

Council Meeting Agenda

Ordinary Council Meeting
Wednesday 27 November 2019 at 7.00pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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.

Attachments:

All attachments are available for viewing or downloading from Council's website, mrsc.vic.gov.au

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.

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ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

Ladies and gentlemen

Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's *'Live Streaming and Publishing Recording of Meetings'* Protocol, which can be viewed on Council's website.

The recording will be bookmarked, archived and made available on Council's website 48 hours after the meeting.

All care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded.

By remaining in the public gallery, it is assumed your consent is given if your image is inadvertently broadcast.

I also remind all present that Local Government decision making, unlike State and Federal Government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors, Council officers and the public for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.

Thank you

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.

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 Meeting Procedure Local Law No. 11, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

- (i) a motion may be proposed to accept the petition or joint letter and that it lay on the table until the next Ordinary Council Meeting or a future meeting specified by the Council (at which a report on the matter will be presented);
- (ii) a motion may be proposed to accept and note the petition or joint letter and resolve to deal with it earlier or refer it to another process.

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.

Section 223 Committee Meeting: Wednesday 16 October 2019

Ordinary Council Meeting: Wednesday 23 October 2019

Special Council Meeting: Wednesday 20 November 2019

Recommendation:

That the minutes of the Section 223 Committee Meeting held on Wednesday 16 October 2019, the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 23 October 2019, and the Special Meeting of the Macedon Ranges Shire Council held on Wednesday 20 November 2019 as circulated be confirmed.

8. RECORD OF ASSEMBLIES OF COUNCILLORS – NOVEMBER 2019

1. 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.

2. 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).

3. 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.

Note: Only matters that are the subject of discussion and consideration at an assembly will be listed. Incidental updates and information on matters will not be recorded.

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

4. Report

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

1.	Date / Time	Type of Assembly
	23 October 2019 1.30pm – 5.00pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Traits, West
	Present – Officers	Margot Stork, John Hausler, Karen Stevens, Angela Hughes, Lauren Reader, John Edwards, Matthew Gould, Kerry Wilkinson, Istvan Marton, Leon den Dryver, Awais Sadiq, Gary Randhawa, Eleanor Crofts, Rod Clough, Anne Walsh, Tom Bloomfield, Meaghan McNamara
	Presenters	Geoff Potts, Peri Urban Rural Group of Councils
	Items discussed	<ul style="list-style-type: none"> • Peri Urban Rural Group of Council – Economic Development Strategy • Woodend Landcare Footbridge Proposal • Review of the 2019/20 Budget Process • Planning Submissions Committee • PLN/2019/161 Hardwick Planning Application tree removal • Council Meeting Agenda Review <ul style="list-style-type: none"> - Sister City Agreement - Annual Environment Report 2018-2019 - Malmsbury Village Feast - Rural Conservation Zone – Survey Results - Recreation Vehicle Facilities - Annual Report 2018/19 - Ash Wednesday Park Management Plan - Draft 2019 Kyneton Airfield Master Plan - Waste and Recycling Project Update - Response to Petition – South Road, Woodend - Gardiner Reserve Football/Cricket Pavilion and Gardiner Reserve Netball / Umpires Pavilion
	Conflicts of interest declared by Councillors and record of them leaving	Cr Gayfer declared an indirect conflict of interest due to conflicting duty in relation to the Draft Hanging Rock Grassland Management Plan item on the

the meeting when the matter about which they declared the conflict of interest was discussed	agenda for the 23 October Ordinary Council Meeting as Cr Gayfer is on the committee of the Friends of Hanging Rock. Did they leave the assembly? No, as the item was not discussed.
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

2.	Date / Time	Type of Assembly
	13 November 2019 1.00pm – 5.30pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, Leon den Dryver, Karen Stevens, Angela Hughes, Shane Walden, Lauren Reader, Leanne Manton, Sarah Noel, Patricia Filtness, Rob Ball, Cameron MacFarlane, Kerry Wilkinson, Leanne Khan
	Presenters	Graham Holt, Rod Curtis, William Rajendram and Nigel Egan, Western Water; Amanda Gauci, Louise Minty, and Arthur Pope, Friends of Gisborne Botanic Gardens; Mark Hands, Goldfields Library Corporation
	Items discussed	<ul style="list-style-type: none"> • Update on Romsey Release of Class B Recycled Water into Deep Creek by Western Water • Risk Management Framework • Presentation by Gisborne Botanic Gardens • Presentation by Goldfields Library • Open Space Reserves • Renewal Gap and State of the Assets Report • Proposed Submission to Regional Roads Victoria – Kilmore Road Intersection Upgrade
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

3.	Date / Time	Type of Assembly
	13 November 2019 6.30pm – 8.30pm	Health and Wellbeing Advisory Committee
	Venue	Gisborne Administration Centre
	Present – Committee members	Crs Anderson, Pearce, and Radnedge (Chair); Jayne Howley, Tony Croke, Geoff Caddick, Annamarie Perlesz, Judit Brown, Marie Zoethout, Paul Stuart, Rachael Wauchope, Ronelle Wetton, Sue Feiner
	Present – Councillors	Crs Bleeck, Gayfer, Mees and West.
	Present – Officers	Margot Stork, Shane Walden, Angela Hughes, Karen Stevens, John Hausler, Leanne Manton
	Presenters	Desley Renton, Renton and Co
	Items discussed	<ul style="list-style-type: none"> Facilitated workshop on purpose and future direction of committee
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
	Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

