clause Name
52.29	Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
52.47	Bushfire Protection: Planning Requirements
55	Two or more dwellings on a lot
56	Residential Subdivision

General Provisions

Clause No.	e) Clause Name
65	Decision Guidelines

Permit Trigger

Clause No	Details
32.01-2	Residential 1 Zone (A permit is required to subdivide land)
32.01-4	Residential 1 Zone (A permit is required to construct two or more dwellings on a lot)
42.01-2	Environmental Significance Overlay 4 <ul style="list-style-type: none"> • A permit is required to subdivide land • A permit is required to remove, destroy or lop any vegetation, including dead vegetation.
44.06-1	A permit is required to subdivide land and to construct a building or construct or carry out works associated with accommodation.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Referral

Authority (Section 52)	f)	Response
MRSC Engineering, Infrastructure and Projects		No objection subject to twenty three (23) conditions.
MRSC Conservation Planner		No objection and no conditions.
Authority (Section 55)	g)	Response
Country Fire Authority	h)	No objection subject to three (3) conditions.
Goulburn Murray Water	i)	No objection subject to three (3) conditions.
North Central Catchment Management Authority	j)	No objection and no conditions.
Powercor	k)	No objection subject to two (2) conditions.
Telstra	l)	No objection. Mandatory conditions required under Clause 66.
Tenix	m)	No objection subject to one (1) condition.
VicRoads	n)	No objection subject to two (2) conditions.
Western Water	o)	No objection subject to nine (9) conditions.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surround/adjoining land and by requiring a notice to be erected on the land for a period of 14 days. A total of nine (9) objections have been received to date.

The following is a summary of the objections received:

- The proposal is not in keeping with the character of the area.
- The proposed density is inconsistent with local densities and character.
- Amenity impacts associated increased noise from additional traffic and increased number of residents on the lot.
- Loss of amenity due to limited space on High Street frontage for garbage collection.
- Drainage concerns.
- Impact of traffic and pedestrian safety on High Street.

Officer Assessment

The proposed development and subdivision will utilise existing zoned and serviced land and contribute to the mix of lot sizes in the area which is consistent with Clause 15 of the State Planning Policy. The site is well located in terms of walkable distance to the Woodend Town Centre and has access to existing infrastructure.

Clause 15 also encourages new development to respect existing residential character. The revised proposal is considered to adequately address the matter of neighbourhood character through the use of generous setbacks to adjoining property boundaries and also between the proposed dwellings themselves. Sufficient area is provided to allow for appropriate landscaping and to minimise impacts of built form along boundaries.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

The image of Woodend was identified within the MSS and LPPF as village character in a valley setting surrounded by forest and bushland areas. Limited growth has been identified in the township due to environmental and infrastructure constraints.

Clause 22.02-2 describes the role and character of Woodend and stipulates policy to implement specific objectives. These objectives include, among other things, reinforcing the role of Woodend as a major township, providing clear limits to growth, managing the sequencing of growth, protecting the urban and landscape elements, and ensuring new urban development is of a low profile and compatible with the landscape of the area. The objectives of the Woodend Township Policy in Clause 22.02-3 are:

- To reinforce key urban functions and the role of Woodend as a major township in the Shire.
- To recognise that limits to the growth of Woodend need to be established based on protecting the landscape, environmental and lifestyle qualities and infrastructure limitations.
- To protect Woodend's landscape and townscape character

Residential growth in Woodend is recognised in the above policies. The above objectives do not specifically discourage medium density development or subdivision in the Woodend Township; however development or subdivision must also be balanced by having appropriately designed medium density developments or subdivisions. Development and subdivision therefore must respond to the characteristics of the site and integrate appropriately with the surrounding land. The proposal represents an appropriate response to the existing character and includes generous setbacks, low profile cottage style dwellings and appropriate landscape treatments.

Residential 1 Zone

The purposes of the Residential 1 Zone are:

- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Whilst the zoning of the land allows for the subdivision of the site and higher density development, the application has to be considered in the site and local context taking into account the character and existing pattern of development and surrounding land sizes.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

The proposal satisfies the purpose of the Residential 1 Zone, insofar as providing for residential development in areas well serviced by facilities including educational, recreational, religious and community.

Council policy supports infill development and a variety in housing choice in these circumstances. The development includes a range of dwellings with a variety of living layouts. Each dwelling has appropriate open space, parking and landscaping. The use of weatherboard and colourbond roofing is reflective of existing built form elements and also representative of newer dwelling developments in the township.

As the Residential 1 Zone also requires assessment of multi-dwelling applications against all provisions of Clause 55, a summary of how the application has responded to Clause 55 has been provided in this report. The full assessment is kept on file.

Clause 55 – Two or more dwellings on a lot

The proposed development complies with and exceeds some of the standards and objectives of Clause 55.

The proposed dwellings meet the objectives and technical standards relating to building height, site coverage, permeability, private open space and access.

The proposed building site coverage (42%) of the development satisfies the maximum 60% benchmark. The permeability standard is also met as 58% of the site provides for permeable surfaces.

Each dwelling has been provided with useable and extensive areas of private open space which exceeds the minimum requirements of Standard B28. The private open spaces have access to northern sunlight and are well positioned in relation to the living areas of the dwellings. Where private open space has a southern orientation, the setback of the open space meets the requirements set out in Standard B29.

The development has been well designed to minimise unreasonable amenity impacts. The built form, in terms of building massing, scale, height etc is considered appropriate for the location (i.e. small country town), as the predominantly single storey, contemporary design of the dwellings will not obtrude into the streetscape, or unreasonably disrupt the pattern of development in this area. The intensity of the development is considered appropriate given the large size of the allotment and the ability for the generous setbacks and large areas of private open space to provide to all dwellings.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

The proposed dwellings are well separated from each other breaking up the extent of build form, particularly along boundaries. It is noted that while there is a second storey element to Units 1 to 4, this is limited to an attic style bedroom only and has generous setbacks from the northern boundary so as to limit any impacts on the property to the north.

All proposed dwellings will be connected to the existing town water supply, and reticulated sewerage system and other utilities. The applicant has submitted a drainage concept plan and proposes to construct underground drains over the existing drainage courses.

Overall the dwellings represent a satisfactory response that not only meets minimum technical standards, but often exceeds them, providing a high quality response to the standards and objectives of Clause 55.

Clause 56 – Residential Subdivision

A Clause 56 (ResCode) assessment has been undertaken in relation to the proposal. The assessment demonstrate that all applicable objectives are either met or able to be met through permit conditions and are therefore consistent with the decision guidelines under Clause 32.01-4. A copy of the assessment has been retained on file.

In relation to the proposed subdivision it is noted that the site has access to all services and each lot has been designed to reflect the proposed dwelling development. As such, a Section 173 Agreement will be required that stipulates the lots created can only be developed with the dwellings approved under this permit.

Vegetation Removal

The proposal will result in the loss of eighteen (18) non-native trees including cypress, silver birch, golden elm and fruit trees. Council's Environment Officer has reviewed the proposal and has no objection to the removal of vegetation as it consists of planted garden trees shrubs and its removal will have no significant impact on the immediate catchment.

Variation to Easements

To facilitate the development it is proposed to construct new sewerage and stormwater drainage assets on different alignments, and abandon some of the existing assets. This will require the removal of the existing easements, covering the abandoned assets and creation of new easements.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

The application has been referred to the relevant service authorities including Council's engineering unit, and no objections have been received. With regard to drainage and easements, Western Water requires that redundant easements and assets be removed or decommissioned at the developers cost. These matters will be addressed via permit conditions.

Access

In terms of traffic management and access in and out of the subject land, a single entry to the site from High Street is proposed via the existing common property. CFA has requested that vehicular access be a minimum of 3.5 metres wide to ensure appropriate manoeuvring is available to service trucks. It is noted that the plans show a 5 metre wide vehicle access within the development site, however the access width into the site from the service road is shown as having a width of 3 metres for part of the way. This reduction in width enables separation between the northern boundary and the southern boundary. Ability exists to increase the width of the roadway in this area to 3.5m which could also accommodate part of the pedestrian access point, understanding that the extra width is only required in an emergency and only when a fire truck enters the site.

Bushfire Management Overlay

The south west corner of the site is affected by the Bushfire Management Overlay. Dwellings 6 and 7 are proposed within the area affected by the overlay.

The CFA have advised that it has no objection to the development and does not require the applicant to enter in to a Section 173 Agreement under Clause 44.06-4 as the application also includes the construction of dwellings.

The CFA has requested three (3) conditions be included on the permit including requirements for increase in the width of the internal vehicle access from 3 to 3.5m.

With respect to Dwellings 6 and 7, the CFA requests permit conditions to require the construction of buildings on these two lots must be to a minimum bushfire attack level of BAL-12. A Section 173 Agreement will be required to ensure that any future dwellings on these lots are constructed in accordance with CFA conditions.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Previous VCAT Decision

As mentioned previously, the original landholding (No 41 High Street) was subject to a previous planning permit application for 10 dwellings and a 10 lot subdivision that was refused by Council and subsequently refused by VCAT. This application was heard by the Tribunal together with an application for an eight (8) dwelling development at No. 47 High Street, Woodend. In the Tribunal's decision *Valley Investments (VIC) Pty Ltd v Macedon Ranges SC [2009] VCAT 2194*, the member notes that the site is suitable for further development, however makes specific reference with regard to factors to be considered in any future application.

In paragraphs 20 to 22 of the decision, the Tribunal specifically noted:

20. This development pushes the boundaries of what is a reasonable outcome for this site and a scaling back in the number of lots/dwellings is required, provided there is not a consequential enlargement of dwellings resulting in a similar intensive built form outcome.

21. I accept that these proposals have a high level of compliance with the numerical standards included in Clauses 55 and 56. The problem with these two proposals is the intensity of built form and site layout in an area which has a low key residential character. Neither has responded appropriately to the specific site contexts and they need considerable refinement before medium density proposals could be approved on these two sites. The intensity of both developments – both in lot numbers and extent of built form - should be significantly reduced. There would be no point, for example in reducing the number of lots if the dwellings on each lot occupied a similar level of built form as the dwellings included in these two proposals.

22. Planning policy requires a balancing of competing objectives in favour of net community benefit and sustainable development. While policy strongly supports new development within existing township boundaries it also requires development to be site responsive and to produce acceptable outcomes having regard to relevant policies and controls. In this case I am not satisfied that construction of 10 dwellings and 8 dwellings of the size and footprints proposed meets policies for character and built form at Woodend.

The current proposal is deemed to have addressed the matters raised by the Tribunal in terms of the size, building footprint and built form as demonstrated in the following table:

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Previous application refused by VCAT	Current Application (PLN/2012/84)
Ten (10) Dwellings	Nine (9) Dwellings
Minimum setback to north boundary of 2.27m	Minimum setback to north boundary of 4.5m.
4.54m setback to north boundary of dwellings 5 and 6.	14.9m setback to north boundary of dwellings 5 and 6.
Four dwellings on southern side of the site with carports/garages built to southern boundary	Three dwellings on southern side of the site with no buildings to the boundary and setbacks of between 5.1 and 6m.
Four double storey dwellings with large first floor areas.	Four dwellings with one (1) attic style bedroom only at first floor.
Setback to western boundary 0m to 2.3m	Setback to western boundary 3.1m to 4.2m.

The current proposal has satisfactorily reduced the size of the buildings, built form and scale. The notable distinctions between the current proposal and the previous application are the increase in side and rear setbacks, reduction of dwelling number and size, and reduction of the first floor component of the development.

With regard to the property at No.47 High Street which was also refused by the Tribunal in this same decision, it is noted that a subsequent application for five (5) single dwellings and a five (5) lot subdivision was issued at the direction of VCAT.

Objections

As noted previously, a total of nine (9) objections have been received. The objections are summarised and addressed as follows:

Objection	Response
<ul style="list-style-type: none"> The proposal is not in keeping with the character of the area 	<ul style="list-style-type: none"> The proposed development incorporates similar built form, materials and colours to that of the existing building fabric in this locality. Side setbacks in particular are also reflective of the pattern of development (including newer developments in this area).
<ul style="list-style-type: none"> The proposed density is inconsistent with local densities and character. 	<ul style="list-style-type: none"> While the proposed density of development is an increase in density, it is seen as appropriate in the context of this site and its location. The proposal will maintain appropriate setbacks and will provide for sufficient private open spaces. Overall the proposed density is not at odds with the character of the surrounding area.
<ul style="list-style-type: none"> Amenity impacts associated with increased traffic and noise. 	<ul style="list-style-type: none"> The proposal allows for appropriate access to the site and permit conditions will require the construction of new access to the service road at the property frontage. Access arrangements are considered satisfactory. Given there will be no additional crossings required at this location, there will be limited impact on pedestrian movements in this locality.

10. PE.1 PLANNING APPLICATION PLN/2012/84 - AT 43 HIGH STREET, WOODEND (Continued)

Objection	Response
<ul style="list-style-type: none">• Proliferation of garbage bins on High Street.	<ul style="list-style-type: none">• The garbage bins will be required to be placed within the road reserve once a week. The bins will be located external to the property once a week for a short period of time, this is not considered to be a permanent amenity impact.
<ul style="list-style-type: none">• Drainage and associated off site impacts	<ul style="list-style-type: none">• The applicant has submitted a Drainage Concept Plan and will be required to undertake further drainage works to the satisfaction of Council and the relevant service authorities (Western Water and Goulburn Murray Water). These matters are included as conditions on the Notice of Decision.

Conclusion

It is considered that this site is suitable for further development and is consistent with current state and local planning policies. It also satisfactorily addresses the concerns raised by VCAT with respect to intensity of development across this site.

**10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4
FOR THE LAND AT 95 BROOKING ROAD, GISBORNE**

Officer: Christo Crafford, Town Planner

File Ref: DP/2013/4

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

Attachments: Map and Plan

Applicant: Fratello Projects Pty Ltd

Date of Receipt of Application: 12 March 2013

Trigger for Report to Council: Approval of Development Plan

Synopsis:

The subject land is located approximately 2km to the south of the business area of Gisborne. The land is zoned for Residential 1 purposes and covered by a Development Plan Overlay - Schedule 4.

The site is rectangular in shape, with a width (east/west) of approximately 100m and a length (north/south) of approximately 230m. The land is generally flat with a gentle slope down to the north-east.

The land is currently developed with a dwelling and farm accessory buildings located on the northern part of the site. There are some planted exotic and native trees and established gardens adjacent to these buildings. The remainder of the site contains an established olive plantation. Access is provided via a vehicle crossing from Brooking Road.

Land immediately to the east and west (85 Brooking Road and land also known as 95 Brooking Road) have approved Development Plans and subdivision permits that would allow the subdivision of lots with areas varying between 595m² to 2749m². Subdivisional works on these lots have already commenced.

The land further to the west (59 Brooking Road) has an approved Development Plan for lots varying between 1003m² and 6800m².

The land to the north (61 Willowbank Road) also has an approved Development Plan for lots varying between 469m² and 1196m² with a few larger lots of between 2389m² and 6175m² along Willowbank Road.

10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR THE LAND AT 95 BROOKING ROAD, GISBORNE (Continued)

The adjoining land to the south of Brooking Road is in the Rural Living Zone - Schedule 5 and consists of large rural allotments used for rural residential and agricultural purposes.

The current application seeks approval for a Development Plan and includes an indicative subdivision layout comprising 21 allotments. The Development Plan shows a good range of lot sizes varying between approximately 689m² to 1555m². The mix of lot sizes generally accords with the preferred lot distribution outlined in the Gisborne ODP, although a larger percentage of lots in the range of 800-999m² are provided. The average lot size is 967m². The larger lots are provided along the Brooking Road interface, providing an appropriate transition with the Rural Living zoned land opposite.

The development plan proposes one new internal road, being a continuation of a road established as part of the subdivision of the land to the east. This road will continue to the west before making a turn towards the south and terminating in a court bowl.

Clause 52.01 of the Planning Scheme would require the provision of 5% Public Open Space for the development. No public open space is shown in this layout but would be available in relatively close proximity to the north when the adjoining land is developed. A monetary contribution of 5% cash-in-lieu of open space would therefore be required as part of the subsequent subdivision application and will form part of the conditions of subdivision.

The vegetation within the property consists of a planted garden and a wind break with an olive grove in the southern portion of the property. The windbreak is a mixture of native and non-native vegetation. None of the trees on the site would be classed as significant trees and the Council's environmental unit officers have no requirement for these trees to be specifically protected.

The Development Contributions Plan Overlay (DCPO2) has placed a mechanism in the Planning Scheme by which Council can levy development contributions on landowners/developers in Gisborne for scheduled infrastructure as documented in the *Gisborne Development Contributions Plan*. Under the provisions of the DCPO2 all the lots in this Development Plan being 21 lots, will be subject to a contribution of \$1,502.73 (as on 1 July 2013) per additional lot created.

The Macedon Ranges Planning Scheme requires that an application for a development plan and any amendment to a plan, which is located within the area affected by Development Plan Overlay Schedule 4, must be publicly exhibited for a period of two (2) weeks prior to approval. The application was advertised and no objections have been received to date.

**10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR
THE LAND AT 95 BROOKING ROAD, GISBORNE
(Continued)**

The application was referred to the relevant external authorities and MRSC units and no objection to the proposed development plan was received and no amendment to the plan is required.

The development plan layout represents a good planning outcome having regard to the policy framework and planning controls of the Macedon Ranges Planning Scheme. The proposed development is considered appropriate to the existing and proposed local context and is supported.

Officer Recommendation:

That the Council approves the Development Plan titled Concept Development Plan Option B covering the land situated at 95 Brooking Road, Gisborne (Lots 1 on PS340570J), prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme.

**10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR
THE LAND AT 95 BROOKING ROAD, GISBORNE
(Continued)**

Existing conditions and relevant history

The subject site is a 2.285ha property located on the northern side of Brooking Road, Gisborne. It is located approximately 2km to the south of the business area of Gisborne. The subject land is described as Lot 1 on PS340570J, 95 Brooking Road, Gisborne.

The site is rectangular in shape, with a width (east/west) of approximately 100m and a length (north/south) of approximately 230m. The land has a gentle slope down to the north-east.

The land is currently developed with a dwelling and farm accessory buildings located on the northern part of the site. There are some planted exotic and native trees and established gardens adjacent to these buildings. The remainder of the site contains an established olive plantation. Access is provided via a vehicle crossing from Brooking Road.

Land immediately to the east and west (85 Brooking Road and land also known as 95 Brooking Road) have approved Development Plans and subdivision permits that would allow the subdivision of lots with areas varying between 595m² to 2749m². Subdivisional works on these lots have already commenced.

The land further to the west (59 Brooking Road) has an approved Development Plan for lots varying between 1003m² and 6800m².

The land to the north (61 Willowbank Road) also has an approved Development Plan for lots varying between 469m² and 1196m² with a few larger lots of between 2389m² and 6175m² along Willowbank Road.

The adjoining land to the south of Brooking Road is in the Rural Living Zone Schedule 5 and consists of large rural allotments used for rural residential and agricultural purposes.

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

A copy of title has been provided with the application which shows no covenants, Section 173 agreements or restrictions have been registered on the title to this property.

Previous planning permit history

A search of Council's records has found no relevant permit history.

10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR THE LAND AT 95 BROOKING ROAD, GISBORNE (Continued)

The proposal

The current application seeks approval for a Development Plan.

The submitted development plan includes an indicative subdivision layout comprising 21 allotments. The average lot size is 967m² with a lot area distribution as follows:

Number of lots	Size m²	%
5	300 – 799	24
12	800 – 999	57
4	1000+	19

The development allows for the continuation of an existing road from the east side of the application site. This road will terminate in a court bowl.

All lots will have frontage to a road, being either the proposed internal road, Brooking Road (to the south) or another existing road to the north.

No Public Open Space will be included as part of the development.

No drainage reserves have been provided on the subject land.

The application includes the removal of vegetation. The Environmental Unit has advised that the application will not result in any significant vegetation removal and/or environmental impacts and has no objection to the proposal and that no vegetation is specifically required to be retained.

The applicant has not submitted a staging plan for the development.

Referral

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

- Country Fire Authority
- Melbourne Water
- Powercor – Bendigo
- Tenix Maintenance Services
- Western Water
- MRSC Conservation Planner
- MRSC Engineering, Infrastructure and Projects

No objection to the proposed development plan was received and all authorities have also offered standard conditions for subdivision of the planning application.

**10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR
THE LAND AT 95 BROOKING ROAD, GISBORNE
(Continued)**

Advertising

The Macedon Ranges Planning Scheme requires that an application for a development plan and any amendment to a plan, which is located within the area affected by Development Plan Overlay Schedule 4, must be publicly exhibited for a period of two (2) weeks prior to approval. The responsible authority must take into account any comments received when considering the development plan or any amendment to the plan.

The applicant has met this advertising requirement, through the exhibition of a public notice on the site and by sending letters to the owners/occupiers of adjoining land.

No objections have been received to date.

Officer Assessment

General

The subject site is included in the Development Plan Overlay – Schedule 4 which pertains to the area south of Willowbank Road, west of Central Creek. The submitted development plan satisfies the requirements of this overlay as it identifies appropriate linkages for access to adjoining developments and in particular the land to the north and east. The development allows for the continuation of an existing road which adjoins the east side of the application site. This road will terminate in a court bowl.

Lot size

The submitted development plan includes an indicative subdivision layout comprising 21 allotments. The Development Plan also shows a range of lot sizes varying between approximately 689m² and 1555m². The mix of lot sizes generally accords with the preferred lot distribution outlined in the Gisborne ODP, although a larger percentage of lots in the range of 800-999m² are provided.