4.	Date / Time	Type of Assembly
	20 November 2019 1.30pm – 5.30pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Karen Stevens, Rob Ball, Shane Walden, Lauren Reader, Leanne Manton, Kerry Wilkinson, Cam McFarlane, Isobel Maginn, Gary Randhawa, Michael O'Dwyer, Anne Louise Lindner, Allie Jalbert, Michael Dyt, Leon den Dryver, Will Rayner, Nicole Pietruschka
	Presenters	Mary-Anne Thomas MP, Member for Macedon and Tahli Tyler, Office of the Member for Macedon.
	Items discussed	<ul style="list-style-type: none"> Discussion with Mary-Anne Thomas MP, State Member for Macedon Kyneton Movement Network Study Update Tree Trimming Council Meeting Agenda Item Questions / Discussion Regional Events Fund Agenda Review <ul style="list-style-type: none"> - Exploration Licence Application EL007048 - Submission to Regional Roads Victoria –

	<p>Kilmore Road Intersection Upgrade</p> <ul style="list-style-type: none"> - Risk Management Framework and Policy - Contracts to be Awarded as at 27 November 2019 - Small Project Grants – Consideration of Grant Applications - Revised Instrument of Delegation to Members of Council Staff (S6) and Delegations Framework, Policy and Procedures - Submitters Committee - Quarterly Report for the Period Ended 30 September 2019 - Customer Service Charter - Community Chef Shareholding - Proposed Traffic Alteration at Farrell and Station Street, New Gisborne - Domestic Wastewater Management Plan 2019 - Setting of Infringement Penalty Amounts – Road Safety (General) Regulations 2019 - Dog and Cat Control Order - Other matters: Mayor and CEO meeting with Coliban Water.
<p>Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed</p>	<p>Cr Radnedge declared an indirect conflict of interest due to conflicting duty in relation to an application included in the Small Project Grants agenda item as Cr Radnedge is a Member of the Friends of Gisborne Botanic Gardens.</p> <p>The Mayor, Cr Pearce, declared a direct conflict of interest in relation to the item Proposed Traffic Alteration at Farrell and Station Street, New Gisborne which Cr Pearce had provided to the CEO in writing prior to the meeting.</p> <p>Did they leave the assembly? Yes</p>
<p>Conflicts of interest declared by officers</p>	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

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.

PE.1	EXPLORATION LICENCE APPLICATION EL007048
Officer	Edwin Irvine, Senior Strategic Planner
Council Plan Relationship	Protect the natural environment
Attachments	1. Exploration Licence Application Area 2. Council Submission to Exploration Licence Application No. EL007048

Purpose and Overview

The purpose of this report is to inform Council of a submission made to Earth Resources Regulation regarding a notice of application for an exploration licence in the Kyneton area.

Recommendation

That Council note the submission made to Earth Resources Regulation regarding Exploration Licence Application EL007048.

Background

Notice of an exploration licence application was made on 17 September 2019 by way of a notice published in a locally circulating newspaper. Council did not receive direct notice of this application. The application is being made by Currawong Resources Pty Ltd. The proposed exploration area is located in the Kyneton, Karlsruhe, Woodend area, as shown in Attachment One.

Objections or comments on the application had to be submitted to Earth Resources Regulation within 21 days of publication of the notice.

Council officers contacted Earth Resources Regulation seeking an extension of time for making a submission, however the request was refused. This refusal necessitated Council Officers preparing and submitting comments on the application without seeking Council's direction due to the short timeframe available.

Context

The application proposes to give the licence holder rights to explore for minerals within the exploration area. If granted, the licence would not permit mining to occur, nor does it guarantee that a licence for mining would be granted in future. Currawong Resources Pty Ltd is required to enter into agreements/obtain permission from private land holders before accessing privately owned land, as well as obtaining permission from the Department of Environment, Land, Water and Planning before accessing Crown land, and obtaining permission from Council before accessing any Council land, including road sides.

The application is not being made to Council, nor is Council responsible for deciding the application. Council does have the right to make an objection or provide comments to Earth Resources Regulation regarding the application. Given the potential for impact on significant landscapes and biodiversity, it is considered prudent for Council to provide comment on the application.

It is important that Earth Resources Regulation, while assessing the application, is aware of the environmental and cultural sensitivity of the designated area.

Specifically:

- That Macedon Ranges has been declared a distinctive area and landscape under the Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018
- The Aboriginal cultural heritage value present in the proposed designated area.
- Council's adopted strategies, specifically the Biodiversity Strategy and Landscape Assessment Study
- Environmental considerations such as threatened fauna and flora species within the proposed designated area.

These considerations are outlined in greater detail in Council's submission (Attachment Two).

Consultation and Engagement

Given the short timeframe to prepare a response to the notice, the submission was based on information provided through previous Council consultations, including the Macedon Ranges Landscape Assessment Study 2019, the Macedon Ranges Biodiversity Strategy 2018, and the Rural Land Use Strategy (draft).

Strategic Alignment

This submission to Earth Resources Regulation aligns with priorities set out in the Council Plan 2017-2027:

Our Priorities: Protect the Natural Environment

- Address climate change mitigation, resilience and adaptation
- Protect biodiversity
- Enhance waterways and water catchment quality

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Nil

Policy and Legislative Implications and Risks

This report relates to the endorsed Macedon Ranges Statement of Planning Policy 2019, Landscape Assessment Study 2019 and the Biodiversity Strategy 2018.

Charter of Human Rights Implications and Risks

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

Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Council has made a submission to Earth Resources Regulation regarding Exploration Licence Application EL007048 detailing concerns related to landscape, potential loss of high quality agricultural land, aboriginal heritage and environmental considerations.

PE.2	SUBMISSION TO REGIONAL ROADS VICTORIA – KILMORE ROAD INTERSECTION UPGRADE
Officer	Isobel Maginn, Senior Strategic Planner
Council Plan Relationship	Relates to priority areas: Protect the natural environment Improve the built environment
Attachment	Draft Council submission to Regional Roads Victoria Kilmore Road Intersection Upgrade

Purpose and Overview

The purpose of this report is to seek Council endorsement of a submission to Regional Roads Victoria (RRV) on the proposed intersection upgrade at Kilmore Road and Melbourne Road, Gisborne.