Under the ODP an average lot size of 800m² is proposed and the average lot size of this Development Plan proposal is 967m². It is noted that the smallest lot size proposed is 689m² and although the ODP allows for smaller lots in the preferred lot distribution table and in the average, this is not considered problematic. The provision of three large lots on the southern boundary of 1502m², 1502m² and 1555m² is also supported as this is a requirement of the Development Plan Overlay and will assist in creating a more gradual transition from the larger lots to the south of Brooking Road which are in the Rural Living Zone.

**10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR
THE LAND AT 95 BROOKING ROAD, GISBORNE
(Continued)**

The smaller lots have been designed with sufficient road frontages or internal width that will allow increased side setbacks of dwellings to ensure a sense of space which is a key characteristic of the Gisborne area. The plan also allows for convenient access for residents and ensures all lots to have appropriate orientation to enable future dwellings to achieve good solar outcomes. It is further acknowledged that the existing approved development plans and approved roads on adjoining land have had a strong influence in the design of the road layout.

Roads

The development plan proposes one new internal road, being a continuation of “Road No. 2” which was established as part of the subdivision of the land to the east. This road will continue to the west before making a turn towards the south and terminating in a court bowl which will have a 15m radius.

Minor amendments to the initial layout were made after discussions with officers to allow for easier refuse collection, particular for the lots located at the bend in the road. Council’s Engineers have reviewed the plan and have noted that the road layout and widths are consistent with the adjoining roads and advised that no further amendment to the development plan layout is required.

Public open space

No public open space is shown in this layout but would be available in relative close proximity to the north when the adjoining land is developed. Therefore a monetary contribution of 5% cash-in-lieu of open space would therefore be required as part of the subsequent subdivision application and will form part of the conditions of subdivision.

Vegetation

The vegetation within the property consists of a planted garden and a wind break with an olive grove in the southern portion of the property. The windbreak is a mixture of native and non-native vegetation, none of which are indigenous to the site. Under Clause 52.17 removal of vegetation planted as a wind break is exempt from requiring a planning permit. None of the trees on the site would be classed as significant trees and the environmental unit officers have no requirement for these trees to be specifically protected.

**10. PE.2 APPLICATION FOR DEVELOPMENT PLAN DP/2013/4 FOR
THE LAND AT 95 BROOKING ROAD, GISBORNE
(Continued)**

Development Contribution (DCP)

The Development Contributions Plan Overlay (DCPO2) has placed a mechanism in the Planning Scheme by which Council can levy development contributions on landowners/developers in Gisborne for scheduled infrastructure as documented in the *Gisborne Development Contributions Plan*. Under the provisions of the DCPO2 all the lots in this Development Plan being 21 lots, will be subject to a contribution of \$1,502.73 (as on 1 July 2013) per additional lot created.

Conclusion

The development plan layout represents a good planning outcome having regard to the policy framework and planning controls of the Macedon Ranges Planning Scheme. The proposed development is considered appropriate to the existing and proposed local context and is supported. In view of the above, it is recommended that Council approves the Development Plan as submitted.

10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN APPLICATION DP/2013/5 AT 7 GEORGE STREET KYNETON, BEING LOT 1, LP 119734, PARISH OF LAURISTON

Officer: Jessie Wu, Town Planner

File Ref: DP/2013/5

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

Attachments: Maps

Applicant: Tomkinson Group

Date of Receipt of Application: 22 July 2013

Trigger for Report to Council: Council to consider approval of Development Plan

Synopsis:

The subject site is located on the south west side of George Street approximately 1.5 kilometres north of the main commercial area of the Kyneton Township and less than 40 metres south of the Calder Freeway. It has a total site area of 5,296 square metres and contains an existing dwelling.

Surrounding land is residential in nature with allotments of similar size generally containing a single dwelling with associated outbuildings. There are a number of smaller lot subdivisions that have occurred in this general area. There are also existing Development Plan approvals for the land to the east and west of this site.

This application seeks approval for a Development Plan that would facilitate the subdivision of the subject land into two lots. Lot 1 will have an area of 2,800 square metres and a frontage of 34.2 metres to George Street. It will retain its existing access to George Street. Lot 2 will have a battle axe configuration and has a total area of 2,470 square metres with a 6 metre side driveway from George Street.

The subject site is within a Residential 1 Zone and subject to the Development Plan Overlay Schedule 1 and the Environmental Significance Overlay Schedule 4.

**10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN
APPLICATION DP/2013/5 AT 7 GEORGE STREET, KYNETON
BEING LOT 1, LP 119734, PARISH OF LAURISTON
(Continued)**

It is considered that the development plan that has been prepared is appropriate and consistent with the requirements set out in the overlay. Each lot has sufficient area for a dwelling and is reflective of existing development patterns in the area. It is noted that the development plan area has appropriate vehicular access from George Street and can be fully serviced with reticulated services. The driveway design complies with the requirements set out in the Battle Axe Allotment policy in Clause 22.22 of the Planning Scheme.

Officer Recommendation:

That Council resolve to approve the Development Plan covering the land situated at 7 George Street, Kyneton (Lot 1, LP 119734 Parish of Lauriston) for the purpose of Clause 43.04, Schedule 1 of the Macedon Ranges Planning Scheme.

**10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN
APPLICATION DP/2013/5 AT 7 GEORGE STREET, KYNETON
BEING LOT 1, LP 119734, PARISH OF LAURISTON
(Continued)**

Existing Conditions

Subject Land

The subject site is located on the south west side of George Street approximately 1.5 kilometres north of the main commercial area of Kyneton Township and south of the Calder Freeway.

The land measures 5,296 square metres and is trapezoid in shape with a George Street frontage of 40.23 metres. The depth of the site is 146.45 and 116.18 metres along the western and eastern boundary respectively. The land slopes gently to the south and is occupied by an existing single storey dwelling located in the northern portion of the site. Vehicular access to the site is via an existing gravel crossover and circular driveway on the northern side of the frontage.

The existing dwelling is surrounded by a mix of established garden plants, exotic species and shrubs. A row of eucalyptus and pine trees are planted along the northwest boundary in the neighbouring property. The south portion of the site consists of maintained lawn and a row of non-native trees along the southern boundary.

Surrounds

George Street is a 6 metre wide asphalt road with a grassed nature strip, no kerbs and channel. The area is characterised by predominately single storey detached dwellings on similar sized residential lots in a landscaped garden setting. There are also a number of smaller lot subdivisions that have occurred in this general area and there are existing Development Plan approvals for the land to the west and east of this site.

Previous planning permit history

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

Permit Number	Description
PLN/2005/480	Planning permit was issued on 25 October 2005 for extension to the existing dwelling

The Proposal

This application seeks approval for a Development Plan that would facilitate the subdivision of the subject land into two lots. The development plan shows two lots. Lot 1 will have an area of 2,800 square metres and a frontage of 34.2 metres to George Street.

**10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN
APPLICATION DP/2013/5 AT 7 GEORGE STREET, KYNETON
BEING LOT 1, LP 119734, PARISH OF LAURISTON
(Continued)**

It will retain its existing access to George Street. Lot 2 will have a battle axe configuration and has a total area of 2,470 square metres with a 6 metre wide driveway from George Street.

Existing vegetation on both lots including garden plants, shrubs and non-native trees are proposed to be retained. The proposal will not involve the removal of vegetation adjacent to the driveway within the neighbouring property boundary. A building envelope is proposed for Lot 2 in order to protect and retain trees along the boundaries.

Relevant Macedon Ranges Planning Scheme Controls

MRPS Clause No.	Clause Name
11	Settlement
16	Housing
21	Municipal Strategic Statement (MSS)
22.01	Macedon Ranges and Surrounds
22.02	Townships (Clause 22.02-4 Kyneton Township)
22.22	Battle Axe Allotment Policy
32.01	Residential 1 Zone
42.01	Environmental Significance Overlay Schedule 4 – Eppalock Proclaimed Catchment
43.04	Development Plan Overlay Schedule 1 – Residential Development in Kyneton, Gisborne, Riddells Creek, Romsey and Woodend
65	Decision guidelines

The Process to Date

Referral

Authority/Unit	Response
Coliban Water	No objection
Goulburn Murray Water	No objection
Country Fire Authority	No objection
VicRoads	No objection
MRSC Engineering, Infrastructure and Projects	No objection
MRSC Conservation Planner	No objection

It is noted that while the authorities had no objection to the Development Plan, Coliban Water, Goulburn Murray Water, Country Fire Authority and Council's Engineering, Infrastructure and Projects Unit have requested conditions be included on any permit to issue for the two lot subdivision. An application for a two lot subdivision has been made (PLN/2012/70) and these conditions will be addressed at such time as the permit is issued through delegation.

**10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN
APPLICATION DP/2013/5 AT 7 GEORGE STREET, KYNETON
BEING LOT 1, LP 119734, PARISH OF LAURISTON
(Continued)**

Advertising

Pursuant to Clause 43.04-2 of the Macedon Ranges Planning Scheme, an application for a development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. There are no third party review rights for this application. As such, the application was not advertised as there are no statutory mechanisms to require public notification of a Development Plan and no third party review rights.

It is noted that one submission was received from the property owner adjoining to the rear of the subject site as a result of an informal notification process. The property owner raised concerns that George Street area does not have access to reticulated sewerage and some existing issues with the drainage and storm water in the immediate area. Since then, the applicant has worked with the neighbouring property and the issue has been resolved by gaining approval from the adjoining neighbour to access their land and create a drainage and sewerage easement to allow both lots to be fully service by reticulated sewerage and drainage.

Officer Assessment

The application is being considered under the merits of the SPPF, LPPF, MSS, Development Plan Overlay Schedule 1 and Clause 65 – Decision Guidelines.

State and Local Planning Policy Frameworks

Both the State and Local Policies of the Planning Scheme encourage and reinforce development within existing township areas, particularly in locations where there is existing infrastructure and services, which this proposal satisfies.

Development Plan Overlay Schedule 1 (DPO1)

In terms of the Development Plan Overlay:

“The development plan must describe:

- *The land to which the plan applies.*
- *The proposed use and development of each part of the land.*
- *Any other requirements specified for the plan in a schedule to this overlay.”*

**10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN
APPLICATION DP/2013/5 AT 7 GEORGE STREET, KYNETON
BEING LOT 1, LP 119734, PARISH OF LAURISTON
(Continued)**

Schedule 1 of Clause 43.04 further outlines matters to be clarified as part of a development plan. The schedule aims to improve the quality of residential subdivision in the Shire through the protection of significant features, provision of infrastructure and orderly staging of development

It is considered that the development plan that has been prepared is appropriate and consistent with the requirements set out in the overlay. Each lot has sufficient area for a dwelling and is reflective of existing development patterns in the area. It is noted that the development plan area has appropriate vehicular access from George Street and can be fully serviced with reticulated services. The proposal was referred to Coliban Water and Goulburn Murray in which both authorities confirmed that the subject site can be fully serviced with reticulated services subject to conditions.

The Development Plan provides convenient access for future residents of Lot 2 through a 6 metre wide driveway which will allow for vehicles, pedestrian and emergency vehicle access. The proposed driveway will extend along the northwest boundary of the site. The provision of a future driveway along this boundary will also ensure protection of the existing boundary vegetation.

Existing vegetation on both lots including garden plants, shrubs and non-native trees are proposed to be retained. A building envelope is proposed for Lot 2 in order to protect and retain trees along the boundaries.

It is noted the initial proposal saw lot 2 having a total lot size of 1,560 square metres and this was considered relatively small and the bare minimum and thus inconsistent with the existing and prevailing neighbourhood character and surrounding area. Consequently the applicant has agreed to increase the total lot size of lot 2 to 2,470 square metres after consulting with the Council. As such, the proposed lot sizes being approximately 2,000 square metres for each lot are considered to be in keeping with the existing subdivision pattern and be in line with those approved by Council in the immediate area. It is therefore satisfied that the proposal will not create detrimental effect on the neighbourhood character or amenity of the area.

Battle Axe Allotment Policy

The subdivision proposes to create a battle axe shaped allotment (Lot 2). The access shaft (axe handle area) will be of 6 metres in width which would comply with the minimum width required in Clause 22.22. A row of eucalyptus and pine trees are planted along the northwest boundary in the neighbouring property, which provide sufficient landscaping along the driveway to soften the appearance of shafts and create visual interest and legibility in the streetscape.

**10. PE.3 APPLICATION FOR APPROVAL OF A DEVELOPMENT PLAN
APPLICATION DP/2013/5 AT 7 GEORGE STREET, KYNETON
BEING LOT 1, LP 119734, PARISH OF LAURISTON
(Continued)**

The access arrangement for the proposed new lot will be safe and efficient and will be suitable to provide access for emergency vehicles. Therefore, officers are satisfied that the proposed subdivision will not depart from the objectives sought in the policy.

Conclusion

The development plan layout represents an appropriate planning outcome having regard to the policy framework and planning controls of the Macedon Ranges Planning Scheme. The proposed development is considered appropriate to the existing and proposed local context.

10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN

Officer: Kylie Lethbridge, Manager Economic Development and Tourism

File Ref: 25/12/79

Council Plan Relationship: An empowered community – Our economy is diverse, strong and prosperous

Synopsis:

The Hanging Rock Recreation Reserve is Crown Land managed by Macedon Ranges Shire in conjunction with a Council owned piece of land adjacent known as the “East Paddock”.

Although Council operates as the Committee of Management and contributes corporate support to its management, the Reserve and the East Paddock are maintained and sustained by the income they generate from entry fees, grants and events.

The original Crown Reserve comprises the Rock, the race track, picnic grounds, interpretation centre, café and some minor infrastructure and provides a habitat for flora and fauna and the Council owned East Paddock was originally used for grazing.

The East Paddock was purchased for the purpose of enhancing Hanging Rock, to assist in providing for a sustainable facility in the longer term for all users and inhabitants and to take the pressure off the sensitive conservation areas.

Both facilities result in an economic impact of \$14.1 million to Macedon Ranges Shire.

The challenge facing Council and the broader community has been to balance the needs of various stakeholders and to ensure sustainability and preserve the environmental features that have made Hanging Rock such a special place.

Other challenges include a lower than desirable income, weed management, pest animals, aging and dated infrastructure, risk, a decline in visitation over the past 20 years and a greater need for regeneration of environmentally significant areas of the Reserve.

In simple terms the Hanging Rock Reserve is unable to financially support itself in the future based on the current model. Maintenance and operating costs are forecast to increase more rapidly than the expected revenue which is a trend that has been recorded since 2008.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

Over time there will be less money available for the conservation management of the Reserve, a situation which is clearly unacceptable.

To respond to the challenges identified and the opportunities presented the Council sought to research and investigate options for the generation of income to support the care and conservation of the Hanging Rock Reserve and the East Paddock. Two solutions are now provided:

Option 1: Current Strategy. Council agreed to embark on the *Hanging Rock Development & Investment Plan* which aimed to investigate the challenges and opportunities. That project was scoped based on actions identified in a number of key Council and State plans & strategies referenced in this report – from 1992 until July this year.

The *Hanging Rock Development & Investment Plan* aimed to demonstrate how the sensitive conservation area can be preserved and improved by harnessing tourist visitation, to develop a comprehensive masterplan and tourism investment strategy and to provide a guide for development ensuring that the reserve's identity, character and environment is maintained and enhanced for future generations.

The Plan has found that the development of accommodation, conference options, a wellbeing centre and nature focused adventure activity is an economically viable proposition and could generate approximately \$300,000 per annum including direct lease fees as well as increased general income.

The land ownership for all areas of the Reserve would remain under public control with 5.8 hectares of the Shire owned East Paddock (under 7% of the total 82.2 hectares) being leased to a private operator.

A detailed assessment was made based on a set of guiding principles and a detailed financial analysis of each component comprising:

- Events and function centre with a maximum of 1,800 square meter footprint;
- Accommodation to provide for 100 rooms of various sizes; ranging from 45 square meter upper range retreat suites, to 35 square metre mid range suites and 25 square metre short stay suites,
- Day spa to be developed with a footprint of approximately 970 square metres,
- A combined conference and dining facility with a gross floor area of 3,100 square metres,
- Areas of car parking that limit vehicle penetration into the Reserve and satisfy statutory planning requirements,
- A circular pathway network that allows strong pedestrian access between the tourist facility and designated areas in the Reserve.
- An outdoor adventure facility well connected to the public Reserve areas and the tourist facility.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

Five options were developed and scoped the preferred Master Plan builds upon the direction set in the 1993 Management Plan and illustrates how all major elements could best relate to each other.

There is a requirement for additional infrastructure work to attract development the size and scale of that recommended on the Master Plan. This will require upfront funding from Government of approximately \$8 m for the enabling works and all other items identified on the Master Plan would be undertaken by the private investor and with the income achieved over time.

All proposed uses and built form would be assessed through relevant statutory planning processes and frameworks.

Overall the establishment of a more integrated and resilient Reserve, both ecologically and economically, will safeguard the future of Hanging Rock, its inhabitants and provide benefit to the wider community.

The situation also allows for the creation of a considerable number of employment and business opportunities in the region and the challenges have been thoroughly scoped and the options weighed and measured using strict criteria created by experts in their profession.

Given the limitations in options and challenges presented Officers are now proposing that Council make a decision on the need and preferred method of increasing income for the Hanging Rock Reserve and East Paddock.

Officer Recommendation:

That Council:

- 1. Acknowledges the need to seek an alternative income source to ensure the sustainability of Hanging Rock Reserve and the East Paddock.**
- 2. Endorses the three options for income generation provided in this report with a view of seeking community feedback.**
- 3. Resolves to seek community feedback for a period of one month, based on indicating a preference for one of three options;**
 - a. To pursue the option of private investment based on the location, type, size and scale of tourism development identified in the in this report.**
 - b. To allocate approximately \$300,000 per annum from general rate revenue to support Hanging Rock for an indefinite period of time.**
 - c. Seek to hand over all management and responsibility for the Hanging Rock Reserve to the State Government.**

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

Background

The Hanging Rock Recreation Reserve (to be deemed “the Reserve” for the purpose of this report) is Crown Land managed by Macedon Ranges Shire in conjunction with a Council owned piece of land adjacent known as the “East Paddock”.

Although Council operates as the Committee of Management and contributes corporate support to its management, the Reserve and the East Paddock are maintained and sustained by the income they generate from entry fees, grants and events.

The original Crown Reserve is 66 hectares in area and comprises the Rock, the race track, picnic grounds, interpretation centre, café and some minor infrastructure. The Reserve also provides a habitat for flora and fauna, including koalas, kangaroos, possums, powerful owls, gliders and many other native birds.

The second area is the Council owned East Paddock which is 22 hectares and was originally used for grazing.

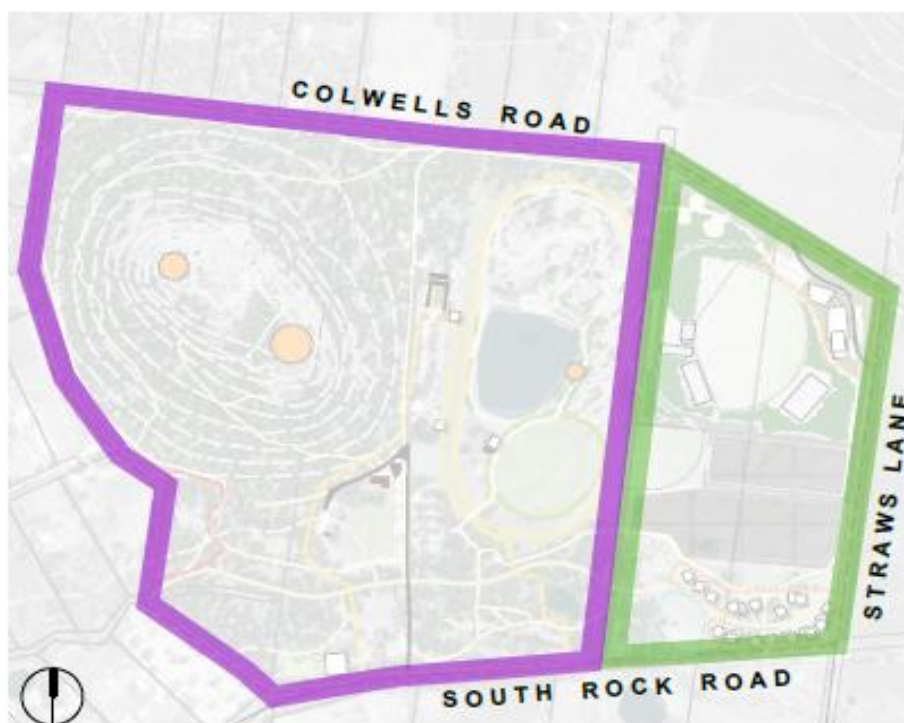


Figure 3.7 Current ownership (refer to appendix A for full Planning Scheme summary)

-  Owned and managed by MRSC (Public Park and Recreation Zone)
-  Crown land managed by MRSC on behalf of DSE (Public Conservation and Resource Zone)

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

The East Paddock was originally purchased with a long term vision of minimising vehicle and pedestrian traffic on the more sensitive areas of the Reserve, to enhancing Hanging Rock, to assist in providing for a sustainable facility in the longer term for all users and inhabitants for possible generation of additional income to support ongoing maintenance, upgrades and improvements.

In 2012/13, Hanging Rock (including the East Paddock) attracted 125,608 (71,074 casual day trip visitors and 54,534 event visitors) which represents 10% of the total visitors to the Macedon Ranges region.

The total combined direct and indirect expenditure in 2012/13 associated with Hanging Rock resulted in a total economic impact of \$14.1 million to Macedon Ranges Shire.

The Challenge:

The challenge facing Council and the broader community has been to balance the needs of various stakeholders from users to the residents and to plan for future visitation. The challenge is also to ensure sustainability in a way that will help capture yield but at the same time improve and preserve the environmental features that have made Hanging Rock such a special place.

There is also a clear and distinct need within the Macedon Ranges region for additional tourist facilities and services that are currently unavailable.

The Hanging Rock Reserve provides an excellent opportunity for this demand to be met. Identified in recent reports these facilities are; a 200 plus person capacity conference facility and a high quality accommodation facility to suit the eco / cultural tourism experience market. The demand for high quality day spa facilities in the Macedon Ranges is also high and would provide a broader set of experiences.

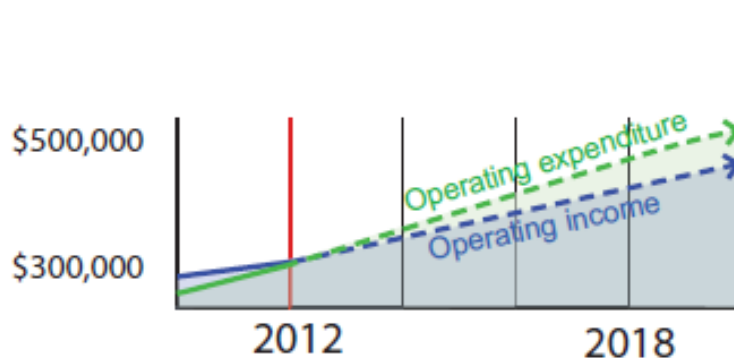
Due to a lower than desirable income source, the Reserve and the East Paddock are facing some significant challenges, for example:

- Weed management;
- Pest animals;
- Aging and dated infrastructure;
- Risk of losing events as their needs exceed the options available (mostly due to cost implications);
- The 1.2% decline in visitation over the past 20 years; and
- A greater need for regeneration of environmentally significant areas of the Reserve.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

Council was recently successful in achieving \$2 million in funding from Regional Development Australia (RDA) to fund some of the improvements required however the possible income derived from these works is not adequate to provide a reliable source of income to meet its needs overall.

In simple terms the Hanging Rock Reserve is unable to financially support itself in the future based on the current model. Maintenance and operating costs are forecast to increase more rapidly than the expected revenue which is a trend that has been recorded since 2008.



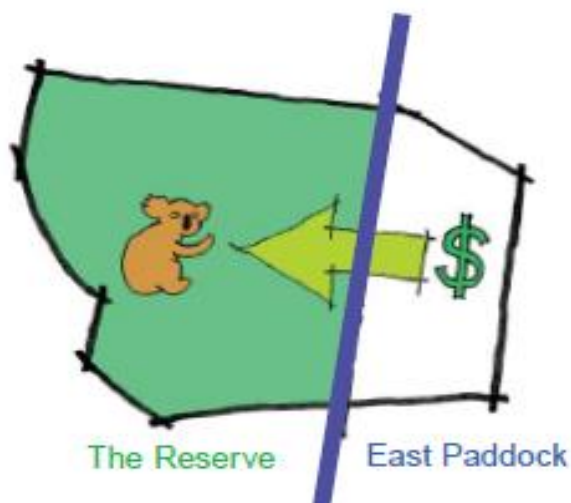
The expected Reserve Operating Expenditure has and will continue to exceed the Reserve Operating Revenue under the current operating structure.
Source: Hanging Rock Business Plan 2011, MRSC.

Please note: this graph is to be used for illustrative purposes only.

Over time there will be less money and resources available for the conservation management of the Reserve, a situation which is clearly unacceptable.

To respond to the challenges identified and the opportunities presented the Council sought to research and investigate options for the generation of income to support the care and conservation of the Hanging Rock Reserve and the East Paddock.

10. PE.4 **HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**



The East Paddock can provide a viable and sustainable source of revenue to support the conservation aims of the greater Hanging Rock Reserve.

The Solution:

Option 1: Current Strategy

It has been clearly articulated that the current operating procedures and revenue structure cannot support the Reserve's operations in perpetuity and a range of opportunities exist to provide access to a more diverse range of experiences which can provide an ongoing income stream.

When this position became apparent Council agreed to embark on a project to investigate the available options. That project was scoped based on actions identified in a number of key strategic documents:

- 1992** Council purchased the East Paddock to plan for future upgrades and for use as an alternative to the sensitive areas of the Reserve.
- 1993** Hanging Rock Management Plan (endorsed by Council). Opportunities identified for the East Paddock were possible relocation/development of new facilities/activities including possible accommodation.

The Management Plan sets out a series of conservation initiatives and recommendations for the on-going general management of the Reserve.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

However, the funding required to support these initiatives and recommendations required a more detailed and rigorous economic framework.

2009 Tourism Victoria's Regional Action Plan 2009-12 (based on industry consultation) states that the major opportunities for tourism growth in Daylesford and the Macedon Ranges region were:

Develop high quality, large capacity accommodation integrated with spa and well-being product; and; to expanding activities aimed at attracting international visitors.

2010 The Daylesford Macedon Ranges Strategic Plan 2010-2013 (based on industry consultation) committed to facilitate new public and private investment in tourism infrastructure.

2010 The Loddon Mallee Southern Regional Strategic Plan aimed to initiate and support investment in public infrastructure for natural, cultural and other tourism assets.

2010 Macedon Ranges Visitor Accommodation Opportunities Study (endorsed by Council) identified a key gap in the supply of tourist accommodation being a large internationally branded resort or conference facility in close proximity to Hanging Rock.

2010 Hanging Rock Multipurpose Venue (MPV) project (endorsed by Council).

The MPV looked at the options for infrastructure that incorporated activities such as; community use, conference / functions centre and race club facilities.

Council supported the concept and developed a proposal in partnership with the Kyneton & Hanging Rock Race Club.

2011 Macedon Ranges Tourism Industry Strategic Plan 2011-16 (endorsed by Council).

Reaffirms the opportunity for accommodation associated with Hanging Rock and also notes the ability for the Reserve to facilitate nature based tourism infrastructure and product eg. guided and self-guided tours, nature-based accommodation (such as ecocabins) and outdoor education (school visits);

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

This report recommends specific tourist facilities that are required to support a more comprehensive tourism offer in the Shire – particularly in health and wellbeing.

2010/11 Council seeks and secures Tourism Victoria commits funding the development comprehensive Master Plan and tourism investment strategy to provide guidance on the future opportunities for the Hanging Rock Reserve including the East Paddock.

2010/11 MRSC commits funding for a study to investigate the options for the ongoing sustainability of the Reserve and to private investment *Hanging Rock Development & Investment Plan*.

2011 Council seeks and secures funding from Regional Development Victoria and commenced the *Hanging Rock Development & Investment Plan*.

2013 Council seeks and secures \$2M in Regional Development Australia funding for infrastructure works to improve use and amenity of the Reserve and the East Paddock.

2013 Council resolves to continue large scale concerts in the East Paddock.

This timeline demonstrates a constant commitment to the directions outlined in the *Hanging Rock Development & Investment Plan*.

Option 2: No External Income / Alternative Funding Options

Should Council not wish to pursue the current strategy of attracting private investment there are other ways in which it can seek to fulfil its responsibilities of land management, tourism attraction and environmental preservation for Hanging Rock Reserve and the East Paddock. Those options available are:

1. To pursue the option of private investment based on the location, type, size and scale of tourism development identified in this report.
2. To allocate approximately \$300,000 per annum from general rate revenue to support Hanging Rock for an indefinite period of time.
3. Seek to hand over all management and responsibility for the Hanging Rock Reserve to the State Government.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

Pursuing the Current Strategy

The following detail is relevant if Council chooses to continue on the path established by previous Council commitments and pursue the recommendations made in the Development & Investment Plan.

To further the intent of the original 1993 Management Plan, the purchase of the East Paddock and to follow Council direction as listed in the timeline above the *Hanging Rock Development & Investment Plan* aimed to:

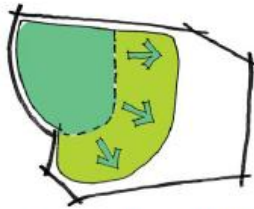
1. Investigate options for improving service to our community and the visitor and to ensure the sustainability of Hanging Rock.
2. Demonstrate how the sensitive conservation area of Hanging Rock Reserve can be preserved and improved by harnessing tourist visitation.
3. Develop a comprehensive masterplan and tourism investment strategy to provide guidance on the future opportunities for the Hanging Rock Reserve including the Eastern Paddock.
4. Provide a guide for development ensuring that the reserve's identity, character and environment is maintained and enhanced for future generations.

The *Hanging Rock Development & Investment Plan* meets the objectives listed above and includes an analysis of the current state of the Reserve and East Paddock, a project feasibility including a cost analysis for each of the recommendations made and a cost breakdown and delivery strategy for priority works required.

10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)

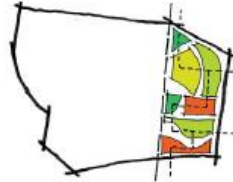
Summary of outcomes achieved from the *Hanging Rock Development & Investment Plan*

Conservation zone



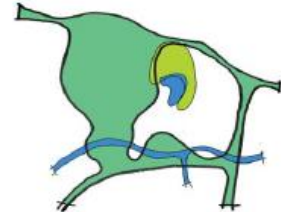
Expand, care for and adequately fund the identified conservation area of the Reserve.

East Paddock improvement



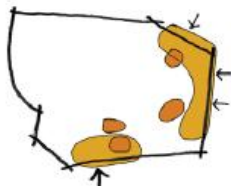
Provide a clear plan for sensitive and efficient organisation of the East Paddock.

Habitat corridors



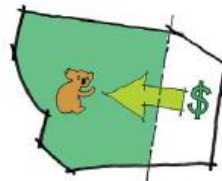
Ensure resources are perpetually available to protect the habitat corridor network around the Reserve.

Limiting vehicle movements



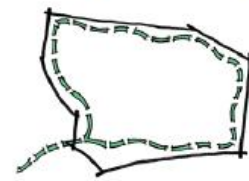
Restrict vehicle access to the central Reserve areas by focusing movement to the perimeter of the Reserve.

Funding conservation



Provide a viable structure for adequate financial contributions to the management of the expanded conservation area from tourist operations in the East Paddock.

Active movement network



Establish a safe pedestrian and cycle path system around and beyond the Reserve.

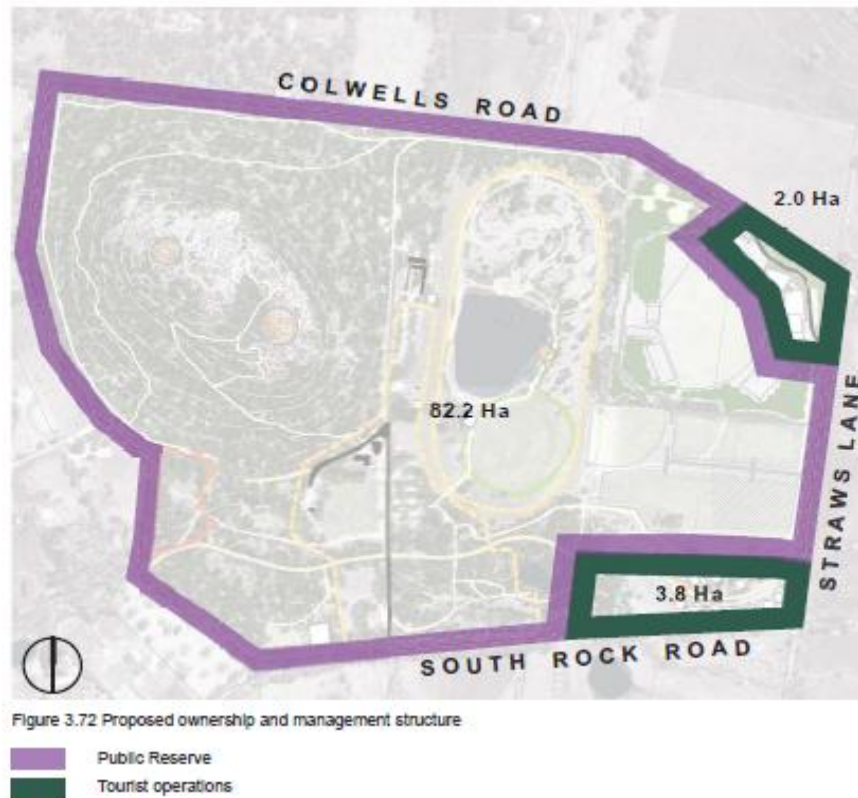
19

The Plan has found that the development of accommodation, conference options, a wellbeing centre and nature focused adventure activity is an economically viable proposition.

The best possible operating outcome for a tourism development at Hanging Rock is estimated to achieve an operating profit of \$3.7 million each year after the first 5 years subject to having a long term lease. A minimum contribution in lease fees of approximately 5% of this sum and the increase in general income to the management of the Reserve would significantly boost the approximate \$120,000 collected from entry fees and contributions made to the Reserve annually.

The land ownership for all areas of the Reserve would remain under public control with 5.8 hectares of the Shire owned East Paddock being leased to a private operator based on a 49, 69 or 99 year lease depending on the level of investment made. This represents approximately 7% of the total 82.2 hectares which makes up the Reserve and the East Paddock.

10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)



The *Hanging Rock Development and Investment Plan* sets out to demonstrate how the aims of tourism development and conservation may be achieved together to guide the Reserve's future.

Throughout the process five options were assessed and then formally rated on their ability to satisfy the criteria, principles and objectives of the plan which was created in partnership with key stakeholders through the Hanging Rock Development Advisory Committee and Tourism Macedon Ranges Inc. Six distinct categories were then developed by expert consultants and used to make this assessment:

1. Visual character
2. Use
3. Circulation
4. Vegetation and ecology
5. Built form and servicing and
6. Culture and heritage

10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN (Continued)

Identified principles and objectives of the plan

Conservation



Image from AECOM

Balance the needs of conservation and beautification through the improvement of conservation management practices, securing the required resources and seeking the correct expertise.

Tourism Attraction



Image from MRSC

Provide visitors with a variety of experiences, to 'linger longer' in the Reserve and the wider Daylesford Macedon Region.

Economic Regeneration



Image from MRSC

Provide means for the Reserve to ensure its own economic viability, to engage in the Region's tourism market, to fund its own conservation and management initiatives and to continue to provide valued experiences for local residents and visitors.

Culture & Identity



Image from State Library of Victoria

To recognise, renew and develop the historic and cultural significance of the events and places of the Hanging Rock Reserve.

The process gave consideration to how well each option satisfied the principles and objectives of the Investment Plan and defined what will make a sustainable Hanging Rock Reserve and East Paddock. This was done by:

1. An assessment of the tourist accommodation opportunities analysis and other relevant research.
2. Comparative studies undertaken of other accommodation, private tourist operations and spa facilities in Victoria,
3. An assessment of what critical elements make a successful accommodation, retreat and spa development,
4. Development of assessment criteria, and
5. Detailed financial analysis of each component comprising:
 - Events and function centre with a maximum of 1,800 square metre footprint;
 - Accommodation to provide for 100 rooms of various sizes; ranging from 45 square metre upper range retreat suites, to 35 square metre mid range suites and 25 square metre short stay suites,
 - Day spa to be developed with a footprint of approximately 970 square metres,
 - A combined conference and dining facility with a gross floor area of 3,100 square metres,

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

- Areas of car parking that limit vehicle penetration into the Reserve and satisfy statutory planning requirements,
- A circular pathway network that allows strong pedestrian access between the tourist facility and designated areas in the Reserve.
- An outdoor adventure facility well connected to the public Reserve areas and the tourist facility.

The five options scoped included:

1. *The Do Nothing Approach* – this scenario rates the existing condition and operation of the reserve. The low social impact is this scenario's biggest advantage as the lowest risk option.

The reserve will eventually cease to provide a viable financial future for itself, the management of the ecology will suffer as will the visitation.

The organisers of events will find Hanging Rock operationally too expensive and move elsewhere. The Racing Club will begin to struggle to maintain its buildings while the Heskett Cricket and Hanging Rock Petanque clubs will continue to clash with a range of annual events.

2. *Develop the Central Corridor* – this option makes the best use of existing infrastructure.

All new facilities are developed within the central corridor. The Race Club facilities are replaced by the multi-event and function facilities allowing a reinvigorated race day and year round conference venue and allowing for an excellent view over the dam.

The experience of staying at the accommodation is not of the best quality, views of the Rock are difficult to come by with the central access corridor becoming cramped. The biggest weakness is the impact this configuration has on the conservation area around the Rock and the grasslands of the racecourse. The concentration of activity in this area is likely to cause significant problems from an ecological and circulation aspect.

3. *The Precinct* – the accommodation is located in its own heavily vegetated precinct at the north eastern end of the East Paddock.

The accommodation guests are able to stay in their own secluded part of the reserve with good views of the Rock. The co-servicing of the accommodation with the events infrastructure also brings cost efficiencies.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

The loss of efficiency in separating the two areas without an easily defined or direct service road is a critical weakness. The day spa is located in a busy and well used part of the reserve and does not provide a relaxing and 'unique' experience. If it were to be located amongst the accommodation buildings, considerable servicing issues would arise.

4. *Edges of the East Paddock* – the multi- use events and function centre is located on the eastern side of the track.

The co-location of all new development will allow greater efficiencies in operating the accommodation, function centre and spa as a single commercial concern. The visual character of the Rock and surrounding landscape is enhanced while the dual circulation system takes pressure away from the existing central corridor and makes better use of the surrounding public roads.

The reserve has effectively been divided into two parts. The western half remains as it is today, with the Eastern Paddock hosting most of the development. Such a separation does not take advantage of the full range of landscape and visual characters the Reserve has to offer.

5. *The Integrated Reserve* – this scenario proposes a more integrated layout of the reserve.

The accommodation is scattered through the Reserve allowing for a range of experiences. Private vehicle access is drastically limited and better use is made of 5-Mile Creek with reinvestment in picnic facilities in this area

Such a configuration allows for the more flexible use of all available areas within the Reserve and provides for greater opportunity for better conservation management and for a far better experience of the Rock and surrounding areas.

The inefficiencies in the separation of various facilities will increase the costs of development and operation.

The preferred Master Plan, the **Integrated Reserve** also provides recommendations for:

- ~ Governance and ownership model;
- ~ Financial model;
- ~ Conservation strategies; and
- ~ Access strategy.

10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN

(Continued)

Preferred Master Plan

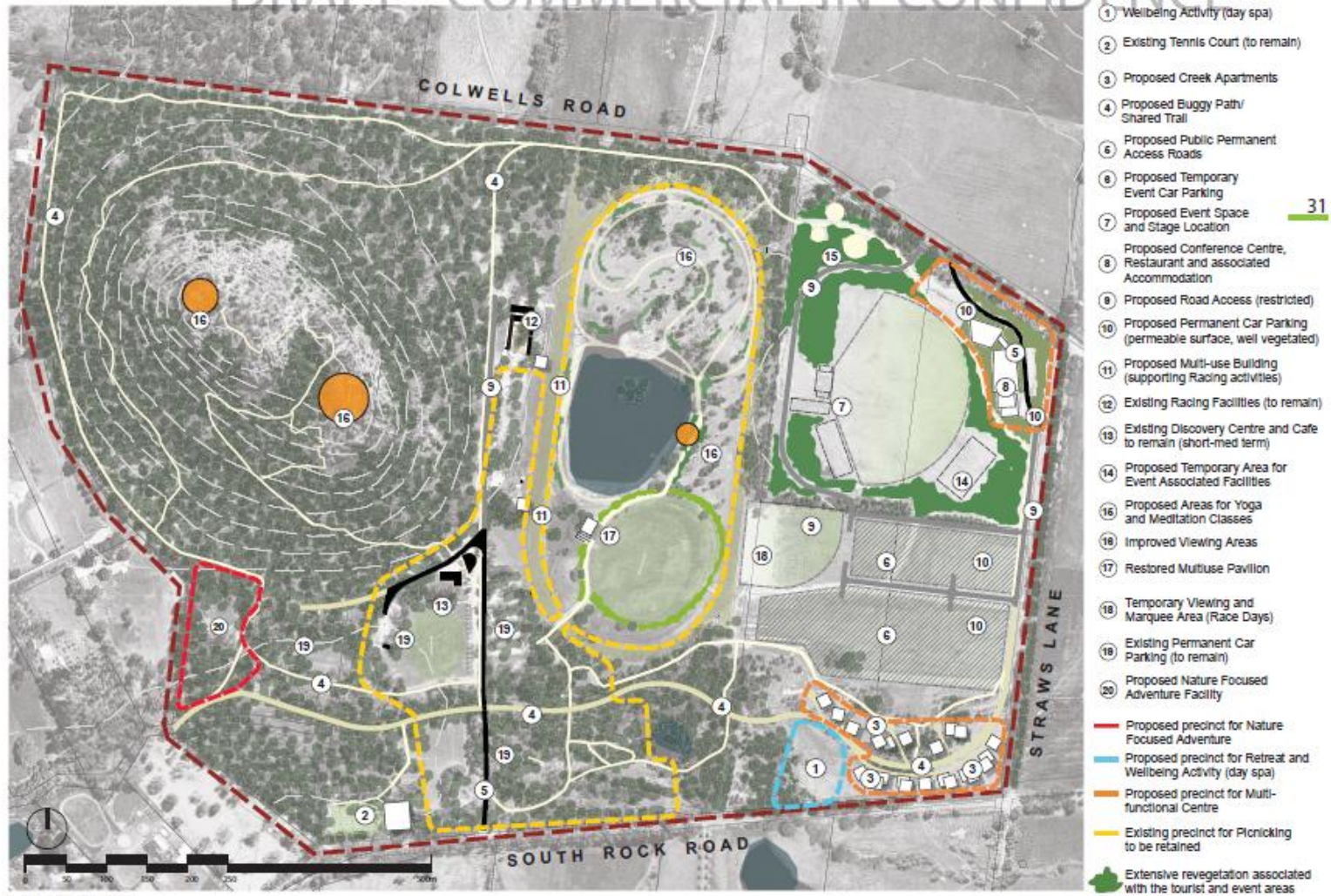


Figure 3.5 Master Plan

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

The preferred Master Plan recommends a future where activities in the extreme eastern end of the East Paddock support a better funded Reserve.