Recommendation:

That Council endorse the submission to Regional Roads Victoria regarding the design of the proposed intersection upgrade at Kilmore Road and Melbourne Road, Gisborne.

Background

In June 2019 the State Government announced \$12.5 million in the 2019/20 budget, to upgrade the intersection of Kilmore Road and Melbourne Road in Gisborne.

In August and September 2019 Regional Roads Victoria (RRV) sought feedback from Council and the community about how the intersection is currently used, and what could be improved, to inform preliminary designs. Consultation activities included direct engagement with Council officers, a community survey and a community drop-in session held on Thursday 19 September 2019.

Council officers sought an extension of time to make a submission to allow Council an opportunity to endorse any submission to RRV. An extension of time has subsequently been granted by RRV to allow Council to make a submission.

To inform the intersection design RRV has indicated to Council officers that:

- the intersection will be signalised and designed to a maximum carrying capacity with provision for B-double trucks.
- widening to the south is restricted by the existing buildings and Melbourne Water has requested that the upgrade works do not extend south of the existing structure;
- the existing bluestone bridge will require removal and reconstruction to meet current standards; and

- the extent of widening of the bridge to the north will be determined by the solution developed.

The final engineering solution has yet to been determined by RRV. At completion of the information gathering stage RRV will present the proposed solution that best addresses the site requirements to MRSC.

Context

The proposed intersection upgrade is intended to improve traffic flow and deliver safer pedestrian crossing facilities. These principles are supported but any intersection upgrade needs to also consider key aspects of township character and historical landscape particularly in regards to significant old trees with high retention value within roadsides and open space reserves.

Council officers have prepared a submission to RRV that requests:

- RRV acknowledge the social and cultural significance of the large old trees within Gisborne, and the considerable contribution they make to the highly-valued landscape and township character.
- The intersection upgrade be designed to protect and retain significant old trees with high retention value.
- Trees be protected and retained during construction works.
- The intersection be designed to provide high priority to pedestrians and active transport modes and the use of slip lanes be avoided.
- Consideration for the incremental loss of public open space in Gisborne to roads and car parking.

These considerations are outlined in greater detail in the draft submission to RRV, Attachment One to this report.

Consultation and Engagement

The preparation of this report has involved discussions with Council officers, and has included preliminary meetings with RRV. The outcomes of community engagement undertaken as part of the Gisborne Futures project has also been considered.

Strategic Alignment

This submission to RRV assists with the achievement of priorities set out in the Council Plan 2017-2027:

Our Priorities: Protect the Natural Environment

- Address climate change mitigation, resilience and adaptation
- Proactive environmental planning and policy

Our priorities: Improve the Built Environment

- Foster township character and care for resources of historical significance
- Improve local roads
- Increase walking and cycling connectivity
- Improve access to our spaces and streetscapes

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

Nil

Policy and Legislative Implications and Risks

This report relates to the following Policy and Legislation:

- Part 3AAB (Distinctive Areas and Landscapes) of the *Planning and Environment Act 1987*

This legislation identifies Macedon Ranges as a distinctive area and landscape. The legislation requires Responsible Public Entities (which includes RRV) not act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.

Responsible Public Entities should consult with all relevant levels of government and government agencies in relation to policies or programs in the declared area, use best practice measures to protect and conserve the unique features and special characteristics of the declared area; and undertake continuous improvement to enhance the conservation of the environment in declared areas.

- Clause 21.13-1 of the Macedon Ranges Planning Scheme identifies a number of strategies that relate to this report including:
 - Recognise and protect cultural heritage assets, including the Station Road, New Gisborne streetscape and the Gisborne town centre residential and commercial areas.
 - Protect and replace when necessary with similar species, significant exotic trees that line streets within the Gisborne town centre and Station Road, New Gisborne.
 - Develop safe, attractive and efficient bicycle and pedestrian networks using public open spaces, linear links and road networks through all urban areas.
 - To protect and improve areas of remnant vegetation, fauna habitat, natural drainage corridors, Gisborne Racecourse Marshlands Reserve and the landscape and open space corridor along Jacksons Creek as essential elements of Gisborne and New Gisborne's natural setting.
- The Statement of Planning Policy was endorsed at the 24 July 2019 Ordinary Council Meeting. It identifies the strategy to conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.

The Statement of Planning Policy is currently pending approval by the Governor in Council.

- Macedon Ranges Shire Council Tree Management Policy was adopted at the 27 March 2019 Ordinary Council Meeting. The policy outlines Council's responsibility to minimise risk and reflect the characteristics of the Macedon Ranges Shire regarding urban and street tree management.

Sustainability Implications and Risks (Social and Environmental)

Council's submission to RRV advocates for the retention of significant old trees. The benefits of retaining trees include carbon sequestration, oxygen, cooling, shade and habitat provision, improved mental health and reduced rainfall runoff.

The submission promotes a walkable and attractive town centre, which are principles embedded in current guidelines for developing healthy communities.

The community has identified the importance of maintaining trees and the spacious, semi-rural character of the town during recent consultation, noting that open spaces and trees are integral parts of local heritage. There is a social risk where the removal of trees will likely meet community opposition, which will reflect on both Council and RRV.

The submission also highlights the potential cumulative impact of large old tree removal in Gisborne with road intersection upgrades at Station Road and Saunders Road.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Council will continue to advocate for the retention of significant old trees within streets and reserves that contribute to the highly valued character and landscape setting of Gisborne.

This report is supported by the proposed submission to RRV found at Attachment One which provides more detail on Council's policies and community values relating to Gisborne's township character.