When a viable financial model is attained the conservation management zone can be expanded and more intensive human uses focused to the extreme east (in the East Paddock). Human access into the Reserve should then be reduced with all new entry areas located along exiting public roads to the east.

The Master Plan also presents options whereby the existing assets, features and facilities e.g. native flora and fauna, events, the tennis and cricket clubs etc. will be upgraded as the financial resources will be available.

It builds upon the direction set by the 1993 Management Plan and illustrates how all major elements could best relate to each other. The majority of the recommended initiatives remain relevant and are unchanged as they are cast in general terms with a modern day translation.

All major works in this stage are confined to the East Paddock and will not disturb exiting events nor encroach on areas of higher ecological significance or areas most used by the general public.

The Next Step

Option 1 – Pursue Current Strategy

There is a requirement for additional infrastructure work to attract development the size and scale of that recommended on the Master Plan. This will require upfront funding of approximately \$8M for the enabling works. All other improvements would then be undertaken by the developer and with the income achieved over time.

The next steps would be to seek government support for the \$8 M of enabling infrastructure while at the same time working in partnership to test the market for a private investor.

That investor would then go through the planning and development process based on the Master Plan and in line with State Planning Legislation and local frameworks.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

Option 2 – No External Income / Alternative Funding Options

Should Council choose to look at one of the alternate options of allocating funds e.g. from its general rate revenue, to raise entry fees or to discuss the ongoing management with the State Government, Officers would undertake additional research and investigation and return to Council with a detailed plan.

Summary / Recommendations

Overall, the establishment of a more integrated and resilient Reserve, both ecologically and economically, will safeguard the future of Hanging Rock, its inhabitants and provide benefit to the wider community.

The Council owned land in the East Paddock affords an opportunity to realise a sustainable, long term income source for the benefits of all users and inhabitants by leasing out part of the facility to a private investor.

The process of attracting funding for the enabling works and an investor would be done in conjunction with State Government and any process agreed to by Council would need to be a commitment that provided surety for Government and investor confidence.

If private investment is the preferred option the inhabitants, user groups, stakeholders stand to benefit from upgraded facilities and conservation zones as the financial resources will be available.

The situation also allows for the creation of a considerable number of employment and business opportunities in the region and will build on what is the Macedon Ranges largest employer, the tourism industry.

Each part of the process since 1993 has been developed and scoped in partnership with the Hanging Rock Development Advisory Committee and relevant tourism industry representatives. The community has been consulted at relevant milestones and Council decisions made based on that input.

As a result of that research and investigation Council is presented with two viable options:

1. To consider leasing less than 7% of the total land within the Hanging Rock Reserve and East Paddock to a private investor or;
2. To provide for the resources required from another source eg. rates.

The challenges have been thoroughly scoped and the options weighed and measured using strict criteria created by experts in their profession.

**10. PE.4 HANGING ROCK DEVELOPMENT & INVESTMENT PLAN
(Continued)**

With this in mind, officers are recommending that Council:

1. Acknowledges the need to seek an alternative income source to ensure the sustainability of Hanging Rock Reserve and the East Paddock.
2. Endorses the options for income generation presented in this report with a view of seeking community feedback.
3. Resolves to seek community feedback for a period of one month, based on indicating a preference for one of three options;
 - a) To pursue the option of private investment based on the location, type, size and scale of tourism development identified in the in this report.
 - b) To allocate approximately \$300,000 per annum from general rate revenue to support Hanging Rock for an indefinite period of time.
 - c) Seek to hand over all management and responsibility for the Hanging Rock Reserve to the State Government.

References:

(Commercial in confidence) Hanging Rock Development & Investment Plan, AECOM 2013

Hanging Rock Economic Impact Analysis 2013, Urban Enterprise

Bruce Springsteen Economic Impact Analysis 2013, Urban Enterprise

Hanging Rock Strategic Development & Directions Plan 2010

Macedon Ranges Tourism Impact Study 2009, Urban Enterprise

Hanging Rock Recreation Reserve Management Plan, Loder & Bayly 1993

Macedon Ranges Accommodation Opportunities Study 2010

Macedon Ranges Local Planning Policy

Hanging Rock Business Plan 2011

Hanging Rock – Regional Development Australia Funding application 2013

Tourism Victoria's Regional Action Plan – Daylesford Macedon Ranges

Daylesford Macedon Ranges Regional Strategic Plan 2009-2013

The Loddon Mallee Southern Regional Strategic Plan 2010

10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT C84 – MSS UPDATE AND INCLUSION OF MRSS AND OTHER RECENT STRATEGIC DOCUMENTS

Officer: Sophie Segafredo, Director Planning and Environment

File Ref: 48/02/18/C84

Council Plan Relationship:

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

Attachments: 2

Synopsis:

In March Council considered the recommendations made by Planning Panels Victoria in their *Interim Panel Report* dated 28 September 2012 in relation to Planning Scheme Amendment C84. As a result, Council resolved to make a number of changes to the draft documents and re-exhibit the amendment.

Public re-exhibition of Amendment C84 occurred between 15 April 2013 and 10 May 2013. A total of 54 submissions were received by Council.

The submissions are categorised into a number of themes as follows:

- Specific concerns about Woodend.
- General opposition to further development of Woodend as well as specific concerns regarding the proposed development to the north of town.
- Concerns with the definition of Ashbourne in the settlement hierarchy
- Support for further development of Woodend.
- Preference for Newham to retain its identification as a village in the settlement hierarchy.
- General commentary on the amendment including general support for the amendment.
- General support for further development of Macedon.
- General comments on Clarkefield, Gisborne, Romsey and Riddells Creek.
- Issues regarding the panel process.
- Perceived conflict between Amendment C84 and the Draft Loddon Mallee Regional Growth Plan.

This report:

- Summarises the submissions received during re-exhibition of Amendment C84.
- Provides recommendations for responding to the submissions.
- Identifies changes made to Amendment C84 resulting from the above recommendations.
- Recommends the next steps to be taken to progress and finalise Amendment C84.

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Officer Recommendation:

That Council:

- 1. Endorse the officer recommendations to adopt the changes made to Amendment C84 to include recommendations of the Panel where appropriate;**
- 2. Adopt Amendment C84 with the changes envisaged by Recommendation 1, as attached; and**
- 3. Prepare a report to Panel to submit the adopted amendment and request the matter be concluded by consideration of Council's written report and production of a final Panel Report.**

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Introduction

As noted above a total of 54 submissions were received by Council during re-exhibition of the Amendment C84 documentation. These submissions related to a number of themes, each of which are detailed below. Recommendations are also made in response to the submissions where deemed appropriate.

Woodend

Concern

Submissions: 17

In relation to Woodend, the overarching concern raised was the previous strategy agreed to for the town was not adequately reflected in C84. This related predominantly to the amendments to allow increased growth in the town compared to the community supported position in the Macedon Ranges Settlement Strategy. Concern was also raised that the changes took a more moderate position to change and allowed for increased development, this was seen as the Council prioritising development interests ahead of the community's preferences.

Response

The changes made to Amendment C84 respond to recommendations by the Panel in their Interim Report. These recommendations sought a lessening of the restrictions on development and growth in the town based on its key location along the Melbourne railway line and to better reflect the lesser degree of constraints to growth taken by the Panel. The Panel sought the changes to provide a more consistent approach to recognising capacity for development across the Shire.

In order to ensure C84 adequately reflects the Macedon Ranges Settlement Strategy, it is proposed to include a statement at Clause 21.13 to the effect (new text underlined):

It is expected there is sufficient zoned land to accommodate population growth within the 15 year planning horizon. The requirement for Greenfield land beyond this time will, to some extent, be contingent upon the density and structure of development in the near term. Accommodating growth in Woodend will have an impact on substitute towns such as Kyneton which may be better suited to accommodate this greater degree of growth.

The Woodend town boundary will be retained. The Woodend Structure Plan process will identify investigation areas for potential development; these are expected to be to the east of Woodend (to the Calder freeway); north-east and north-west of Woodend. This Structure Plan process will provide further guidance as to the context which would prompt further investigation.

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

By inserting the additional detail regarding the retention of the town boundary and the trigger required for future development investigation areas to be considered, the concerns raised in relation to Woodend's growth can be allayed.

Recommended Change: Insert additional detail to more adequately reflect the MRSS at Clause 21.13.

Concern

Submissions: 11

Generalist submissions were also received which opposed the further development of Woodend.

Response

No further action is required in relation to these submissions.

Concern

Submissions: 5

Conversely submissions were received supporting the further development and growth of Woodend.

Response

No further action is required in relation to these submissions. Council notes the submitters' general support to growth within Woodend. Council maintains extensive community consultation is an integral part of developing Amendment C84 and considers that the two hearing days afforded advocates of growth in Woodend more than sufficient time to outline their position.

Concern

Submissions: 1

Specific concern raised regarding development proposed to the north of Woodend.

Response

Council notes submitter concern that new development will detrimentally alter the character of Woodend.

No further action is required in response.

Ashbourne

Submissions: 8

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Concern

Ashbourne related submissions generally opposed changes to the definition of the town within the settlement hierarchy. Ashbourne is currently defined as a village. Submitters indicated a preference for the town to be defined as a “locality”.

Response

The settlement hierarchy defines a *village* as including 200-500 persons, a *hamlet* as 100-200 persons and a *locality* as less than 100 persons. As the recommended population of Ashbourne was identified as 320 persons, Ashbourne was defined as a *village*.

Council agrees with the submitters that when considering the characteristics of the area, its role within the Shire and that it is not expected to experience any growth, it is more appropriate to define Ashbourne as a *locality*.

Recommended change: All settlement hierarchy references regarding Ashbourne changed to reflect its designation as a locality.

Newham

Submissions: 5

Concern

Newham submissions generally opposed changes to the town’s definition within the settlement hierarchy as a “small town” and identify a preference for its designation as a “village”.

Response

The settlement hierarchy defines a village as including 200-500 persons and a small town including 500-2000 persons. As the recommended population of Newham was identified as 600 persons, Newham was defined as a small town.

Council agrees with the submitters that when considering the characteristics of the area, its role within the Shire and its expected level of growth, it is more appropriate to define Newham as a village.

Recommended change: All settlement hierarchy references regarding Newham changed to reflect its designation as a village.

General

Concern

Submissions: 2

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Two submissions were received which provided general commentary on the amendment. The need to include the Municipal Fire Prevention Plan as a reference document in 21.06 Environmental Risk was also raised.

Response

Council notes the points raised by submitters, however it is Council's position that the proposed policies to be introduced through Amendment C84 are based on detailed strategic justification and will provide widespread benefit to the Shire. No action is required in response to this aspect of the submission. The inclusion of the Municipal Fire Prevention Plan as a reference document in 21.06 is deemed appropriate.

Recommended Change: Include the Municipal Fire Prevention Plan as a reference document to Clause 21.06 Environmental Risks.

Concern

Submissions: 1

Submission received generally supported the amendment.

Response

No action is required in response.

Macedon

Submissions: 1

Concern

Submission supported further development of Macedon.

Response

Council supports that Macedon presents suitable conditions to allow limited development in line with the settlement strategy recommendations.

No action is required in response.

Romsey

Submissions: 1

Concern

General submission regarding Romsey and the implications of inconsistencies between the MRSS and the Romsey ODP, both (current and proposed) reference documents in the Scheme. The submission also raised concerns regarding consistency of wording identifying Romsey variously as a district town and a small town.

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Response

Council notes the concerns of the submitter regarding the wording and status of policies to be introduced to the Macedon Ranges Planning Scheme. Council considers the intent of the documents is clear; Romsey provides some potential for growth in the order of that recognised in the current outline development plan. This provides for the foreseeable future at a population of just over 6,000 people. As the definition of District Town is 2,000-6,000 and Large District Town is 6,000-10,000 in relation to population some wording changes are recommended to be clear that the Settlement Strategy of Large District Town should apply, but it should be recognised that the expected growth over the period is at the lower end of the definition.

Recommended Change: Retain settlement hierarchy references regarding Romsey to reflect its designation as a large district town, but recognise the expected level of population is just over 6,000.

Gisborne

Submissions: 1

Concern

Submission predominantly relates to Gisborne and seeks minor changes to the Strategic Framework Plan and wording.

Response

Council notes the recommendations of the submitter. The mapping identifying the Agricultural Land Quality was undertaken by SKM in 2006 and is cited in the Phillips Agribusiness (2009) Agricultural Land Quality Assessment. The agricultural land quality mapping questioned by the submitted is regarded as 'Class 2' – Good – Agriculturally productive land class. On the Strategic Framework Plan Map it was identified as highest quality, indicating it was among the highest quality agricultural land in Macedon Ranges Shire.

Recommended Change: The Strategic Framework Map Legend has been updated to identify the source of land quality designation.

Riddells Creek

Submissions: 1

Concern

Submission related to Riddells Creek and the implications on the town from bushfire, drainage and flooding. A number of recommended changes are made to better reflect issues brought up in the subsequent structure plan process.

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Response

Council notes the recommendations of the submitter and acknowledges the role planning has in bushfire harm minimisation and management. Council notes bushfire related threats to Riddells Creek should be dealt with in the Structure Plan process specifically.

Recommended Change: Review how the revised MSS informs development in the Shire with regard to fire related threats. This should predominantly be the role of the Structure Plan process.

Clarkefield

Submissions: 1

Concern

Submission supports the treatment of Clarkefield in the revised amendment documents.

Response

Council notes the submitter's general support of the amendment.

No action is required in response.

Panel Process

Submissions: 1

Concern

Submission predominantly raised concerns regarding the panel process and the perceived reliance on oral evidence at the hearing. The submitter's view is the Panel gave prejudicial consideration to the submissions of development interests above the community. It is noted that in addition to this specific submission, a number of other submissions noted or raised concerns regarding the panel process, this is particularly evident in the Woodend submissions.

Response

Council notes the submitter's concerns regarding the panel process. It is recommended Council request the Panel to include within its report a clearer explanation of the Panel's role, how it considers submissions and the basis for balancing community concern with development interests.

Draft Regional Growth Plan

Submissions: 1

Concern

Submission identifies a perceived conflict between the objectives proposed under Amendment C84 and the Draft Loddon Mallee South Regional Growth Plan.

**10. PE.5 MACEDON RANGES PLANNING SCHEME AMENDMENT
C84 – MSS UPDATE AND INCLUSION OF MRSS AND
OTHER RECENT STRATEGIC DOCUMENTS (Continued)**

Response

Council notes the submitter's concern regarding consistency between the Draft Regional Growth Plan and policies to be introduced to the Macedon Ranges Planning Scheme.

Council considers the final Loddon Mallee South Regional Growth Plan will provide broad guidance for the region alongside the Planning Scheme's specific local controls. The policies of both documents will be assessed and balanced when considering future development within the Shire.

No action is required in response.

Next Steps

The following next steps should be undertaken in order to further progress Amendment C84 towards gazettal and inclusion within the Macedon Ranges Planning Scheme.

- Council endorse the changes made to C84 in response to the re-exhibition submissions as outlined above and in the table in Attachment 1.
- Council provide the revised Amendment C84 documents to the Panel with an accompanying report outlining the rationale for changes made and not made to the document in response to the Interim Panel Report and the re-exhibition submissions.
- Council seek a response to the changes from Panel as well as detail on the Panel's role, how it considers submissions and the basis for balancing community concern with development interests.

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW

Officer: David Nevin, Coordinator Policy Development

File Ref: 48/02/64-C92

Council Plan Relationship:

An inspiring place - Our lifestyle, culture and sense of place are strengthened by best practice planning and development

Attachments:

1. Summary of submissions and recommendations
2. Map of candidate sites

Synopsis:

On 27 June 2012 Council resolved to seek authorisation to prepare Amendment C92 to Amend Clause 21.08 to include the Macedon Restructure Overlay Review, Final Report, 2012 in the list of reference documents in the Planning Scheme; amend the schedule to Clause 45.05-Restructure Overlay and amend the Schedule to Clause 81.01 to update the list of Incorporated Documents. Authorisation was received from the Minister for Planning on 11 April 2013.

The amendment proposes to amend the Macedon Ranges Shire Restructure Area Plans 1999 Incorporated Document to remove existing restrictions on specific lots to allow the potential of 17 additional dwelling lots to be developed across the Macedon Township and clarify the current restrictions affecting 96 Railway Place and 10 Barclay Avenue, Macedon.

The exhibition of the Planning Scheme Amendment C92 occurred between 30 May 2013 and 12 July 2013 (six weeks) during which Council received forty-six (46) submissions. One late submission was received.

In summary, 5 submissions object to the principle of the proposed amendment and are unresolvable. 12 submissions seek modifications to the amendment which are not supported by Council and are unresolved. A total of 27 submissions were generally in support of the proposed Amendment C92. One of the submissions seeking modification to the amendment is supported. One late submission seeks clarification.

Key issues raised in the submissions include:

- Concern about fire hazard and additional residents who would potentially be living in the area.
- That the candidate sites are unable to meet with Bushfire Management Overlay requirements and contradict the Victorian Bushfire Royal Commission directions.

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

- That the process of engagement with relevant authorities resulted in the alteration of the fire hazard assessment of these sites.
- The proposed Amendment C92 is contrary to the Statement of Planning Policy no.8.
- That the proposed Amendment C92 favours individual landowners.
- There are errors in the Explanatory Report and Incorporated Document.

Key issues raised in support of the proposed Amendment C92 included:

- Adequate availability of infrastructure and services within Macedon.
- There will be limited change to the existing population.
- The character of the township of Macedon will not alter.
- Potential new development will be consistent with existing adjacent development.

In response to the number of submissions received, it is recommended that that the rear of 38A Bruce Street be removed as a candidate site and that the development entitlement of the rear of 1A McBean Avenue be reconfirmed. 12 requests for inclusion as candidate sites are not supported for reasons relating to lot size, zoning, vegetation and potential character impacts. It is recommended that these 12 submissions be referred to an Independent Panel in addition to the 5 submissions opposed to the principle of the amendment. It is however recommended that lot CA 1 Section 83 Township of Macedon to the west of 86 Greene Street (Submission 9) be included as a candidate site. Because the allotment at the rear of 1A McBean Avenue has an existing entitlement for development, the total number of candidate sites has been reduced to 16 allotments.

Officer Recommendation:

That Council resolve to:

- 1. Request the Minister for Planning to appoint an Independent Panel to consider the 17 (seventeen) unresolved submissions received in response to proposed Amendment C92, pursuant to Section 23(1)(b) of the Planning and Environment Act 1987;**
- 2. Make changes to Amendment C92 to exclude rear of 38A Bruce Street Macedon and rear of 1A McBean Avenue as candidate sites and include Lot CA 1 Section 83 Township of Macedon (fronting Nursery Road) as a candidate site;**
- 3. Notify all submitters of Council's position in regard to their submission; and**
- 4. Delegate authority to the Director of Planning and Environment to make any necessary refinements to the Amendment documentation, where required, for the Panel's consideration.**

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

Authorisation:

By letter, dated 5 April 2013, Council requested authorisation from the Minister for Planning to prepare Amendment C92. Authorisation was granted on 11 April 2013 (Authorisation No A02452.)

Exhibition:

On 30 May 2013 Council formally commenced exhibition of Amendment C92 under the notification requirements of the Planning and Environment Act 1987.

In accordance with Section 19 of the Planning and Environment Act 1987, Amendment C92 was exhibited in the following manner:

- Notification of the Amendment (approximately 600 letters in total) was sent by mail on 27 May 2013 to all landowners/occupiers of properties in the Macedon postcode 3440.
- Notice of the Amendment appeared in the Public Notices section of the Macedon Ranges Leader, Midland Express, and Macedon Ranges Weekly on 28 May 2013 and 4 June 2013.
- Notice of the Amendment appeared in the Government Gazette on 30 May 2013.
- Notification of the Amendment was forwarded to public authorities and prescribed Ministers on 29 May 2013.
- Display of the Amendment on Council's website, at Council offices and on the Department of Planning and Community Development (DPCD) website for a period of not less than one calendar month.

Formal exhibition occurred between 30 May 2013 and 12 July 2013.

Consultation

This amendment is based on a strategic planning background assessment in the form of the Macedon Restructure Overlay Review, which was completed in 2012. This background assessment report was the subject of considerable consultation, and this was reported to Council at its meeting on 27 June 2012. The report's recommendations included:

- Option 1, no change;
- Option 2, removal of RO; and
- Option 3, modification to allow 29 additional lots.

Council's resolution of 27 June 2012 included, inter alia:

“adopt the preferred Option 3; maintaining the Restructure Overlay while modifying the Overlay to allow application to be made for the development of single dwellings on the 29 candidate sites identified in the final report.”

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

Legislative Framework and Amendment Process:

Following exhibition of an Amendment to the Planning Scheme and receipt of submissions, Council must determine to:

- Change the amendment in the manner requested by the submissions; or
- Refer the unresolved submissions to a Panel appointed by the Minister for Planning for review; or
- Abandon all or part of the amendment.

In this instance, it is not possible to resolve 17 submissions.

Panel Request:

As issues raised in 17 (seventeen) of the submissions cannot be resolved, an Independent Panel is required to consider these submissions pursuant to Section 23(1)(b) of the Planning and Environment Act 1987.

Submissions Received:

A total of forty-six (46) submissions (including six (6) from government departments/referral authorities), have been received. One late submission was received.

A detailed summary of the submissions, officer's comments and recommendations are attached (Refer to Attachment 1).

Consideration of submissions:

Issue	Relevant Submission No.
General Strategic Issue	
Increased Fire Risk	22,37,42
Deficiencies in assessment	22
Contradicts previous strategies	22,38
Deficiencies in BMO operation	22,26,37
Bushfire buyback should occur	22
Restructure Overlay not obsolete	22
Deficiencies in MRO process	22,26
Reticulated gas supply no improvement	22
Advice of CFA not consistent	22,26,37
Proposes additional housing	26
Contrary to VBRC recommendations	26,37
Errors in exhibited documentation	37
Contrary to the planning scheme	37
Favours individual land owners	37
Effect on character of the area	42
Infrastructure and drainage	42

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

Site Specific Issues	
Seeks inclusion of site as candidate	2,3,5,7,9,12,20,27,30,36,40,43,44,
Seeks exclusion of site as candidate	5,24
Seeks removal of overlay	46
Clarification Sought	1,4,6,
Support for proposed amendment	1,6,8,10,11,13,14,15,16,17,18,19, 21,23,25,28,29,31,32,33,34,35,36, 39,41,45
Authority Response (in support of proposed Amendment)	
VicRoads	13
Goulburn Murray Water	15
Western Water	25
Sothern Rural Water	34
EPA	35
Country Fire Authority (including late submission)	33

Internal Comments:

Information regarding proposed amendment C92 was provided to other departments within Council and verbal advice was obtained from officers of the Statutory Planning Department, which was used in the review of the candidate sites. Comments were also obtained from the Property and Valuations Unit seeking consideration of the removal of the Restructure Overlay on sites which are owned by Council. These sites were excluded from consideration during the preparation of the Macedon Restructure Overlay Review in 2012.

Response to Submissions:

Concerns have been raised that the proposed Amendment C92 is based on unsupported background investigations, that it contradicts the directions of the Macedon Ranges Settlement Strategy, that the Macedon Restructure Overlay Review Report 2012 which was adopted by Council in 2012 is incorrect and that the advice provided by the Country Fire Authority is inconsistent.

The proposed Amendment, if approved, would result in minor population growth and this would not be contrary to the recommendations of the Macedon Ranges Settlement Strategy concerning the Macedon township. The candidate sites that are now being considered as part of the proposed Amendment have been the subject of site inspection by the CFA, and Council has been advised by the CFA that they can be considered for future development as dwelling sites.

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

The Amendment proposes to amend the Macedon Ranges Shire Restructure Area Plans 1999 Incorporated Document to remove existing restrictions on specific lots to allow the potential of 16 additional dwelling lots to be developed across the Macedon Township (Refer Attachment 2: Candidate Sites). The development of these allotments will require that application be made for a planning permit for a dwelling and that the requirements of the Bushfire Management Overlay are met. It is anticipated that applications for development of these sites will be lodged over an extended period of time, and some allotments may not be developed depending on landowner preferences.

Submission has been made that the Macedon Restructure Overlay is not obsolete. This is endorsed, and evidenced by Council's resolution of 27 June 2012 to retain the Overlay, which the majority of submitters to the Draft Macedon Restructure Overlay Review report requested. The Amendment proposes to retain the Overlay with minor modifications to amend the Macedon Ranges Shire Restructure Area Plans 1999 Incorporated Document to remove existing restrictions on specific lots to allow the potential of 16 additional dwelling lots to be developed across the Macedon Township and clarify the current restrictions affecting 96 Railway Place and 10 Barclay Avenue, Macedon.

Submissions have also been made that the extent of vegetation removal on subject and adjacent allotments, and the anticipated required sharing of defensible space to meet with the requirements of the BMO is unacceptable. These requirements would be considered by Council, based on advice provided by the CFA, when an application for development is made. The landscape treatment of these sites will need to achieve a higher level of performance in regard to fire hazard management than has been achieved in the past.

It was further submitted that being outside the BMO is not an adequate measure of safety from the threat of bushfire. The overlay applies to a substantial proportion of the existing residential area of the township. The amendment does not seek to modify the extent of the BMO.

It was submitted that the State Government budgeted Bushfire buyback program should be utilised to eliminate the requirement for the development of candidate sites. This is not the purpose of proposed Amendment C92, and the Macedon Restructure Overlay will remain in place.

It was also submitted that the installation of reticulated natural gas, to replace gas containers at residential properties has not reduced the level of bushfire risk. It is considered that this issue could be dealt with using suitable permit conditions if required by the CFA.

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

Submissions oppose the proposed Amendment C92 because it seeks to permit additional land subdivision and housing, and is therefore contrary to recommendations of the Victorian Bushfires Royal Commission. Consideration was given to the directions of the Commission in the Macedon Restructure Overlay Review Report 2012, and it confirmed that assessment of each of the candidate sites will be required when an application is made for development of these allotments, through a planning permit process.

Other Concerns:

It was also submitted that the exhibited documents contain errors, includes allotments already consolidated in accordance with restructure overlay requirements, misinterprets the overlay review recommended for Macedon in the Small Towns Study 2006, is contrary to Clause 22.10 of the Macedon Ranges Planning Scheme and favours the interests of individual land owners over the wider community. It was further submitted that there are inconsistencies in the exhibited copy of the Explanatory Report and Incorporated Document and in RO10/RO11.

These concerns generally relate to the drafting of the amendment documentation and the need to update the Incorporated Document which describes the location of each of the 17 candidate sites. It is acknowledged that this Document has inconsistencies in its drafting which can be addressed as part of this amendment process. The selection of the revised number of 16 candidate sites has been based on the findings of the Macedon Ranges Restructure Overlay Review (2012) and subsequent further examination of these sites by the CFA. The examination of vacant land and large allotments for potential development during the Macedon Restructure Overlay Review has considered lot size, development patterns, neighbourhood character, vegetation removal and ability to meet adequate defensible space requirements.

Support:

There has been a significant amount of support expressed for the proposed Amendment C92, and this is recognised in the 27 submissions made in support, and the 13 submissions that were generally in support, subject to the modifications being made to the amendment, largely by way of including additional candidate sites.

The submissions in support are based on the view that the candidate sites are dispersed throughout the town, that the overall character of the town will not change, some contribution will occur to the level of business activity in the town, and that there is adequate infrastructure to support this development. All 13 requests for inclusion as candidate sites have been examined against the following factors:

10. PE.6 AMENDMENT C92 MACEDON RESTRUCTURE OVERLAY REVIEW (Continued)

- Existing zoning and overlays affecting the site.
- Allotment size and established character of the areas.
- Impacts on vegetation and neighbourhood character.

Twelve (12) of the thirteen (13) requests for inclusion of candidate sites are for reasons relating to inadequate lot size, zoning, vegetation and potential character impacts.

Further details on the reasons for not supporting specific requests is given in the table provided in Attachment 1.

Conclusion:

Amendment C92 has been exhibited in accordance with the requirements of the Planning and Environment Act 1987.

Forty-six submissions and one late submission have been received including:

- Twenty seven (27) submissions in support of the proposed amendment.
- Thirteen (13) submissions in support of the proposed amendment if modifications are made to the content of the amendment documentation to generally increase the number of candidate sites.
- Five (5) submissions oppose the amendment.
- One (1) submission sought clarification of the amendment.
- One (1) late submission was received of a neutral nature.

As a result of the issues raised in the submissions, it is considered appropriate to refer seventeen (17) unresolved submissions to an Independent Planning Panel for assessment. Accordingly it is recommended that Council request that the Minister for Planning appoint an Independent Panel in accordance with the Planning and Environment Act 1987 to consider these submissions.

Proposed Amendment C92 to the Macedon Planning Scheme is based on sound planning principles and supported by solid strategic justification and review by the government agencies, including Goulburn Murray Water, Western Water, VicRoads, Southern Rural Water and the CFA. Amendment C92 is consistent with the State Planning Policy Framework and Local Planning Policy Framework. It is considered appropriate that Council request the Minister for Planning to appoint an Independent Panel Planning Panel to consider the Amendment. It is recommended that Council support the proposed Amendment in accordance with the resolution set out at the beginning of this report.

11. CX.1 COUNCILLOR GRANTS – CONSIDERATION OF GRANT APPLICATIONS

Officer: Kate Strahan, Governance Project Officer

File Ref: 02/13/08/09

Council Plan Relationship:

A high performing organisation – We proactively engage with, and demonstrate accountability to, the community; and build and sustain financial strength.

Synopsis:

Council, at its March 2103 Ordinary Council Meeting, endorsed the guidelines which govern the Councillor Grants Scheme.

Not-for-profit community groups can apply for small financial donations via this scheme. Applications are evaluated and presented to Council as they are received.

Councillor grants are offered to assist projects and initiatives that are unlikely to be funded through existing funding schemes. Applications can be made at any time of year¹ and generally are processed within 3-4 weeks.

Officer Recommendation:

- 1. That Council endorse the following applications for funding:**
 - a. Cobaw Community Health - \$500 for a Community Christmas lunch.**
 - b. Woodend Playgroup - \$500 for permit fee for replacement of shade sail.**
 - c. Kyneton Primary School - \$300 towards hall hire.**

¹ except in a General Election year, specifically from 1 July to the date of the election and during the Community Funding Scheme open for application period annually

11. CX.1 COUNCILLOR GRANTS – CONSIDERATION OF GRANT APPLICATIONS (Continued)

The following guidelines govern the use and administering of these funds, noting that:

1. The maximum grant is \$500.
2. Community/township festivals and events are ineligible (except for demonstrated seed funding).
3. Application for funding is via an application form which must be endorsed by the Councillor/s.
4. A group can receive funding only once in a financial year.
5. Funding:
 - a. Must be for a 'one off' project or activity (not the basis for ongoing funding).
 - b. Will not be offered to individuals.
 - c. Can be offered to government and non-government schools; however the purpose of the request must be outside the accepted responsibilities of the school and the State Government, i.e. all curriculum-related activities, student welfare activities and other functions that are generally performed by schools.
 - d. Associated with works to a Council facility or building must be approved by the relevant building manager.
 - e. Shall not be used for political purposes.
 - f. Must be identified as being consistent with Council Plan.
 - g. May be pooled by two or more Councillors to fund a specific project or activity.
 - h. Is at the discretion of the Councillor/s in consultation with the Manager Council and Customer Services.
 - i. Is for projects that will commence and finish in the same financial year.
 - j. Applications will not be accepted and works/undertakings shall not occur, in the period between 1 July and the date of a General Election of that same year.
6. Once funding is approved, all parties are required to sign a partnership agreement.
7. The promotion of activities/projects funded by the Councillor grants must not include reference to individual Councillors, i.e. the funding must be promoted as simply Council funding.
8. All applications will be presented to Council for determination.
9. Any funds not spent on the specified project/activity will be returned to Council.

11. CX.1 COUNCILLOR GRANTS – CONSIDERATION OF GRANT APPLICATIONS (Continued)

The following applications are presented for consideration:

Applicant:	Cobaw Community Health
Date received:	12 July 2013
Project:	Community Christmas Lunch
Amount requested:	\$500
Sponsor Councillor(s):	West Ward Councillors
Previous funding received for group/project:	\$880 - 2012/13, \$1,210 - 2011/12
Compliant with guidelines:	Yes
Officer comment:	Eligible
Officer recommendation:	To be funded

Applicant:	Woodend Playgroup
Date received:	18 July 2013
Project:	Permit fee for replacement of shade sail
Amount requested:	\$500
Sponsor Councillor(s):	West Ward Councillors
Previous funding received for group/project:	\$4,000 Community Funding Scheme 2012/13
Compliant with guidelines:	Yes
Officer comment:	Eligible
Officer recommendation:	To be funded

Applicant:	Kyneton Primary School
Date received:	23 July 2013
Project:	Hall hire fee
Amount requested:	\$300
Sponsor Councillor(s):	West Ward Councillors
Previous funding received for group/project:	N/A
Compliant with guidelines:	Yes
Officer comment:	Eligible
Officer recommendation:	To be funded

12. CS.1 CONTRACTS TO BE AWARDED AS AT 28 AUGUST 2013

Officer: Corinne Farley, Contracts Coordinator

File Ref: 60/03/01

Council Plan Relationship:

A high performing organisation – We proactively engage with, and demonstrate accountability to the community, and build and sustain financial strength

Synopsis:

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

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

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

Officer Recommendation:

That Council notes the existence of delegated authority to award the following contracts and to affix the Common Seal:

- a) C14.667 Supply Panel Plant and Equipment Hire
- b) C14.669 Supply and Installation of Guard Rails
- c) C14.670 Quahlee Estate Outfall
- d) C14.671 Supply and Installation of Crushed Rock
- e) C14.673 Supply Panel Insitu Concrete Assets
- f) C14.674 Supply Panel Quarry Products
- g) C14.678 Design and Construction of Baynton Road Bridge
- h) C14.680 Design and Construction of Clements Road Bridge
- i) C14.681 Revaluation of Commercial and Industrial Properties
- j) C14.682 Ashbourne Road Woodend Construction Works

**12. CS.1 CONTRACTS TO BE AWARDED AS AT 28 AUGUST 2013
(Continued)**

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

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

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

At the Council Meeting on 24 July 2013 it was noted that delegated authority was expected to exist for the following contracts:

- C14.663 Supply Panel for Weed Management Services
- C14.665 Cleaning Maternal Child Health Centres and Kindergartens

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

C14.667 Supply Panel Plant and Equipment Hire

This contract is for the appointment of a number of suppliers to a panel. This is a Schedule of Rates Contract for the supply plant and equipment hire to enable Council to complete various works programs, mostly with Council's day labour force. This is a 3 year contract

C14.669 Supply and Installation of Guard Rail

This contract is for the supply and installation of guard fence at selected nominated sites in the Macedon Ranges Shire.

C14.670 Quahlee Estate Outfall

The contact works are to duplicate the existing storm water drain in Barbara Street and Honeysuckle Lane to manage the storm water from the Quahlee Estate. The works include road improvements to Barbara Street to manage overland flow.

C14.671 Supply and Installation of Crushed Rock

Council is seeking submissions for the supply only at quarry and/or supply and delivery of road maintenance and construction materials to nominated road projects within the shire.

**12. CS.1 CONTRACTS TO BE AWARDED AS AT 28 AUGUST 2013
(Continued)**

C14.673 Supply Panel Insitu Concrete Assets

This contract is for the appointment of a panel of contractors to provide a diverse range of concrete works throughout the Macedon Ranges Shire Council. This is a Schedule of Rates Contract; the contract term is for a 3 year period.

C14.674 Supply Panel Quarry Products

This contract is for the appointment of a number of suppliers to a panel. This is a Schedule of Rates Contract for the supply only and/or supply and delivery of road maintenance and construction materials within Macedon Ranges Shire.

C14.678 Design and Construction of Baynton Road Bridge

This is a selective tender for bridge upgrade works at Baynton Road, Kyneton, bridge No. 190. The works relate to the replacement of existing 1200mm pipe and headwalls of the existing single span, double lane structure on a Gravel road.

C14.680 Design and Construction of Clements Road Bridge

This is a selective tender for bridge upgrade works for the bridge at Clements Road, Springfield bridge no. 229. The works relate to the replacement of existing 1500 mm x 1500 mm masonry culvert that has a timber deck that carries single lane gravel road. The timber deck is degrading and its ability to support the road is of concern.

C14.681 Revaluation of Commercial and Industrial Properties

This is a selective Tender to complete valuations for all commercial and industrial rateable properties, and non-rateable properties subject to the fire services property levy as at the prescribed date of 1 January 2014.

C14.682 Ashbourne Road Woodend Construction Works

This is a selective tender for the reconstruction of Ashbourne Road between Goldies Lane and Booth Lane Woodend.

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

**12. CS.2 EVALUATION OF TENDERS FOR CONTRACT NO. C14 – 655
CLEANING MATERNAL AND CHILD HEALTH CENTRES
AND KINDERGARTENS**

Officer: Jeandanielle Evans, Maternal and Child Health Coordinator

File Ref: 60/03/03/665

Council Plan Relationship:

A high performing organisation – We proactively engage with, and demonstrate accountability to the community, and build and sustain financial strength

Synopsis:

Council has delegated authority primarily to the Chief Executive, Directors and Managers across a wide variety of areas including capital works expenditure, capital asset expenditure and the awarding of contracts subject to the delegated authority not exceeding prescribed values and parameters.

Delegated authority to award this contract could not be exercised because the preferred Tenderer is from outside the Shire of Macedon Ranges and other Tenderers are from within the Shire of Macedon Ranges. Therefore, this matter has been referred to Council for determination.

A Tender Evaluation Panel (TEP) has considered all tenders and prepared a report for Council's consideration; in accordance with Council's policy on confidential information, the report of the TEP contains confidential information as it concerns proposed contractual matters and relates to matters of a business, commercial or financial nature of Tenderers. It is therefore recommended that the matter be dealt with in a meeting closed to the public.

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. CS.2 EVALUATION OF TENDERS FOR CONTRACT NO. C14 – 655
CLEANING MATERNAL AND CHILD HEALTH CENTRES
AND KINDERGARTENS (Continued)**

1. DESCRIPTION OF CONTRACT

The contract is for the provision of cleaning services to Maternal and Child Health Centre and Kindergarten facilities located within the Macedon Ranges Shire.

1.1 Purpose

The primary purpose of the contract is to ensure that Council's Maternal and Child Health and Kindergarten facilities meet all public health and safety standards and are of a presentable appearance. The aim is to proceed with cleaning services in a manner that:

- a) provides a clean hygienic and pleasant working office environment
- b) preserves the attractiveness and general amenity of the facilities

1.2 Scope

The contractor is required to provide all the necessary personnel, vehicles, plant, equipment, materials, consumables and organisational support for the due and proper delivery of the works and services as described in this specification.

The contractor is required to manage and coordinate all services provided under this contract including responsibility for the day-to-day and on-going operation of the works and services and compliance with all terms and conditions.

1.3 Type of Contract

This contract is a lump sum contract.

1.4 Term of Contract

The anticipated contract commencement date is 1 October 2013 with a contract term of 3 years from the commencement date and the option to extend the contract for a further 2 x 1 years at Council's discretion.

2. PUBLIC ADVERTISEMENT

Public notice inviting tenders for this contract was given in the following newspapers.

Newspaper	3. Date of Publication
Macedon Ranges Leader (Tuesdays)	25/06/2013
Midland Express (Tuesdays)	25/06/2013
Macedon Ranges Weekly (Tuesdays)	25/06/2013
The Age	22/06/2013

**12. CS.2 EVALUATION OF TENDERS FOR CONTRACT NO. C14 – 655
CLEANING MATERNAL AND CHILD HEALTH CENTRES
AND KINDERGARTENS (Continued)**

3. SUMMARY OF TENDERS RECEIVED

Tenders closed at 2.00pm on Tuesday 16 July 2013, and at the time of closing twelve tenders were received. There was one late tender received which was returned.

Tender	Location
ACS Property Services	Mulgrave
Ambassador Health Care Cleaning	North Melbourne
Andy Andersons Industrial Cleaning	Werribee
Ausbright Facilities Management	Epping
Clean Team Property Services	Carnegie
CNA Cleaning Services	Kilsyth
Excalibur Services Pty Ltd	New Gisborne
Laurel Cleaning Services	West Preston
LINX Content Services Pty Ltd	Glen Iris
MN Cleaning Services	Cranbourne East
NTNS Facility Services	South Morang
Shining Knight Facility Services	Cheltenham

4. TENDER EVALUATION PANEL

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

- Janet Nicola (MCH Program Support Officer)
- Abby Wills (Team Leader Early Years)
- Jeandanielle Evans (MCH Coordinator)
- Corinne Farley (Contracts Coordinator)

5. EVALUATION CRITERIA

The tenders were evaluated according to the following criteria and weighting:

Evaluation Criteria	Weighted %
Price	70
Relevant Experience – Capability	10
Methodology - Capacity	10
Compliance with the Specification	10
Occupational Health and Safety	Pass/Fail
Risk and Insurance	Pass/Fail
Conflict of Interest	Pass/Fail

**12. CS.2 EVALUATION OF TENDERS FOR CONTRACT NO. C14 – 655
CLEANING MATERNAL AND CHILD HEALTH CENTRES
AND KINDERGARTENS (Continued)**

The criteria and weighting were listed and described in the tender documents as the criteria that would be used for tender evaluation purposes.

6. 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 relating to the tenderers concerned. A confidential report has been prepared for consideration by Council in a meeting to the closed to members of the public pursuant to Section 89(2) (d) of the Local Government Act 1989.

7. AWARD OF CONTRACT

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

The confidential report includes the Evaluation Panel's recommendation for Council's consideration and determination.

12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

Officer: Leon den Dryver, Manager Finance

File Ref: 02/12/01

Council Plan Relationship:

A high performing organisation – We proactively engage with, and demonstrate accountability to, the community; and build and sustain financial strength

Attachments: Financial Statements and Standard Statements

Synopsis:

The Financial Statements and Standard Statements for the year ended 30 June 2013, which have been prepared in accordance with the Local Government Act and the Local Government (Finance and Reporting) Regulations, are attached for Council's consideration and "in principle" approval.