CX.1	RISK MANAGEMENT FRAMEWORK AND POLICY
Officer	Sarah Noel, Manager People, Culture and Performance
Council Plan Relationship	Deliver strong and reliable government
Attachments	1. Draft Risk Management Framework 2019 2. Draft Risk Management Policy 2019

Purpose and Overview

This report seeks Council adoption of the updated Risk Management Framework and Risk Management Policy.

The Risk Management Framework and Risk Management Policy have been revised to reflect the new principles, framework and process outlined in the international standard for risk ISO: 31000 (2018)

Recommendation

That Council:

- 1. Adopt the Draft Risk Management Framework 2019; and**
- 2. Adopt the Draft Risk Management Policy 2019**

Background

The Local Government Reporting Framework (LGPRF) requires Councils to have a Risk Framework and Policy. Previously the Chief Executive Officer has approved the Risk Management Framework and Policy. It is recommended that the Risk Management Framework and Policy be adopted by Council to ensure transparency to the community regarding the organisational approach to risk management and to ensure Council oversight of our risk management practices.

Context

Risk Management is a core component of Council's Corporate Planning Framework. The ability to effectively manage risk is linked to the achievement of strategic objectives.

The Local Government Performance Reporting Framework outlines a Governance and Management Checklist. Council is required to have a Risk Policy (measure 7), Risk Management Framework (measure 13) and report on strategic risks on a half yearly basis (measure 19).

The current Risk Management Framework and Risk Management Policy were adopted by the Chief Executive Officer in November 2017. These documents were written to align with the International Standard for risk ISO 31000 (2009).

In 2018 ISO 31,000 was updated. Key features of the update include revised principles and a stronger focus on risk culture and risk process.

Council has completed an internal audit on its risk management practices, which identified areas for improvement in policy documents. Changes have also been made to these policy documents to reflect the internal audit recommendations.

If Council retained the existing Risk Management Framework and Policy in operation, it would technically be in compliance with LGPRF requirements, however would not be compliant with the current international standard, resulting in a risk to Council. Doing nothing would also hinder the progression of recommendations from the internal audit to be progressed.

Consultation and Engagement

The Draft Risk Management Framework 2019 and Draft Risk Management Policy 2019 (draft framework and policy) were reviewed and endorsed by the Risk Management Committee in June 2019 and the Audit Committee in August 2019. Feedback from both committees has been incorporated into the final versions of both documents.

It is proposed that a risk workshop with Councillors be held in early 2020 to provide an overview of strategic risks and tolerances, and to obtain input from Councillors.

Strategic Alignment

Council is required to comply with requirements of the LGPRF related to risk. Compliance with these requirements ensures that Council delivers on its priority of strong and reliable government.

Implications

Resources to implement and ensure currency of both the framework and policy are identified within the People, Culture and Performance department. The department has an existing risk management software system which will be used to support the framework and policy.

If endorsed, the framework and policy will be available on Council's website. Internally, these documents will be provided to staff, contractors and volunteers as part of induction processes and available on the staff intranet. Risk management will form part of individual staff performance plans.

The Risk Management Framework and Policy will be reviewed on a yearly basis by the Risk Management Committee and the Audit Advisory Committee. The Risk Management Framework sets out performance criteria to use for that evaluation.

Policy and Legislative Implications and Risks

The Risk Management Framework and Policy complies with Schedule 1 Of the Local Government (Planning and Reporting) Regulations 2014.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

That Council adopt the Risk Management Framework and Risk Management Policy, which have been updated to comply with international standard.

CS.1	CONTRACTS TO BE AWARDED AS AT 27 NOVEMBER 2019
Officer	Corinne Farley, Contracts Coordinator
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The following report indicates whether or not delegated authority to award the contract exists. It also presents Council with the opportunity to (a) specifically grant delegated authority to the Chief Executive Officer and/or (b) specifically review delegated authority in any instance where Council deems it appropriate.

Recommendation

That Council:

- 1. Note that the following contracts will be awarded by Council officers under delegated authority:**
 - C20.1040 Cricket Nets Gilbert Gordon Oval**
 - C20.1042 Woodend Flood Study**
- 2. Grant delegated authority to the Chief Executive Officer to award the following contracts:**
 - C20.1033 Supply of Retail Fuel**
 - C20.1025 Gardiner Reserve Modular Pavilion Football/Cricket**
 - VP166071 Supply and Distribution of FOGO and Glass Only Kerbside Mobile Bins**

Background

Council's delegated authority to its officers to award a contract is controlled by the financial value of the contract. The various financial limits of the authority are specified in Appendix 1 of the Procurement Policy.

Context

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

C20.1040 Cricket Nets Gilbert Gordon Oval

The contract is for the construction of a new three lane cricket net facility at Gilbert Gordon Oval, Woodend. Delegated authority to award the contract exists with the Chief Executive Officer. The funds for this project were provided in the 2019/2020 Budget.

C20.1042 Woodend Flood Study

The contract is to undertake flood mapping for the Woodend Township. Delegated authority to award the contract exists with the Chief Executive Officer. The funds for this project were provided in the 2019/2020 Budget.

C20.1033 Supply of Retail Fuel

This contract is for the provision of one multi-branded fuel card for Council's fleet of plant and passenger vehicles, which includes a discount for the supply of fuel from multiple fuel outlets within the Shire of Macedon Ranges. The estimated fuel volumes take in account the projected impact of changes to Council's fleet that align to proposed vehicle changes in Council's Climate Change Action Plan.

The proposed contract will exceed the delegated authority of the Chief Executive Officer. Operational budget funding for this contract exists.

C20.1025 Gardiner Reserve Modular Pavilion Football/Cricket

This contract is for the demolition of existing change room facilities, site works, services and supply and installation of a modular pavilion for use by the Football and Cricket clubs at the Gardiner Reserve in Gisborne. On the 23 October Council approved a budget increase to allow this contract to be completed. The proposed contract with the inclusion of GST now exceeds the delegated authority of the Chief Executive Officer. The funds for this project have been provided from the 2019/20 Budget and in subsequent Council approved variations to the budget.