The Auditor-General's Agents, MDHC Audit Assurance, have audited Council's Financial Statements and Standard Statements. They have also audited the Performance Statement which was presented to Council at the meeting held on 24 July 2013.

The Council's Audit Committee considered all three Statements at its meeting on Wednesday 21 August 2013.

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

Officer Recommendation:

- (a) That the Financial Statements and Standard Statements for the year ended 30 June 2013 be approved "in principle" by Council;**
- (b) That the two Councillor members of the Audit Committee (Councillors Jukes and Anderson) be authorised to certify the Financial Statements and Standard Statements for the year ended 30 June 2013 in their final form, that is, after any changes recommended by the Auditor-General have been made; and**
- (c) That, once the Statements have been certified in their final form (in accordance with paragraph, b) all Councillors be provided with a certified copy and the Statements be submitted to the Minister.**

**12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013 (Continued)**

1. Introduction

The Financial Statements and Standard Statements for the year ended 30 June 2013 are attached.

These Statements, along with the Performance Statement, have been audited by the Auditor-General's Agents, MDHC Audit Assurance, however the Statements are yet to be formally reviewed by the Auditor-General.

Note: The Performance Statement was approved by Council at the July Ordinary Council Meeting and hence has not been included as an attachment to this report.

Local Government is required to provide both Financial Statements (refer section 2 of this report) and Standard Statements (section 3). The Financial Statements are the typical end of financial year statements that are prepared by many companies and organisations including governments and not-for-profits.

Local Government is also required to provide Standard Statements which provide additional information to ratepayers that public companies are not required to provide to shareholders.

2. Financial Statements

The Financial Statements are prepared in compliance with Accounting Standards and the Local Government Act. The Financial Statements include a comparison between the 2012/13 financial year and the 2011/12 financial year. The Financial Statements comprise of:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Cash Flow Statement
- Notes to the Financial Statements.

2.1 Comprehensive Income Statement

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

**12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013 (Continued)**

A reminder that in 2009/10 there was a change in Accounting Standards that required organisations to provide a Comprehensive Income Statement. The key difference between the Comprehensive Income Statement and the Income Statement reported previously is that after the net surplus/deficit is calculated, certain changes in equity (for example, asset revaluation reserve movements) are added to determine a comprehensive result.

The summary of the Comprehensive Income Statement is as follows:

	2012/13	2011/12
Revenue (1)	\$78.00m	\$75.18m
Less		
Expenses (2)	\$58.98m	\$61.93m
Net Surplus	\$19.02m	\$13.25m
Other Comprehensive Income (3)	\$24.19m	\$12.79m
Comprehensive Result	\$43.21m	\$26.04m

Notes:

(1) Total income increased in 2012/13 by \$2.82m from 2011/12.

- Rates and charges increased by \$2.01m:
Rate income was higher than 2011/12 as rates were increased by 4.8% and there was also an increase in the number of rateable properties (around 1%).
- Contributions of non monetary assets increased by \$1.33m:
Non monetary asset income generally relates to the transfer of infrastructure (roads, footpaths etc) by developers to Council following completion of subdivisions. These assets become the property of Council and hence increase Council's asset levels. The value of the assets is recorded as income when the transfer of ownership takes place. The total value of asset transferred varies considerably from year to year depending on the level of development in the Shire.
- Statutory fees and fines increased by \$0.99m:
The increase is mainly due to higher planning contributions (\$0.53m) and the sale of valuation data the State Revenue Office (\$0.23m). The income from the State Revenue Office is received every two years after the general valuation is completed.

**12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013 (Continued)**

Partly offsetting these increases was lower grant income:

- Grants were \$1.93m lower than 2012/13:
Recurrent grants were \$1.33m lower than 2011/12. The main reason for the decrease in grants was due to the timing of the payment of the Grants Commission allocations. In 2011/12 Council received three quarters of the 2011/12 Grants Commission allocation and half of the 2012/13 allocation. In 2012/13 Council has received half of the 2012/13 allocation and half of the 2013/14 allocation. So effectively, Council received one year and a quarter of payments in 2011/12 and one year of payments in 2012/13. This decrease is partly offset by higher kindergarten grants due to Council taking over the management of two new kindergartens during the year. As a result of this and increases in kindergarten hours grants for this program were \$0.35m higher than 2011/12.

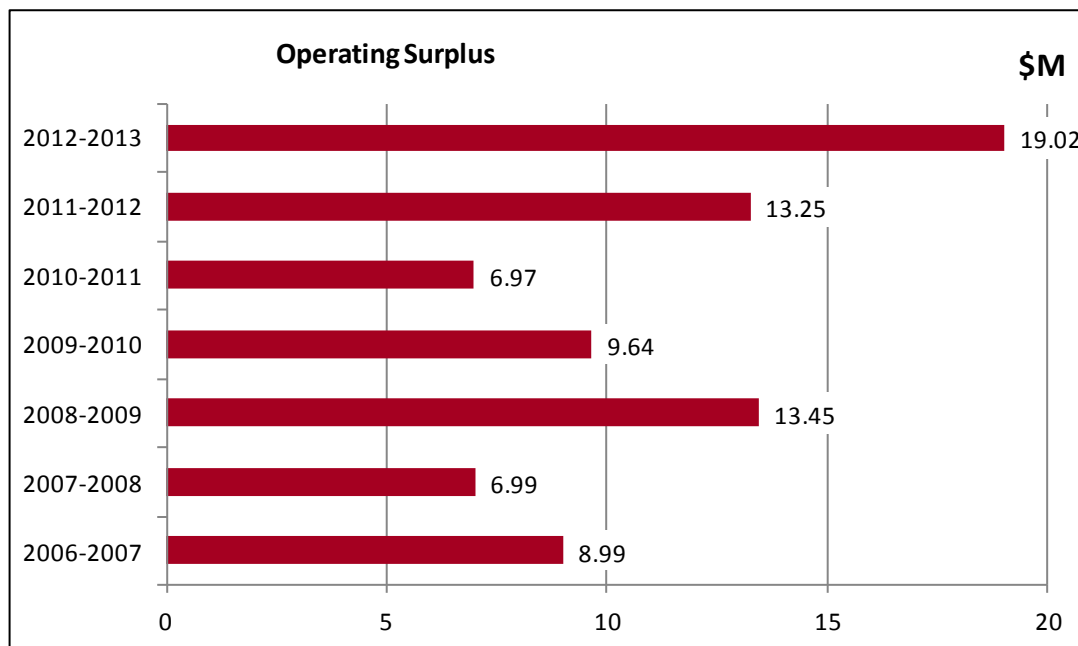
Non recurrent grants have also decreased by \$0.76m. The level of non recurrent grants varies from year to year depending on Council projects and the availability of funding. Some of the larger grants received in 2012/13 were for the Romsey Sports Precinct (\$1.30m) and kindergarten building works grants (\$0.70m). In 2011/12 funding of \$1.92m was received in relation to flood restoration works (most of the flood damage occurred in 2010/11). Other large grants received in 2011/12 were Neighbourhood Safer Places Grant (\$0.86m) and Kyneton Mechanics Institute Restoration Grant (\$0.61m).

(2) Total expenses decreased in 2012/13 by \$2.95m.

- Employee benefits decreased by \$2.55m:
The 2011/12 expense included a liability of \$3.82m related to the shortfall in Local Authorities Superannuation Fund Defined Benefit Plan. The plan's shortfall impacted all Victorian councils. With this liability removed, employee costs increased by \$1.31m. This is mainly a result of the salary increase included in the EBA of 3.7% (approximately \$0.91m) and staff increases resulting from Council taking over management of two additional kindergartens during the year (\$0.20m impact). There were also a few other staff increases included in the budget.

12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013 (Continued)

The following graph shows operating surplus levels for the past seven years:



(3) Other Comprehensive Income increased by \$11.40m

Other comprehensive income is primarily movements in the asset revaluation reserve as a result of asset revaluations. In accordance with accounting standards, Council's assets are revalued on a cyclical basis and as most infrastructure revaluations are based on current replacement cost they generally result in an increase in asset values.

During 2012/13 Council's unsealed road pavements, sealed road surfaces, bridges and footpaths were revalued resulting in an increase in asset values of \$24.19m. The revaluations completed in 2011/12 resulted in a slightly lower increase in asset values. The 2011/12 results also included a write down of the social housing assets that were being transferred to a housing association at no cost.

2.2 Balance Sheet

The Balance Sheet is a snapshot of Council's financial position as at 30 June 2013. It shows what Council owns as assets and what it owes as liabilities. The bottom line of this statement is Total Equity which is an accumulation over time of the net worth of Council.

**12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2013 (Continued)**

Current Assets are \$4.46m lower than 2011/12.

The decrease is mainly related to a lower level of Council financial assets (investments). The key reason for the decrease in investments is that Council paid Vision Superannuation \$3.64m during the year to fund the Defined Benefit Superannuation shortfall. This payment was made out of Council reserves as there was no funding included in the budget. Note: The liability recorded in 2011/12 was \$3.82m. The actual payment was lower because a discount was received for early payment.

Current Liabilities have increased by \$1.07m.

This increase is mainly due to increases in refundable deposits (bonds held for development works) and higher employee long service leave provisions.

Non Current Assets have increased by \$43.51m.

Non current assets are assets which are not expected to be converted into cash in the next twelve months. The increase is mainly due to asset revaluations that were conducted during 2012/13 for unsealed road pavements, sealed road surfaces, bridges and footpaths. Fixed assets are reviewed periodically in line with accounting standards. These revaluations have increased asset values by \$24.19m.

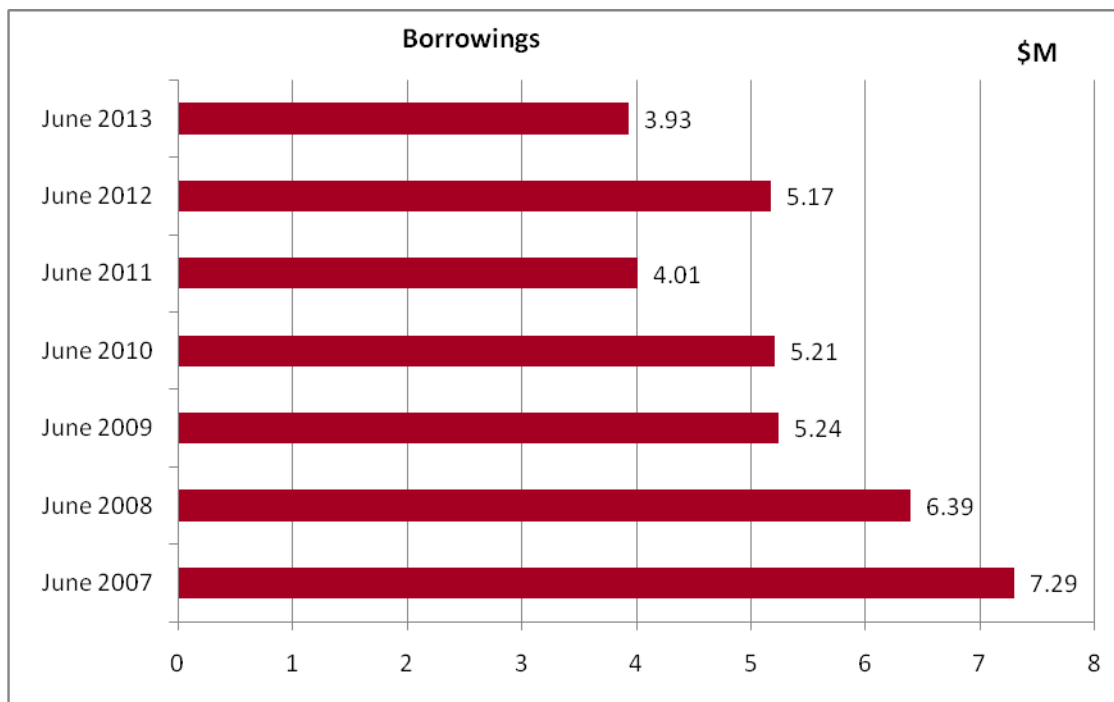
Asset values were also increased as a result of Council's capital works program which totalled \$17.14m in 2012/13 and assets contributed to Council from developers which amounted to \$13.73m. These increases are partly offset by the depreciation expense.

Non Current Liabilities have decreased by \$5.23m.

Non Current Liabilities relate to borrowings and provisions that are not payable within the next year. The decrease is mainly due to the liability for the contribution of \$3.82m to the Local Authorities Superannuation Fund Defined Benefit Plan shortfall which was recorded in the 2011/12 accounts. As mentioned above, the contribution was paid in 2012/13 and hence there is no longer a liability. There has also been a decrease in borrowings during the year as no new loans were taken up.

12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013 (Continued)

The following graph shows Council's borrowing levels over the last seven years:



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

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

Council's accumulated surplus was \$562.67m at the end of 2012/13, an increase of \$43.21m from 2011/12 which is mainly due to the operating surplus of \$19.02m and the increase in the Asset Revaluation Reserve of \$24.19m.

2.3 Cash Flow Statement

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

Cash Flows are concerned with the three distinct areas as follows

- Operating, which are normal Council operations.
- Investing, which are payments for capital equipment and proceeds from the sale of assets.

12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013 (Continued)

- Financing, which includes proceeds from investments maturing, loan proceeds received and repayment of loans. Increases in investments with a maturity of more than three months are treated as cash outflows.

The Statement shows that cash on hand was \$6.94m at the end of the year. The level of cash is slightly higher than 2012/13, this was due to Council holding more funds in an on call account that was attracting higher returns than term deposits available.

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

3. Standard Statements

The Standard Statements are a requirement of the Local Government Act. They are prepared on a basis consistent with the Financial Statements but are not required to meet all the reporting requirements of accounting standards and other mandatory professional reporting requirements.

The Standard Statements comprise of:

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

Standard Statements provide a comparison between the 2012/13 approved budget and the end of year results.

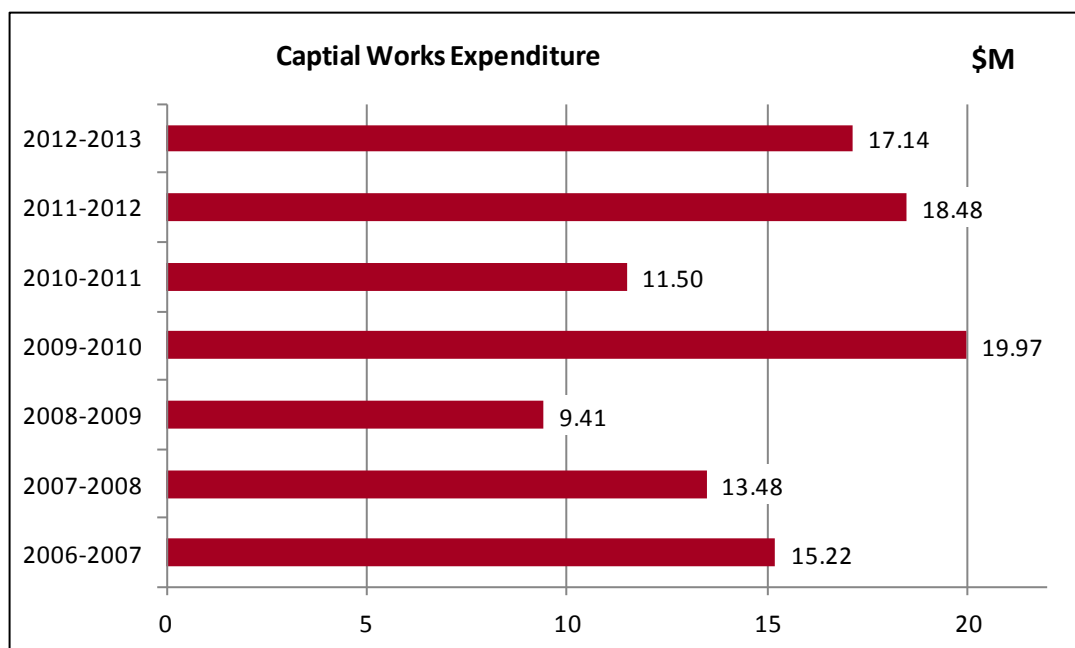
Most of the Standard Statements are similar to those in the Financial Statements as outlined in Section 2 of this report, however the Standard Statements include a Statement of Capital Works which is summarised below.

3.1 Standard Statement of Capital Works

The Standard Statement of Capital Works indicates the level of expenditure incurred on capital works areas. Further information is provided on this expenditure by the type of capital works. The statement indicates that expenditure on capital works amounted to \$17.14m for the year. Some of the key areas of capital works were roads (\$4.96m), Romsey sports precinct (\$2.68m), plant (\$1.78m - including replacement of 3 graders), kindergarten improvement works (\$0.97m), footpaths (\$0.72m) and bridges (\$0.63m)

Capital expenditure fluctuates from year to year due to the scheduling of major one-off projects and the availability of grant funding. The following graph shows the level of capital expenditure over the last seven years:

12. CS.3 FINANCIAL STATEMENTS AND STANDARD STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013 (Continued)



4. Approval “in principle” and Certification of the Financial and Standard Statements.

This report recommends that the Financial Statements and Standard Statements for the year ended 30 June 2013 be approved “in principle”.

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

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

It is recommended that Councillor Jennifer Anderson and Councillor Roger Jukes, as Council’s delegates on the Audit Advisory Committee, be authorised to certify the Financial Statements for the year ended 30 June 2013.

12. CS.4 QUARTERLY REPORT FOR THE PERIOD ENDED 30 JUNE 2013

Officer: Leon den Dryver, Manager Finance

Council Plan Relationship:

A high performing organisation – We proactively engage with, and demonstrate accountability to, the community; and build and sustain financial strength

Attachment: Quarterly Report for Year Ended 30 June 2013
(Distributed to Councillors and available on Council's website)

Synopsis:

The Quarterly Report for the period ended 30 June 2013 is presented for Council's consideration and information. This report includes the following:

- Section 1 - Quarterly Financial Statements including budget carried forwards for grants received in advance and projects in progress or postponed
- Section 2 - Progress on Council Plan Actions
- Section 3 - Capital Works Commentary, Year to Date Budget and Actual Comparison
- Section 4 - Year to Date Operating Budget and Actual Comparisons with comments for each department
- Section 5 - Customer Requests and Telephone Reports
- Section 6 - Councillor Initiated Grants and Councillor Support Expenditure

In terms of the financials, the net result was \$25,000 favourable to budget. In 2012/13 the operational expenditure and capital budgets totalled \$68m (ex depreciation). The budget variance represents 0.04% of the total budget. This is a fantastic result for Council and the community. It is proposed that some budget items be carried forward to 2013/14, these budget carry forwards mainly relate to grants in advance or projects that were expected to be completed over two financial years.

Capital expenditure for the year totalled \$17.14m. The renewal and upgrade components of this expenditure more than covered the annual asset depreciation expense. At a high level, this means that more than sufficient funds were spent in 2012/13 on maintaining Council's existing assets.

12. CS.4 QUARTERLY REPORT FOR THE PERIOD ENDED 30 JUNE 2013 (Continued)

Council borrowings at the end of the year (\$3.9m) remain at historically low levels which gives Council scope to increase borrowings in 2013/14 to fund key projects.

Council undertook 62 Council Plan actions in 2012/13. At the end of the year 61 (98%) of the actions met their target, with the other action partially completed as other projects were prioritised by Council at that time.

Please note that following on from the adoption of the Councillor Support Policy, additional information on Councillor support expenditure has been added to Section 6 of the report.

Officer Recommendation:

That Council:

- 1. Note the Quarterly Report for the period ended 30 June 2013;**
- 2. Endorse the budget carry forwards from 2012/13 to 2013/14; and**
- 3. Endorse the allocations made through the Councillor Initiated Grants for the period to 30 June 2013.**

12. CS.5 ENVIRONMENTAL AUDIT OF THE FORMER KYNETON OUTDOOR POOL SITE

Officer: Glenn Owens, Director Corporate Services

File Ref: 6/2850/1150

CRM Ref: 29842

Council Plan Relationship:

Our environment and landscape is protected and sustained

Synopsis:

The construction of the Kyneton Sports and Aquatic Centre (KSAC) was part of the 2009/10 Budget. The funding for KSAC required \$400,000 from proceeds from the sale of the former Kyneton outdoor pool site at 2-8 Maxwell Street, Kyneton (the Site) which is 3,760 square metres and is zoned Public Park and Recreation (PPRZ).

In May 2010 Council resolved to undertake the statutory process to sell the site in order to generate, at least, \$400,000. Public notice was given in the usual manner. No submissions were received. Later it was revealed that the site suffers from soil contamination. Therefore, Council became obliged to manage the site for contamination (that is, undertake remedial work) and obtain either a certificate or a statement of environmental audit. Environmental Earth Sciences were engaged as Council's advisors.

This report addresses the issues raised by Councillors during 2013 and recommends the first step in a course of action that will provide Council with the information that it needs to make a decision.

Officer Recommendation:

That Council ask Environmental Earth Sciences to:

- a) **Seek Auditor approval for on-site soil containment as the preferred remedial option in order to facilitate medium-density residential land use or public open space land use;**
- b) **Provide an Auditor approved Environmental Management Plan; and**
- c) **Provide a formal fee proposal.**

**12. CS.5 ENVIRONMENTAL AUDIT OF THE FORMER KYNETON
OUTDOOR POOL SITE (Continued)**

1. Background

The construction of the Kyneton Sports and Aquatic Centre (KSAC) was part of the 2009/10 Budget. The funding for KSAC required \$400,000 from proceeds from the sale of the former Kyneton outdoor pool site at 2-8 Maxwell Street, Kyneton (the Site).

The site is on the corner of Mollison and Maxwell Streets, Kyneton. It is 3,760 square metres and is zoned Public Park and Recreation (PPRZ).

In May 2010 Council resolved to undertake the statutory process to sell the site in order to generate, at least, \$400,000. Public notice was given, inviting submissions, however none were received.

Later it was revealed that the site suffers from soil contamination. Therefore, Council became obliged to manage the site for contamination (that is, undertake remedial work) and obtain either a certificate or a statement of environmental audit. Environmental Earth Sciences were engaged as Council's advisors.

A report was submitted to the Council Meeting on 12 December 2012. The report provided Council with three options for managing the contamination impacted soil.

The report recommended that Council (1) Continue to organise for remedial work to be undertaken; and (2) Obtain a Statement of Environmental Audit that the site may be used for residential purposes.

The report also recommended that following the completion of the remedial work, the future of the site be re-listed for final Council consideration and determination.

Council did not accept the recommendations and resolved that the matter be deferred until 2013 to allow further discussion to occur.

The discussion occurred at a Councillor Briefing in April 2013 and further information was sought. The further information can be found in items 2 to 8 as follows:

2. Advice from Council's Advisors

Council's advisors; Environmental Earth Sciences recommended on-site containment of the contaminated soil. They advised:

- Approval for public open space land use would be likely because of the ongoing management of the site by Council.

12. CS.5 ENVIRONMENTAL AUDIT OF THE FORMER KYNETON OUTDOOR POOL SITE (Continued)

- Approval for medium density to high density residential land use would be likely because the ongoing management of the site would be achievable by agreement with a body corporate.
- Approval for standard density residential land use would be unlikely because the Auditor would be concerned about the ability of individual landowners to manage on-site containment.

Testing and assessment has so far cost \$137,000. Council's advisors estimate that on-site containment may cost a further \$187,000 and estimate that auditor costs may be a further \$30,000. Therefore, the estimate to obtain environmental audit statement is \$354,000.

3. Estimated Financial Summary

Shortfall in funding of KSAC	\$400k
Estimate of cost to obtain environmental audit statement	<u>\$354k</u>
Estimate of funding that needs to be raised	\$754k
Less estimated gross sale price of site	<u>\$500k</u>
Estimate of total shortfall	\$254k

4. What does the Kyneton Structure Plan say?

There is the following reference to the Site on page 13 of Part A of the Kyneton Structure Plan:

"5.3.3 Former Kyneton Pool Site – Rezone the former Kyneton Pool Site from Public Park and Recreation Zone to Residential 1Zone to facilitate consolidated residential development of this Site. Rezoning of this land is subject to additional assessment into soil contamination as per Ministerial Direction No. 1."

There is also the following reference to the Site on page 7 of Part B (Issue Identification & Analysis) of the Kyneton Structure Plan:

"3.9 Key Strategic Sites – There are a number of opportunities for redevelopment of large and underutilised sites within Kyneton, particularly in and around the Town Centre. These sites could be redeveloped to include new retail, commercial or medium density housing land uses. Examples of these include the old pool site on Mollison Street, the old hospital site in Wedge Street and potentially, in the future, sites currently occupied by businesses in residential areas.

Implications - There are opportunities to revitalise underutilised sites within Kyneton through redevelopment, and/or rezoning."

**12. CS.5 ENVIRONMENTAL AUDIT OF THE FORMER KYNETON
OUTDOOR POOL SITE (Continued)**

5. What did the community say?

In May 2010 when Council gave public notice of its intention to sell the site and invited public submissions, none were received.

However, during the public consultation phase of the Kyneton Structure Plan in 2013, McBain Design of Kyneton made a submission which, amongst other things, said *“consider zoning Mixed Use to allow for possible additional small supermarket space, retail, food tenancies, office and 1 and 2 bedroom apartments as the site near to train station and future increased greenfield areas”*.

6. What is the estimate of time and process to rezone the site?

The Planning Scheme Amendment process should take 12 to 18 months and the staff time required to do this would be approximately 16 to 20 weeks. Community consultation, together with Council and Ministerial decisions, is required at various stages in the Amendment process.

7. If the site is retained for public open space will there be a need to rezone?

The site is currently zoned Public Park and Recreation and therefore rezoning will not be required.

8. What has happened with the \$400,000 shortfall for the Kyneton Sports and Aquatic Centre due to not selling the site and having to spend money on assessing it instead?

The \$400,000 shortfall in the funding source for KSAC due to the unsold site is an unresolved liability that is being carried forward each year until such time as the site is sold (or another decision is made).

The site should have been sold in 2010/11, but at that time it was not known about the contamination. If there had not been contamination, the site would have been sold and it would have raised the required \$400,000.

The cost of assessing the site for contamination and managing the contamination is being accounted for as a "cost of sale". All the costs of sale will be deducted from the gross sale proceeds when the site is sold. It is the net proceeds that will be used to pay the funding shortfall.

**12. CS.5 ENVIRONMENTAL AUDIT OF THE FORMER KYNETON
OUTDOOR POOL SITE (Continued)**

Providing the site is sold, there will not be any impact on the 2013/14 Budget or any future budget. When the site is sold the net proceeds will be allocated to the carried forward liability. However, if the cost of contamination means that we do not realise \$400,000 from the net proceeds then there will be an impact.

9. What other Council owned land in Kyneton may be suitable for sale at the present time?

At the present time Council owns two properties at 20 Jacobs Avenue (903 square metres) and the Reserve in Tower Street (754 square metres). Both are zoned Residential 1, and if sold by public auction are likely to attract in the vicinity of \$300,000 to \$325,000.

10. Summary

- a) The current Council position (as resolved in May 2010) is to sell the site. There was no public opposition.
- b) After resolving to sell the site it was revealed that the site suffers from some soil contamination.
- c) Council should manage the site for contamination and then obtain either a certificate or a statement of environmental audit to demonstrate suitability for use. The estimated cost is about \$354,000.
- d) The planning scheme amendment to rezone the site to residential is estimated to cost \$40,000 and \$50,000 (includes staff time costs).
- e) After doing (c) and (d) the sale proceeds are estimated to be about \$500,000.
- f) Rather than selling the site, should it be managed for contamination and retained for public open space and, if so, should other land be sold to help cover the cost of managing the contamination.

11. Options

- a) Sell the site for residential use (Sale Option)
- b) Keep the site for public open space (Retain Option)

Both options will require Council's advisors; Environmental Earth Sciences to seek Auditor approval for on-site soil containment as the preferred remedial option in order to facilitate residential use or public open space use.

Both options will require Council's advisors; Environmental Earth Sciences to provide an Auditor approved Environmental Management Plan (EMP) and a formal fee proposal.

**12. CS.5 ENVIRONMENTAL AUDIT OF THE FORMER KYNETON
OUTDOOR POOL SITE (Continued)**

Both options will also involve identifying other options to cover the cost of:

1. Remedial works in the EMP (estimated to be \$354,000); and
2. The KSAC unresolved liability (\$400,000).

If it is decided to retain the site for public open space then it will also be necessary to allocate funds for the beautification of the site (to make it suitable and attractive for public open space).

12. Recommendations

That Council ask Environmental Earth Sciences to:

- a. Seek Auditor approval for on-site soil containment as the preferred remedial option in order to facilitate medium-density to high-density residential land use or public open space land use.
- b. Provide an Auditor approved EMP; and
- c. Provide a formal fee proposal.

The abovementioned recommendations are made with the intention that following receipt of (a), (b) and (c) Council officers will provide a Councillor Briefing and a Council report which includes:

- d. Undertaking the remedial work in the EMP.
- e. Circumstances under which it may be possible to retain the site for public open space including allocation of funds for the beautification of the site (to make it suitable and attractive for public open space).
- f. Other options to cover the cost of:
 - i. Remedial works in the EMP (estimated to be \$354,000); and
 - ii. The KSAC unresolved liability (\$400,000).

12. CS.6 REPORT FROM THE AUDIT COMMITTEE MEETING HELD ON 21 AUGUST 2013

Officer: Glenn Owens, Director Corporate Services

File Ref: 02/03/02

Council Plan Relationship:

A high performing organisation - We proactively engage with, and demonstrate accountability to, the community and build and sustain financial strength"

Synopsis:

The most recent Audit Committee meeting was held on 21 August 2013 and the minutes from that meeting have been distributed to all Councillors. The minutes include the following items:

1. Internal Audit Actions – Progress Report
2. Financial Statements for year ended 30 June 2013
3. Standard Statements for year ended 30 June 2013
4. Performance Statement for year ended 30 June 2013
5. Risk Management
6. Declaration of Interests
7. Proposed Performance Reporting Framework 2014/15
8. VAGO Financial Sustainability Ratios

Item 1 was the Progress Report from management to assure the Committee of its completion and progress on the outstanding Internal Audit Actions.

Items 2, 3 and 4 concerned the end of financial year audit to be undertaken by the Auditor-General's Agents, MDHC Audit Assurance.

Item 5 was a verbal report on the activities of Council's Risk Unit and the management of risk including OHS and public liability.

Item 6 concerned the new legislation applying the register of interests for Audit Committee members.

Items 7 and 8 concerned the current financial sustainability ratios and the proposed framework to measure and report local government performance.

Officer Recommendation:

That Council note this report together with the minutes from the Audit Committee meeting held on 21 August 2013.

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS

Officer: Pauline Neil, Coordinator Youth Development

Council Plan Relationship:

An empowered community - Our community is inclusive and connected and enjoys strong mental health and physical health and wellbeing

Attachment: Live4Life Future Directions report: "*A Preferred Model*"

Synopsis:

Live4Life is an early intervention youth mental health initiative led by Council in partnership with local schools, health services and Victoria Police. The significant success of Live4Life has attracted attention from far afield, with numerous communities now looking to Macedon Ranges for assistance with establishing Live4Life in their area. At the same time, local schools within the shire are keen to expand Live4Life activities to other year levels.

Existing resources significantly limit the potential for expansion at either the local level or beyond the shire boundaries. In 2012 Council commissioned a *Live4Life Future Directions Report* to identify a structural model for Live4Life that is sustainable and would allow further evolution and growth.

This report outlines the in-principle preferred option that emerged during research and consultation for the Future Directions project. It supports establishing Live4Life as an incorporated association, whilst at the same time retaining the local input and direction of the Live4Life Partnership Group.

Officer Recommendation:

That Council:

1. **Lead and facilitate the implementation of the recommendations of the *Live4Life Future Directions: A Preferred Model*;**
2. **Endorse and progress implementation of the following recommendations:**
 - 2.1 **Establishment of Live4Life as an incorporated association**
 - 2.2 **Retention of the current Live4Life Partnership Group to guide local activity; and**
3. **Acknowledge the work of the partners in the development of Live4Life and their role in its future direction.**

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS (Continued)

Introduction

Live4Life is a local youth mental health initiative that emerged in 2009 following concerns from Council, schools, police, and local health services about a reported increase in anxiety, depression, bullying, self-harm and suicide in the local youth population.

Local feedback and formal evaluations of Live4Life have been consistently positive. Whilst gratifying, this is also resulting in pressure to expand both locally and beyond. At the local level, schools and the Live4Life Partnership Group are keen to see the initiative expanded to additional year levels in Macedon Ranges' schools. Interest and attention has also been attracted from wider afield, with numerous requests received to assist other communities implement Live4Life.

Background

Current resource constraints limit the potential for Live4Life to grow either locally or beyond the shire, despite the significant need identified in youth mental wellbeing statistics and the aforementioned pressure for expansion.

For this reason, Council has been seeking to identify a structural model for Live4Life that is sustainable, will allow further evolution and growth, will remain true to the founding principles of Live4Life and which leverages the leadership role of local government.

In 2012 Council engaged a consultant to document information about Live4Life and explore future options for its development. Consultation was undertaken with community leaders involved with Live4Life and a second consultation undertaken specifically with the Partnership Group concerning operational matters. These consultations culminated in a report *Live4Life Future Directions: Evolving Live4Life* in May 2012 recommending that three options be subject to further exploration:

- A. Live4Life continues to be led by Council with the Partnership Group consolidating activity in Macedon Ranges. Growth is limited to that which can be achieved through procurement of additional resources.
- B. Live4Life is established as a stand-alone, independent organisation, with a Committee/Board that directs activity at both the local level and at expansion opportunities at the state and national levels.
- C. Similar to option B, but with the local Partnership retained as a separate though affiliated entity to control delivery of the initiative within Macedon Ranges.

In December 2012 Council engaged JandA Consulting to undertake a *Live4Life Future Directions Report*, aimed at exploring these three potential models and working with Council and the Partnership Group to reach in-principle agreement of a preferred option. This resulted in the document *Live4Life Future Direction: A Preferred Model* (Refer to Attachment CW.1).

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS (Continued)

Future Directions: A Preferred Model paper

Following the consultations, Option C was subject to more detailed exploration, including extrapolating the implications of the model, the practical steps required should it be implemented and its capacity to incorporate aspects of other best practice models. The subsequent *Future Directions: A Preferred Model* paper examines the range of factors Council and the Live4Life Partnership Group will need to consider before formally determining whether the option should be pursued, namely:

1. The ability of Option C to remain true to the principles of Live4Life
2. The potential roles for Council and existing Live4Life Partner Organisations
3. The governance requirements and practical steps to be undertaken to achieve incorporation and Deductible Gift Recipient (DGR) status
4. The financial costs of establishing Live4Life as an incorporated association and the projected income/expenditure for Live4Life Inc. as an independent organisation
5. The parameters of the activities for Live4Life Inc. that will most likely lead to its sustainability – i.e. its scope of practice
6. The identified risks involved and their capacity for control and mitigation.

Council's final decision will need to balance these factors carefully. These factors have informed the content of this report to Council.

Strategic and Policy Context: Local

The *Council Plan 2013 – 2017* explicitly highlights the importance of mental health and wellbeing in realising the Shire's potential over the next four years. As an empowered community, "Our community is inclusive and connected and enjoys strong mental and physical health and wellbeing". To achieve this goal a number of objectives and actions have been identified that both directly and more generally relate to Live4Life, namely:

Objectives	Actions
To promote and maintain strong connected communities	<ul style="list-style-type: none">• Facilitate training to increase the leadership abilities of at least four communities and/or community groups to achieve their own goals• Support in partnership with schools and other groups young leaders from across the Shire who enhance the role of young people in community life

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS (Continued)

To increase community understanding of, and support for, mental health and wellbeing

- Identify a new, sustainable operating/governance model that can grow Macedon Ranges youth mental health initiative 'Live4Life' in partnership with other key local agencies
 - Develop strategies to increase community mental health literacy and ability to access effective support and services through holding a mental health roundtable with local and specialist agencies
-

The new *Youth Strategy 2013-2017*, has a strong focus on preventative health and wellbeing, and as such, key actions are shaped by recommendations in the *Live4Life Future Directions Report*.

Information about Option C

Under Option C Live4Life would be established as an incorporated association recognised as a not-for-profit organisation by the Australian Tax Office. It could secure charitable status and apply for Deductible Gift Recipient (DGR) status, enabling it to attract philanthropic and grant funding. At the same time, the Macedon Ranges Live4Life Partnership Group would continue to meet to direct activity at the local level.

Therefore under this model two entities would emerge:

- Live4Life Inc. Committee (or Board)
- Macedon Ranges Live4Life Partnership Group

Using a gradual, phased approach as suggested in the *Future Directions: A Preferred Model* paper, it would be possible to establish Live4Life Inc. and only progress activities under this banner once additional external grant funds are secured. In this way activities at the local level could continue to be safely pursued by Council and the Live4Life Partnership Group while the incorporated association focused on securing funding before progressing further.

Implementing Option C

A range of factors have been explored to assist both Council and the Live4Life Partnership Group to be informed about the ultimate viability of pursuing this option. These factors are summarised in this report and include:

1. *Principled Parameters*: The ability of Option C to remain true to the principles of Live4Life
2. *Roles*: The potential roles for Council and existing Live4Life Partner Organisations
3. *Governance*: The governance requirements and practical steps to be undertaken to achieve incorporation and Deductible Gift Recipient (DGR) status

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS (Continued)

4. *Financial Costs*: The financial costs of establishing Live4Life as an incorporated association and the projected income/expenditure for Live4Life Inc. as an independent organisation
5. *Scope of Practice*: The parameters of the activities for Live4Life Inc. that will most likely lead to its sustainability
6. *Risk Management*: The identified risks involved and their capacity for control and mitigation.

1. Principled Parameters

The *Future Directions: A Preferred Model* paper highlights the importance of articulating Live4life key principles in establishing a Live4Life incorporated association as well ensuring they underpin all agreements with new communities looking to establish a local Live4Life program.

2. Potential Roles for Council and the Partnership Group

Macedon Ranges Shire Council has played a lead role in the establishment and resourcing of Live4Life to date. Council has indicated its interest in maintaining a leadership role during prior consultations, should Live4Life progress to an alternative model such as that outlined by Option C.

Once incorporated, Live4Life Inc. will need to source additional operational funds before it can employ staff in its own right, secure its own premises or undertake project activity. During this period, Council may be willing to provide office accommodation and associated infrastructure support as an auspice body. This could be achieved with minimal cost to Council.

As the owner of the Live4Life trademarked logo, Macedon Ranges Shire Council will need to transfer ownership to the new Live4Life Inc. association, should it wish to support the new association in its expansion agenda.

The Future Directions: A Preferred Model paper outline the proposed leadership role for Council in relation to both the Live4Life Inc. association and the Live4Life Macedon Ranges group.

Consultations with Live4Life staff, the Partnership Group and senior Council Community Wellbeing staff all emphasised the importance of retaining local leadership and direction in relation to Live4Life activities within Macedon Ranges.

The Future Directions: A Preferred Model paper detail how this can be ensured through continued engagement of the Partnership Group in implementing Option C (consistent with their capacity and interest) and, most importantly, through specific agreements that detail how the locus of control for local activity will remain with the Partnership Group.

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS (Continued)

3. Governance Requirements

From a governance perspective, and of importance to Council, it must be noted that once Live4Life separates into two entities (Live4Life Incorporated and Live4Life Macedon Ranges) Council will cease to be responsible for or have the capacity to direct activities undertaken under the umbrella of the incorporated association. As an independent body, the Live4Life Inc. committee/board would take on responsibility for its own governance and operational activities. Council would still have responsibility for, and have the ability to direct, activities at the local, Macedon Ranges level through the continuance of its funding of the local Live4Life Coordinator.

4. Financial Considerations

In order to continue the roll-out of activities at the local level, it is recommended to maintain the current level of funding from Council for the Coordinator position. (Over time, as the Live4Life Inc. association becomes more established and secures funds in its own right, it may be in a position to assist with coordination funding).

Establishing Live4Life Inc. will incur some costs for the various registration and application fees and recommended insurances. It is anticipated these costs can be met by the Youth Development Unit's operational budget. Live4Life Inc. Committee responsible for raising funds for any further annual registration costs and insurance coverage.

Importantly, the establishment of Live4Life Inc. as an independent entity will explore potential philanthropic grant opportunities. The project's existing lack of DGR status requires it to channel any successfully secured grant monies through a local organisation with DGR status (currently Cobaw Community Health Service). This places it in direct competition with any other worthwhile projects Cobaw CHS is considering for application to the same fund, as trusts and foundations will not accept two applications from within one organisation.

5. Scope of Practice

Expanding its current approach to a state and potentially nationwide audience would be a logical first start for a newly formed Live4Life Inc. association.

6. Risk Management

Establishing Live4Life Inc. as an incorporated association would not be without risk to Council, the local Live4Life Macedon Ranges initiative and to the current Partnership Group. *The Future Directions: A Preferred Model* paper undertook a risk analysis to determine whether controls could be established to mitigate the potential risks.

Of prime importance as a risk management strategy is the phasing and staging of any implementation of Option C, over a three year period.

13. CW.1 LIVE4LIFE FUTURE DIRECTIONS (Continued)

Conclusion

Council's leadership role in the development of the Live4Life initiative to date has been acknowledged and commended both through independent evaluations of the initiative and through receipt of awards.

The significant success of Live4Life has brought it to a crossroad. A decision is required regarding whether to remain on the current path of local delivery only, or choose a direction that will also allow expansion of Live4Life into other communities.

Research and consultation for the Future Directions Project confirms there is both demonstrated need and significant potential for success should Live4Life choose an expansion direction.

Option C offers a structure that captures the ability to pursue an expansion agenda, while safeguarding the local Live4Life activities that are valued so highly in our local community. Other than assisting with minor initial incorporation costs and the potential provision of staff time and expertise, establishing Live4Life as an incorporated association would be accomplished with minimal additional cost to Council.

With the proviso that it was pursued in a staged manner, allowing for reflection, evaluation and active involvement of key stakeholders, Option C is a viable way for Council and the Partnership Group to realise their expansion hopes for the Live4Life initiative.

13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE

Officer: Karen Stevens, Director Community Wellbeing

File Ref: 21/19/10

Council Plan Relationship:

An inspiring place - Our lifestyle, culture and sense of place are strengthened by best practice planning and development. Our infrastructure supports the needs of future generations

Attachment: Gisborne Early Years Hub - Pine Plantation Site Investigation

Synopsis:

In 2012 Council began the search for an alternative location for a kindergarten and Maternal Child Health (MCH) centre that services Gisborne and surrounds. The proposal is to relocate Gisborne Kindergarten and MCH into an early years hub.