VP166071 Supply and Distribution of FOGO and Glass Only Kerbside Mobile Bins

This contract is for the purchase and distribution to residents of FOGO and Glass only Kerbside Mobile Bins from the Municipal Association of Victoria (MAV) Procurement contract NPN1.11-3 Mobile Garbage Bins. Quotes are being sought from panel members for the supply, assembly and delivery to properties, in readiness for the commencement of the glass and fogo collection.

- 19,500 mobile garbage bins 140L, black body, purple lid
- 3,500 mobile garbage bins 240L black body, lime green lid

All bins will be hot stamped with Macedon Ranges Shire Council logo and instructions on lid.

The proposed contract may exceed the delegated authority of the Chief Executive Officer. The funds for this project have been provided from the 2019/20 Budget and in subsequent Council approved variations to the budget.

Consultation and Engagement

Nil

Strategic Alignment

In order to ensure Council carries out procurement activities in accordance with its Procurement Policy, as required by the Local Government Act 1989, this report is provided to acquit those requirements.

Delivering on the above requirement ensures that Council delivers on its priority of strong and reliable government.

Implications

Nil

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

That Council note that delegated authority exists for the Chief Executive Officer to award contracts:

- C20.1040 Cricket Nets Gilbert Gordon Oval
- C20.1042 Woodend Flood Study

and grant delegated authority to the Chief Executive Officer to award contracts:

- C20.1033 supply of Retail Fuel
- C20.1025 Gardiner Reserve Modular Pavilion Football/Cricket
- VP166071 Supply and Distribution of FOGO and Glass Only Kerbside Mobile Bins

CS.2	SMALL PROJECT GRANTS—CONSIDERATION OF GRANT APPLICATIONS
Officer	Trudy Campbell, Governance Officer
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2019/20 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application. Applications are assessed against set criteria outlined in the Small Project Grants guidelines (the guidelines). Funding recommendations are presented monthly at an Ordinary Council meeting for review and/or approval.

This report details the process of evaluation and lists the applications received since the previous meeting.

Five applications have been received seeking a total of \$5,502 in funding. The applications have been evaluated against eligibility criteria and the officer assessments are summarised within this report.

Recommendations

That Council:

- 1. Approve the following applications:**
 - a) Friends of Gisborne Botanic Gardens Inc: \$1,436 for purchase and construction of a noticeboard.**
 - b) Macedon Ranges Further Education Centre: \$1,500 for purchase of computer desks and chairs.**
 - c) Woodend Kindergarten Committee Inc: \$1,066 for purchase of a replacement barbecue, associated equipment and a promotional banner.**
 - d) Malmsbury Town Hall Management Committee: \$1,500 for traffic management signage.**
- 2. Note an application submitted by the Macedon Ranges Sustainability Group.**

Background

The Small Project Grants program, endorsed by Council at the 22 August 2018 Ordinary Meeting, is one of a number of funding opportunities that Council provides to the community. The aim of this program is to support initiatives that:

- support local needs
- support community projects that are unlikely to be funded by other Council funding programs
- align with Council Plan priorities.

The Small Project Grants program, unlike other funding schemes, is open for applications year round, except during the caretaker period leading up to a Council election.

Context

Eligibility criteria

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

The Small Project Grants guidelines (guidelines), available on Council's website, outline the eligibility requirements of applicants and provide guidance on the projects or activities that will/will not be funded through the program.

Assessment Process

Eligible applications are assessed on the responses provided in the online application form, however eligibility does not guarantee funding.

The assessment criteria and scoring matrix are outlined in the guidelines to assist applicants with the preparation of their applications. Applications are assessed according to six main criteria. A summary of the assessment criteria is detailed below.

Score	Criteria	What to include
Pass/Fail	Demonstrating eligibility	Compliance with section 6 of the guidelines
20%	Describing your project	A brief description of the project aim
10%	Unlikely to be funded by other funding programs	The project timing/scale/amount of funding sought is not compatible with other funding programs
30%	Demonstrating community need and benefit	Why the group needs to do the project How will the community benefit from the project/activity
20%	Supporting Council Plan priorities	Promotes or contribute to the achievement of one or more Council Plan priorities

Score	Criteria	What to include
20%	Demonstrating good project planning	The project group practices good governance, considers risks, complies with regulations or similar and is appropriately budgeted.

All applications will be assessed and scored according to the scoring matrix. Where an application is not eligible, the assessed score will be withheld from the applications' assessments. Application summaries and funding recommendations will be presented to Council at an Ordinary Meeting for review and/or approval.

Application Assessment

The following application assessments are presented for Council review and/or approval:

Applicant:	Friends of Gisborne Botanic Gardens
Date received:	27 September 2019
Project:	The purchase and construction of a noticeboard.
Amount requested:	\$1,436
Previous funding received for group:	\$1,540 from Council's Landcare and Environment Group Funding for administration costs and weed works.
Eligibility:	Eligible
Assessed score:	69
Officer comment (adequate explanation, completed Project planning):	<p>A straightforward project to install a noticeboard in the Gisborne Botanic Gardens to inform the public of developments within the gardens, engage the community to support implementation of the Master Plan and encourage individuals and community groups to join the Friends group.</p> <p>This project has been discussed with Council's parks and gardens team, which is supportive.</p> <p>The project supports the Council Plan priorities of:</p> <ul style="list-style-type: none"> • promoting health and wellbeing • protecting the natural environment.
Officer recommendation:	To be funded
Amount recommended:	\$1,436