Over a number of Councillor Briefings early in 2013, Councillors considered numerous sites provided against a range of criteria that included cost, location, availability, timeframe, access, bushfire risk, attractiveness to potential hub partners and likely community support or opposition.

In March 2013 Council received a report recommending 120 Aitken Street, Gisborne as a preferred site for an early years hub pending further investigation and consultation with key stakeholders. A second site, at 97-99 Willowbank Road, Gisborne was also recommended and has since been ruled out.

Considerable research, advocacy and investigation has been carried out and uncovered a range of challenges to be overcome regarding the site.

This report responds to the actions undertaken to date and provides recommendations for Council consideration.

Officer Recommendations:

That Council:

- 1) Note that the proposal to secure an option to purchase the land at 97-99 Willowbank Road, Gisborne was pursued and was not accepted.**

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

- 2) In relation to 120 Aitken Street, Gisborne:
 - a) Note the detailed investigation, initial consultation and advocacy undertaken to assess the suitability of the site as a potential site for an early years hub.
 - b) Continue to seek a response from the State Government regarding Council's interest in part of the site for an early years hub, noting that no further action is recommended until this is known.
 - c) Note that due to a number of complex issues relating to the site, multiple studies and further investigation will be required should Council have an opportunity to acquire the site.
 - d) Note that a funding allocation will be necessary should further studies and investigation be required.
 - e) Continue to collaborate with the Gisborne Cemetery Trust to advocate for the remaining portion of the site to be made available for an extension to the cemetery.
 - f) In the event that the land is deemed unsuitable for an early years hub, advocate for the whole site to be gifted to the Gisborne Cemetery Trust for an extension to the Gisborne Public Cemetery.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

Background

Macedon Ranges Shire Council manages two kindergartens in Gisborne:

- Swinburne Avenue Kindergarten in the north
- Gisborne Kindergarten on Grant Avenue in the south

Swinburne Avenue Kindergarten has the capacity to accommodate the moderate population growth projected for the northern parts of Gisborne and New Gisborne.

Gisborne Kindergarten is currently at maximum capacity. Operating a service from this site is not sustainable as it is landlocked and there is no scope for expansion.

Council also manages the Maternal and Child Health (MCH) service in Gisborne. Currently this service is operating from a rented property close to other primary health care services and the Gisborne central business district. Maternal and Child Health is proposed to be relocated to be delivered as part of an integrated early years hub proposal.

Following a decision not to locate an early years hub at Daly Reserve Gisborne, late 2012, Council began the search for an alternative location for a kindergarten and MCH centre that services Gisborne and surrounds. The proposal is to relocate Gisborne Kindergarten and MCH into an early years hub.

An integrated Early Years Hub offers a range of family and children's services in one location. It is ideally situated in close proximity to a primary school. It provides opportunities for families to feel part of a community and to access services they may not normally use. This approach is consistent with federal and state government policy direction.

The proposed integrated early years hub aims to provide:

- A children's centre licensed for 66 children
 - Kindergarten for children the year before they attend school
 - Activity groups for three year old children
- Meeting and multipurpose spaces in a child friendly setting
- Maternal and Child Health consultation rooms
- Flexible consultation space for visiting services and programs
- Toy Library and other complementary services for families and children

Over a number of Councillor Briefings early in 2013, Councillors considered numerous sites provided against a range of criteria that included cost, location, availability, timeframe, access, bushfire risk, attractiveness to potential hub partners and likely community support or opposition.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

In March 2013 Council received a report recommending 120 Aitken Street, Gisborne as a potential site for an early years hub pending further investigation and consultation with key stakeholders.

The report proposed that officers proceed to:

1. Determine if Council can acquire the site on a long term lease, or if this is not possible, negotiate a purchase price.
2. Undertake detailed investigations of the history, suitability and cost implications of the preferred site.
3. Determine and consult with other parties who have a known interest in the preferred site.
4. Implement a community consultation process.
5. Seek support for potential key hub stakeholders for the preferred site.
6. Develop an achievable timeframe for the development of the Gisborne Early Years Hub.

97-99 Willowbank Road, Gisborne

At the March Council meeting, Council also resolved to seek to secure an option to purchase the site at 97-99 Willowbank Road, Gisborne as an alternative site for the proposed early years hub.

Following the March Council Meeting, Council engaged an agent to act on its behalf to pursue this option. The owner of the land did not accept the proposal and was considering a different use for the land, therefore this site is no longer available for consideration by Council.

About the site - 120 Aitken Street, Gisborne

The land is owned by the State Government, and has been identified as surplus to requirements in the past. It is a 17,964m² (approximately 1.8 hectares) block of land at 120 Aitken Street, Gisborne, situated between the Secondary College and the cemetery. The land is a sloping site and heavily treed with a pine plantation.

The land is zoned (PUZ2) Public Use Zone 2 – Education. This along with the fact that there are no overlays makes the site suitable for the development of an early years hub from a planning perspective.

Located 970 metres south of the town centre, 120 Aitken Street has sealed footpaths from the town centre to opposite the site. There is also potential to develop footpath linkages to Gisborne Secondary College. Due to the characteristics of the site and the approach roads, significant traffic management works would be required to access the site.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

The Gisborne Cemetery Trust Board has been seeking to acquire the land for a number of years to expand the cemetery. Given that the footprint of the proposed hub is just over 4,000m², the development would not require the whole site. It is proposed that further consultation occur with the Gisborne Cemetery Trust Board to determine if it is possible to develop a shared approach to developing the site that will meet the objectives of both Council and the Cemetery Trust Board.

The timeframe to having the site build-ready is approximately 18 months to two years assuming a best case scenario with the community consultation, the process to acquire the land from State Government and the clearing and preparation of the site.

Securing the site

A range of actions have been implemented to advocate for Council to acquire the site for the purpose of an early years hub including:

- Media releases, information packs and funding proposal flyer
- Letters outlining the proposal and seeking a meeting
- Meetings with senior government officials, local members of parliament and key State Government Ministers
- Funding proposals to Federal Government candidates
- Site visit by Department of Education and Early Childhood Development (DEECD) officer

These actions have resulted in the opportunity to fully brief key state government bureaucrats and ministers on the proposal; however, Council is yet to receive a formal response on the matter.

A letter to the Premier, Hon Denis Napthine MP was also sent inviting him to visit the site and discuss the proposal. At the time of writing this report, Council has not yet received a response to the letter.

History, suitability and cost implications of the site

Following considerable research and investigation, a report titled 'Gisborne Early Years Hub - Pine plantation investigation' is provided (Refer to attachment) outlining the history of the pine plantation site and the Gisborne Public Cemetery site.

As previously noted, the history and complexities relating to the Gisborne Public Cemetery site should be considered as there are potential risks and challenges to be overcome before Council can proceed any further with the pine plantation site.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

This and other risks and requirements are summarised below:

- Information regarding the potential for unmarked graves to be either in the site or on the boundary with the Cemetery is of concern. This should be ruled out prior to Council pursuing the site further or allocating any resources to further investigation or studies. It is the view of officers that this cost should be met by the State Government.
- There is reported history of an aboriginal burial and related artefacts being found at the Gisborne Cemetery in 1867. Given the close proximity to the Pine Plantation and the lack of records for aboriginal burials undertaking a cultural study would be considered best practise.
- The land is steeply sloped with a pine plantation of 20 years old pines. The site would require clearing to allow space for a development and to eliminate the fire risk. There is limited native vegetation on the site, however, a vegetation study would be recommended.
- Significant rubbish has been dumped in and cleared from the site over time. The development of an early years facility will require soil testing in line with the Children's Services Regulations and to determine viability of the site.
- Traffic volumes in particular at peak times of the day should be further investigated. Developing an entrance at either end of the site will require traffic studies and consideration given to the design of safe entry and exit points.

Some of these studies and actions are likely to be costs associated with a development of this nature on any potential site. Others are specific to this site, particularly the shared boundary with the cemetery and the current use of the land as a plantation. It is estimated that an allocation of up to \$80,000 be made should Council choose to pursue this course of action in the future.

The nature of these issues is also likely to impact on the timeframe of such a development given the sensitivity of the issues and the time required to carry out such studies. There is also a risk that the findings of these studies may eliminate the site entirely as a suitable site for an early years hub.

Consultation

Key stakeholders were identified as organisations, services or residents who may be impacted upon in some way through the development of an early years hub and in particular at the Pine Plantation site.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

The key stakeholders for this initial consultation stage include:

- Victorian Government Department of Education and Early Childhood Development (DEECD)
- The Gisborne Cemetery Trust
- Gisborne Secondary School
- Residents within close proximity to the site
- Grant Avenue Kindergarten
- Potential partners / service providers

Meetings have been held with representatives of all key stakeholders. There has been general support for the proposal and meetings have been productive and have assisted Council to develop information and consider potential issues.

All stakeholders recognise the need to develop a new facility to cater for the needs of families and children in Gisborne and surrounds.

Residents (25) within the immediate proximity were provided with correspondence outlining Council's proposal. The letter contained a question and answer fact sheet, the media release as well as an aerial view of the site. The letter also offered residents an opportunity to meet to discuss the proposal and provide feedback.

One couple requested an appointment and provided positive feedback. They had no objections to the proposal and discussed a range of matters and suggestions for consideration should the development occur. Two other groups of householders also wrote in with their feedback. They were generally supportive of the concept but highlighted the traffic management issues and their preference that access should not be on the residential boundary fence line.

A meeting was held with parent representatives of the Grant Avenue Gisborne Kindergarten. They were supportive of the proposal with a view for the Grant Avenue Kindergarten being relocated into the new hub. They were in agreement with the pine plantation as a potential site.

A meeting occurred with the President and Secretary of the Gisborne Cemetery Trust. The Cemetery trust indicated that they too had been working for many years in an attempt to secure the pine plantation to meet future need within the cemetery.

The issue of unmarked graves was discussed including the risks this could pose to the viability of pine plantation site and the need to investigate this further.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

The Cemetery Trust also advised that they have no access to toilets and/or power on site. This was discussed further including the potential to address these issues through a partnership approach to advocacy and facility development. A guided tour was provided by the Cemetery Trust to highlight the needs of the Cemetery.

Significant work has since been undertaken to research the history of the cemetery and consider the issue of unmarked graves. Council officers have been appreciative of the time and knowledge that has been shared with Council to inform our research and to advocate together in the interest of both parties in the interest of the community.

Gisborne Secondary College also offered support for the proposal. The school considers the plantation as a significant fire hazard and posed other safety risks for the students attending the College. At a meeting at the College with the Minister of Education Martin Dixon, overwhelmingly, the message provided to the Minister was that the College had no need for the Pine Plantation, the site in its current form was a fire hazard and they supported the notion of an early years hub and allowing access for the extension of the cemetery.

Potential partners / service providers

Meetings have also taken place with 20 potential partners or service providers to gauge their interest in the proposal and seek their views on the services that could be offered from such a facility. These meetings were held with service providers including schools, playgroups, child care centres, primary health providers and similar organisations.

The information gathered has been documented and pending the progress of the site as a viable option, these potential partners will be re-engaged.

Broader community consultation

While initial consultation has been positive, the proposal is not progressed sufficiently to recommend broader community consultation. Site ownership and further investigation is required before this is to be considered.

Other consideration regarding site options

During the course of this research and consultation, Council resolved to develop a master plan to identify a footprint for an early years hub on Daly Reserve in Gisborne. This site was the original recommended site for the early years hub.

This master plan process will commence in coming weeks.

**13. CW.2 GISBORNE EARLY YEARS HUB PINE PLANTATION SITE
(Continued)**

Conclusion

Significant research, consultation and advocacy has been undertaken to investigate the viability of the site at 120 Aitken Street, Gisborne as a potential site for an early years hub to service the growing needs of the Gisborne and surrounding communities.

The partnership with the Gisborne Cemetery Trust has been a positive outcome of this work and should be continued in the interest of all parties and the community.

Without a clear indication of the potential for Council to acquire the site from the State Government, further officer and community time should not be dedicated to the site. A funding allocation would also be required to conduct any further work on this project.

14. DIRECTOR ASSETS AND OPERATIONS

Nil

15. NOTICES OF MOTION AND RESCISSION

Notice of Rescission No. 6/2013-14 – Councillor Morabito

That the resolution of Council at the Ordinary Council Meeting on 24 July 2013 specifically regarding the Lancefield Park House at 9 Park Lane, Lancefield, i.e.

That, that part of the resolution of Council at the Ordinary Council Meeting on 27 February 2013) viz:

That Council:

3. *Agree that the Lancefield Park House at 9 Park Lane, Lancefield is not suitable for social housing and the site be cleared through sale and relocation/removal of the building.*
4. *Note that officers will communicate with the recreation reserve user groups regarding the removal of the Lancefield Park House.*
5. *Agree to the Lancefield Light Harness Club taking over management of the water meter on the site of the Lancefield site house, subject to approval from the Water Authority*
be rescinded.

be rescinded.

Subject to Council determining upon the above rescission motion, Council may wish to deal with the following motion that was moved and seconded at the 24 July 2013 Council Meeting, however was the subject of a procedural motion to lay the question on the table:

It was moved by Cr McLaughlin seconded by Cr Letchford that Council resolve that the Lancefield Park Committee, by agreement with Council, be the landlord for the Council owned Park Lane house subject to:

1. *The Landlord Agreement being a 1 year x 5 term with Council having the sole option to extend in years two to five;*
- 2a. *An annual inspection be undertaken to ensure the house is maintained to required tenancy standards; and*
- 2b. *Should any works be required to the house or surrounds it be at the full cost of the Lancefield Park Committee of Management, and should the house not meet acceptable tenancy/maintenance standards the Lancefield Park Committee must rectify within 30 days or the Management Agreement will be terminated.*

A motion to take the question from the table must be moved, seconded and adopted by Council to further discuss this motion.

Background

The house is a weatherboard construction circa 1930s. It is situated at 56 Park Lane, Lancefield and is contained within fenced area of about 1,700m². It is not part of Crown land on which the Lancefield Park is located; It is part of Council land on which the trotting track is located.

The entire land is a single title and is about 52,000m². Council leases the trotting track to the Light Harness Trotting Club. In 1984 Council gave the Lancefield Park Committee responsibility for the house. In 2010 the Lancefield Park Committee gave responsibility back to Council.

Council's position

Council has made decisions to gradually remove itself from social housing on the basis that there are specialist organisations that are dedicated to providing social housing.

On 27 February 2013 Council's Manager Community Development advised that the house is not suitable for social housing. Council agreed and resolved that it be removed and the site be cleared (the original decision).

On 24 April 2013 the Lancefield Park Committee requested that the management of the house to be returned to them "to provide much needed affordable housing".

On 22 May 2013 Council resolved to suspend the removal of the house until after the June Council Meeting to provide the opportunity for community representatives to brief Councillors on their proposal for the house.

On 15 June 2013 community representatives attended a Councillor Briefing and provided Councillors with a Business Plan. Their Business Plan proposes that Council retain ownership and the Committee take control of the house. The plan predicts that on an annual basis the house will attract rent of \$13,250 per annum, incur expenses of \$4,010 and create a surplus of \$9,240.

On 24 July 2013 Council rescinded the original decision.

Also on 24 July 2013 a motion to make the Lancefield Park Committee, by agreement with Council, the landlord of the house was met by a procedural motion that the matter lay on the table. The procedural motion was adopted.

Since 24 July 2013 another rescission motion has been received. This rescission motion seeks to rescind the decision of 24 July 2013 that rescinded the original decision. If it is successful, it will effectively reinstate the original decision.

What next?

The rescission motion may be dealt with first, and if it is successful, the motion on the table will be redundant. If the rescission motion is unsuccessful, then the motion on the table may be lifted from the table.

In effect, the two questions are – Should Council remove or retain the house? If Council decides to retain the house, should Council lease it to the Lancefield Park Committee?

There may be three options for Council to consider at the Council Meeting.

Option One:

That Council adopt the rescission motion, and in doing so reaffirm its original decision; That is, the house is not suitable for social housing and it be removed and the site be cleared.

Option Two:

That Council retain the house as a rental property; allocate funds in the 2014/15 budget to undertake the necessary capital works to ensure that the house is of an acceptable standard for the residential rental market; place it in the hands of a local real estate agent; and keep the rent as general revenue.

Option Three:

- a) That Council advise the Lancefield Park Committee that it will allocate funds in the 2014/15 budget to undertake the necessary capital works to ensure that the house is of an acceptable standard for the residential rental market;
- b) That Council advise the Committee that after these works are complete, it will lease the premises (house and out-buildings within the current fenced area) to the Committee in accordance with Council's Leasing Policy and the standard lease for community groups (including a Maintenance Responsibility Schedule); and
- c) That Council provide the Committee with the Interim Policy and the standard lease for community groups and ask the Committee to consider this offer and respond within one month.

Option one was recommended by officers in February 2013 and it remains the officers' recommendation.

If Council decides on option two, then the decision should be made in full knowledge that capital works will be required to bring the house up to an acceptable standard for the residential rental market. Therefore, depending upon the amount of capital works required in/on the house, it may be a number of years before the rent has covered the cost of the capital expense.

If Council decides on option three, then the decision should be made in full knowledge that in order to minimise the risk to Council:

- Council's Leasing Policy allows the Committee to seek Council approval to sublease the premises and if approval is granted, the sublease shall be subject to the policy and Council's standard lease. It will also be in Council's interest to set conditions under which the Committee may sublease the premises to a residential tenant. For example, the Committee will be required to comply with the Residential Tenancies Act and therefore Council will require the Committee to appoint a real estate agent, with residential leasing experience and qualifications to handle all residential leasing matters including the selection of tenants and the setting of rent.
- If the Building Condition Assessment shows that the house is in poor condition and is likely to require structural and other major works (for example, foundations, verandas, windows and doors) then as owner of the house, Council will be responsible for structural and other major works.

The Committee will be responsible for fixtures, fittings, grounds and temporary structures including sheds.

- Council's Leasing Policy ensures that Council will retain responsibility for insurance of the premises.
- Council's Leasing Policy ensures that a Maintenance Responsibility Schedule will be attached to the lease. This schedule will allocate responsibility for, amongst other things, maintaining, repairing, replacing, plumbing, electrical, carpentry, cleaning, vandalism, essential safety measures, security and painting.

Notice of Motion No. 7/2013-14 – Councillor McLaughlin

That Council prepare a report on the current policy relating to volunteers in Macedon Ranges including reimbursement of expenses and compare to other Shires for best practice.

Background:

Council is fortunate to have over 500 volunteers to support Council and our community. It is proposed that the report include reference, where appropriate, to the recently completed internal audit of "Volunteer Management Review".

16. 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.

17. CONFIDENTIAL REPORTS

- 17.1 Evaluation of Tenders for Contract No. C14-655 Cleaning Maternal and Child Health Centres and Kindergartens

18. DIVISION 1A – CONDUCT AND 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 staff 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.

76C. Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
 - (a) must include the Councillor conduct principles;
 - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
 - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
 - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
 - (a) given to each Councillor;
 - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

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.

Penalty: 600 penalty units or imprisonment for 5 years or both.

- (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; or
 - (f) failing to disclose a conflict of interest as required under this Division.
- (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 sub-section (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 sub-section (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless sub-section (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; or
 - (f) a residential amenity that may be altered as specified in section 78E.
- (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—
- (a) is held as a resident, ratepayer or voter and does not exceed the interests generally held by other residents, ratepayers or voters; or
 - (b) is held in common with a large class of persons and does not exceed the interests generally held by the class of persons.
- (6) A relevant person does not have a conflict of interest in a matter if the relevant person—
- (a) does not know the circumstances that give rise to the conflict of interest; and
 - (b) would not reasonably be expected to know the circumstances that give rise to the conflict of interest.

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) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.
- (3) A person who has a membership in a club or organisation that has a direct interest in a matter—
- (a) does not, by reason of that membership, have a direct interest in the matter under subsection (1); and
 - (b) does not have an indirect interest in the matter, by reason of that membership, unless the person has an indirect interest in the matter under section 78A, 78B or 78C.
- (4) In subsection (2), **controlling interest** has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**.

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, or has been, 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 was appointed to the relevant special committee of the Council to be a representative of the non-for-profit organisation;
 - (ba) the person only holds a position, with the Council's approval as a representative of the Council, in an organisation for which the person receives no remuneration;
 - (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;
 - (ca) the person is only a member of a development assessment committee established under Part 4AA of the **Planning and Environment Act 1987**;
 - (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, or more than, the gift disclosure threshold, 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 but does not include—
 - (a) reasonable hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee; or

- (b) a gift, other than an election campaign donation, that was received by the person more than 12 months before the person became a Councillor, a member of Council staff or a member of a special committee.
- (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.
- (3) For the purposes of determining when a person became a Councillor or member of a special committee under subsection (1)(b), if the person is re-elected or reappointed as a Councillor or a member of a special committee, on completion of his or her term of office, the previous term of office served by that person as a Councillor or member of a special committee must be counted as continuous service with any service completed by the person after the person's re-election or reappointment.

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.

78E Indirect interest because of impact on residential amenity

A person has an indirect interest in a matter if there is a reasonable likelihood that the residential amenity of the person will be altered if the matter is decided in a particular way.

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 considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (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, 78D or 78E; 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.
- (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 and liable to a fine not exceeding 120 penalty units.

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 only 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;
 - (j) the conduct of a Councillor with respect to—
 - (i) an internal dispute that involves the Councillor;
 - (ii) an allegation of misconduct or serious misconduct (as defined in section 81A) by the Councillor;
 - (k) a submission provided to an electoral representation review under section 219F;
 - (l) a submission provided for the purposes of a subdivision review conducted under section 219N.
- (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.