Applicant:	Macedon Ranges Further Education Centre
Date received:	10 October 2019
Project:	The purchase of computer desks and chairs.
Amount requested:	\$1,500
Previous funding received for group:	\$5,898 from the 2019 Community Funding Scheme for a 2020 youth program.
Eligibility:	Eligible
Assessed score:	78

Officer comment (adequate explanation, completed Project planning):	A straightforward purchase of equipment comprising 12 computer desks (including an accessible computer desk) and chairs to furnish an ICT classroom so a new youth program can commence in 2020. This project supports the Council Plan priorities of: <ul style="list-style-type: none"> • promoting health and wellbeing • enhancing the social and economic environment.
Officer recommendation:	To be funded
Amount recommended:	\$1,500

Applicant:	Woodend Kindergarten Committee
Date received:	15 October 2019
Project:	The purchase of a replacement barbecue, associated equipment and promotional banner.
Amount requested:	\$1,066
Previous funding received for group:	Nil
Eligibility:	Eligible
Assessed score:	81
Officer comment (adequate explanation, completed Project planning):	A straightforward project to purchase a replacement barbecue, associated equipment (barbecue cover, trestle table, and gazebo) and a branded banner. The purchase will enable the Committee to continue to enhance families' kindergarten experience. This project supports the Council Plan priorities of: <ul style="list-style-type: none"> • promoting health and wellbeing • enhancing the social and economic environment.
Officer recommendation:	To be funded
Amount recommended:	\$1,066

Applicant:	Malmsbury Town Hall Management Committee
Date received:	23 October 2019
Project:	The purchase of traffic management signs
Amount requested:	\$1,500
Previous funding received for group:	\$500 annually for Australia Day township celebration
Eligibility:	Eligible
Assessed score:	84

<p>Officer comment (adequate explanation, completed Project planning):</p>	<p>A straightforward project to purchase traffic management signs that will be available for all community groups to use (including for the Farmers Market, Malmsbury Fayre, CFA events, Show and Shine, School Fair, Landcare events, Open Gardens, and Open Art Studios). This project supports the Council Plan priorities of:</p> <ul style="list-style-type: none"> • promoting health and wellbeing, protecting the natural environment, • improving the built environment, • enhancing the social and economic environment, • delivering strong and reliable government.
<p>Officer recommendation:</p>	<p>To be funded</p>
<p>Amount recommended:</p>	<p>\$1,500</p>

Application not assessed

An application was submitted by the Macedon Ranges Sustainability Group for hire of the Woodend Neighbourhood House kitchen for the purpose of running the Wash against Waste program until construction of the Wash against Waste trailer is completed. This application was deemed ineligible, as the Small Project Grants program guidelines stipulate that core business or operational costs (including rent) are not eligible for funding under this program.

Consultation and Engagement

The Small Project Grants program is publicly accessible on Council’s website. Officers consult with applicants regarding their applications as necessary and seek internal advice regarding the applications.

Strategic Alignment

Delivering on the above requirement ensures that Council delivers on its priority of strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Council’s Small Project Grants budget for 2019/20 is \$30,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report, \$7,500 of funds have been committed to the Small Project Grants in 2019/20. This leaves \$22,500 remaining for allocation in the 2019/20 financial year, prior to review of the applications contained within this report.

Projects and/or activities must be completed within twelve months of receiving funding and funds must be expended only on the project described in the application. Successful applicants are required to submit an acquittal report on grant monies at the completion of the project. Applicants who fail to submit an acquittal will be ineligible to apply for future funding until the acquittal is received and approved.

Any unspent funds on a project/activity are to be returned to Council.

Policy and Legislative Implications and Risks

Nil

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

Proposal does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Officers have assessed the applications consistent with the assessment criteria matrix and have recommended that all eligible applications be supported.

CS.3	REVISED INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF (S6), AND DELEGATIONS FRAMEWORK, POLICY AND PROCEDURES
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	1. Instrument of Delegation to members of Council staff (S6) 2. Delegation Framework, Policy and Procedures

Purpose and Overview

The *Local Government Act 1989* enables Council to delegate its powers, duties and functions to officers of Council (Section 98) and to any Special Committee it has established (Section 86).

This report outlines revisions made to Council's Instruments of Delegation since their review and the adoption of the *Delegation Framework and Instruments of Delegation* document in September 2017.

The report seeks Council's adoption of a revised *Instrument of Delegation to Council Staff (S6)* and adoption of an updated version of the *Delegation Framework, Policy and Procedures* document, which contains minor amendments that reflect the proposed establishment of a Submitters Committee as a special committee of Council.

Recommendations

That Council:

- 1. In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Delegation, resolve that:**
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
 - b. The instrument come into force immediately the common seal of Council is affixed to the instrument.**
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**

- d. **The duties and functions set out in the instrument be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
2. **Resolves to adopt the attached revised *Delegation Framework, Policy and Procedures* document.**
3. **Notes that no changes have been proposed to the existing *Instrument of Delegation to the Chief Executive Officer (S5)*, approved by Council 27 September 2017.**
4. **Notes that the following Instruments of Delegation from the Chief Executive Officer to members of Council staff, have been revised and will be authorised by the Chief Executive Officer and made publicly available on Council’s website:**
- a) **Instrument of Sub-Delegation from the Chief Executive Officer to Council staff (S7)**
 - b) **Instrument of Delegation from the Chief Executive Officer to Council staff (S13)**
 - c) **Instrument of Delegation from the Chief Executive Officer to Council staff (S14)**
-

Background

Delegations are necessary to enable Council to conduct business efficiently so that routine decisions of Council can be made by members of staff as delegates or by Special Committees.

The *Local Government Act 1989* (LGA) enables Council to delegate its powers, duties and functions to officers of Council (Section 98) and to any Special Committee it has established (Section 86).

In both circumstances this is done through Instruments of Delegation, which record how specific powers, duties and functions, or legislative provisions, are assigned to Council officers or the Special Committee.

Key instruments of delegation include:

S5 – Instrument of Delegation by Council to CEO

S6 – Instrument of Delegation by Council to Council staff

S7 – Instrument of Sub-Delegation by the CEO to Council staff

Additional instruments include:

S13 – Instrument of Delegation by CEO to Council staff

S14 – Instrument of Delegation by CEO to Council staff (VicSmart applications)

Following a review of Council’s delegations in 2017, Council adopted its *Delegation Framework Policy and Procedures* policy at its Ordinary Council Meeting of 27 September 2017. Additionally, at that time Council:

- adopted two Instruments of Delegation from Council to Council Staff – namely, the *Instrument of Delegation by Council to CEO (S5)* and the *Instrument of Delegation by Council to Council staff (S6)*;
- noted three Instruments of Delegation from the CEO to Council Staff (the S7, S13 and S14 Instruments); and
- endorsed four Instruments of Delegation to the following Special Committees of Council:
 - a) Section 223 Special Committee
 - b) Bullengarook Recreation Reserve Special Committee
 - c) Clarkefield Recreation Reserve Special Committee
 - d) Stanley Park Special Committee

June 2019 updates

Council subscribes to the Maddocks Delegation and Authorisation service which provides template Instruments of Delegation for use by Councils and provides bi-annual updates. The most recent updates to the Instruments of Delegation were released in July 2019.

Officers from across Council have reviewed the instruments of delegation and have:

- proposed no changes be made to the *Instrument of Delegation by Council to the CEO (S5)* adopted by Council on 27 September 2017. This instrument of delegation is conferred by section 98(1) of the LGA, and provides for the CEO to determine any issue, take any action, or do any act or thing, with the exception of a number of specific Council powers, duties and functions. The instrument of delegation also contains a power of delegation to Council staff in accordance with section 98(3) of the LGA (which are contained in the S7 Instrument of Delegation noted below). Officers have not proposed any variations to the S5 instrument of delegation.
- proposed revisions to the *Instrument of Sub-Delegation by CEO to Council staff (S7)*, the *Instrument of Delegation by CEO to Council staff (S13)* and the *Instrument of Delegation by CEO to Council staff (VicSmart applications) (S14)*, for consideration by the CEO.

These revisions reflected updated role titles and the removal of roles that no longer exist; and the proposed delegation of powers, duties and functions contained in legislative provisions introduced since the instruments of delegation were last approved in September 2017.

These three revised Instruments of Delegation will be approved by the CEO and made publicly available on Council's website.

- proposed revisions to the *Instrument of Delegation by Council to Council staff (S6)*, attached to this report, for adoption by Council. These revisions reflect: updated role titles and the removal of roles that no longer exist in Council;

the proposed delegation of powers, duties and functions contained in legislative provisions that were not previously delegated to Council officers or in legislative provisions introduced since the instrument of delegation was last approved in September 2017, namely:

- provisions in the *Cemeteries and Crematoria Act 2003* and the *Cemeteries and Crematoria Regulations 2015* which were not previously delegated; now delegated given Council's responsibility for the Blue Mountain Cemetery;
- a new provision introduced to the *Food Act 1984* (s.19(3)) regarding written orders in relation to mobile or temporary food premises;
- new provisions introduced to the *Planning and Environment Act 1987* (ss.46AW – 46LB(3), s.84AB, and s.173(1A)) regarding Statements of Planning Policy, Infrastructure Contributions, and Development Contributions.

Additionally, as outlined elsewhere in the agenda, it is recommended the Instrument of Delegation for Council's Section 223 Special Committee be revoked and a new Instrument of Delegation be adopted to establish a Submitters Committee as a special committee of Council.

Consultation and Engagement

Officers from all Council directorates reviewed the existing Instruments of Delegation and provided advice in relation to proposed amendments.

Strategic Alignment

The report relates to the Council Plan priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The proposal does not raise any financial, resource, IT or asset management risks for Council.

Policy and Legislative Implications and Risks

The proposal aims to ensure Council's powers, duties and functions under the LGA and other legislative provisions are appropriately delegated.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any sustainability risks for Council.

Charter of Human Rights Implications and Risks

The proposal does not limit any rights contained in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Following a review by officers of updates to the Instruments of Delegation released in July 2019, a revised *Instrument of Delegation by Council to Council staff (S6)* and a revised *Delegation Framework Policy and Procedures* policy have been prepared for Council's consideration, and are recommended for adoption.

CS.4	SUBMITTERS COMMITTEE
Officer	Lauren Reader, Coordinator Governance Angela Hughes, Director Planning and Environment
Council Plan Relationship	Deliver strong and reliable government
Attachments	1. Submitters Committee – Instrument of Delegation 2. Submitters Committee – Guidelines 3. Section 223 Committee – Instrument of Delegation

Purpose and Overview

The Local Government Act 1989 enables Council to delegate its powers, duties and functions to officers of Council (Section 98) and to any Special Committee it has established (Section 86).

This report responds to the 24 July 2019 resolution of Council which endorsed the establishment of a Submitters Committee by recommending Council resolve to establish a Submitters Committee, adopt an Instrument of Delegation for the proposed Committee, and revoke the existing Instrument of Delegation for the Section 223 Committee.

Recommendations

That Council:

- 1. In the exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989 (LGA)* and section 188 of the *Planning and Environment Act 1987 (P&E Act)*, resolves:**
 - a. That from the date of this resolution, there be established as a special committee, the Submitters Committee Special Committee.**
 - b. That the purpose of the Committee is to exercise Council's functions and powers and to perform Council's duties to hear from:**
 - i. people in support of written submissions lodged in accordance with s223 of the LGA.**
 - ii. persons who have made an objection or submission to a planning application in accordance with the P&E Act; and**
 - iii. planning permit applicants and/or land owners in relation to a planning permit application submitted in accordance with the P&E Act.**
 - c. That the Committee is to be constituted by all Councillors.**

- d. That the Committee is required to submit minutes of each meeting of the Submitters Committee to the next available Ordinary Council Meeting for confirmation.
 - e. The Chairperson of the Committee is the Mayor, or in the absence of the Mayor, the Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, the Chairperson will be a Councillor resolved by a majority of members present to be the Chairperson.
 - f. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.
 - g. All members of the Committee have voting rights on the Committee.
 - h. There be delegated to the Committee the powers duties and functions set out in the attached Instrument of Delegation (the Instrument)
 - i. The Instrument:
 - i. comes into force immediately after the common seal of Council is affixed to the Instrument; and
 - ii. remains in force until Council determines to vary or revoke it.
 - j. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.
 - k. The instrument must be sealed.
2. To adopt the Submitters Committee Guidelines outlining the process for hearing from submitters, and makes them publically available.
 3. To revoke the Instrument of Delegation – Section 223 Committee authorised by resolution of Council on 27 September 2017.

Background

At the 23 March 2019 Ordinary Council Meeting, it was resolved that Council officers:

1. *Prepare a report on the options for, and implications of, holding meetings to hear from submitters on planning matters separate from Ordinary Meetings of Council;*
2. *Include consideration in the report of practices across councils in Victoria to hear submitters on planning matters, as well as any changes that would be required to: policies, agendas and any associated privacy considerations, live streaming practices, resourcing and the correlation with other Council Meetings that also hear submitters; and*
3. *Present the report at the July 2019 Ordinary Meeting of Council.*

Subsequently, at the 24 July 2019 Ordinary Council meeting, Council resolved:

That Council:

1. *Endorse the establishment of a Submitters Committee as a special committee of Council in accordance with section 86 of the Local Government Act 1989, to hear from applicants/land owners and objectors/submitters on statutory planning applications and any other matters on which Council has invited submissions to be made;*

- 2. Note that a Submitters Committee may not be held where there are no scheduled speakers or, where no speakers RSVP to attend the Committee;**
- 3. Direct Officers to review relevant local laws, policies and procedures (including the call-in process) and present proposed amendments required to facilitate the establishment of a committee to Council for consideration prior to 20 November 2019; and**
- 4. Direct that such Submitters Committee commence no later than 19 February 2020 and that the dates and times for the Submitters Committee meetings be determined at the Special Meeting**

Councillors were provided with a briefing on 23 October 2019 regarding the proposed amendments required to facilitate the establishment of a Submitters Committee to Council. This report provides an attached set of guidelines for the operation of the Committee for Council to consider. This report also seeks the revocation of the Instrument of Delegation – Section 223 Committee and provides a new Instrument of Delegation to formally establish the Submitters Committee.

Context

The following consideration was given to existing processes of Council in regards to the establishment of the Committee.

Meeting Procedure Local Law No. 11

The proposed Submitters Committee guidelines (Attachment 2) notes the Committee will function in accordance with the majority of the provisions of the Meeting Procedure Local Law No.11. A number of provisions are excluded from the proceedings of the Submitters Committee as they are not relevant to the functioning of the Committee. It is envisioned that no changes will be required to the Meeting Procedure Local Law No.11 to facilitate the functioning of the Committee.

Delegations Framework, Policy and Procedures

Council's existing Delegations Framework, Policy and Procedures outlines how under Section 86 of the Local Government Act 1989 (Vic) Council may establish the proposed Submitters Committee as a Special Committee of Council. Proposed revisions to this document to reflect the purpose of the Submitters Committee are contained in this agenda.

Council at its 20 November Special Council Meeting endorsed the membership of this Committee.

Following consideration of these matters, an Instrument of Delegation to establish the Committee and a set of guidelines designed to detail the operation of the Committee, have been prepared as attached to this report.

Consultation and Engagement

Officers have consulted internally in the preparation of this report.

The endorsement of this Submitters Committee would provide regularly scheduled opportunities to allow parties to planning applications and those making submissions in relation to other Council matters to present to Councillors.

Strategic Alignment

This report relates to the Council Plan priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There will be additional costs to Council to hold these meetings, however these will initially be covered within the 2019/20 Operational Budget. Provisions for these increased costs will be made in the 2020/21 onward budget.

Policy and Legislative Implications and Risks

The establishment of the Submitters Committee provides a forum to enable Council to meet its legislative obligations in regards to submitters seeking to be heard under Section 223 of the Local Government Act 1989 (Vic) and to hear from applicants and objectors/submitters under the Planning and Environment Act 1987.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The proposal does not limit any rights contained in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

Following the resolutions of Council on 23 March 2019 and 24 July 2019, an Instrument of Delegation and guidelines for a Submitters Committee of Council have been prepared for consideration by Council.

CS.5	QUARTERLY REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2019
Officer	John Hausler, Director Corporate Services
Council Plan Relationship	Deliver strong and reliable government
Attachment	Quarterly Report for the period ended 30 September 2019

Purpose and Overview

The Quarterly Report for the period ended 30 September 2019 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – Customer service standards responsiveness
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

Recommendation

That Council note the Quarterly Report for the period ended 30 September 2019.

Background

The quarterly report is provided in accordance with Section 138 of the Local Government Act 1989 (Vic) ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting. This report has been expanded to include a number of other status updates to provide transparency to the community.

Context

Financial performance to 30 September 2019

Council's income and expenditure is tracking within reasonable tolerances for the year to date result. The overall operating position is \$2m favourable to budget mainly due to higher income. Capital works expenditure for the quarter totalled \$2.9m.

Some cost pressures have been identified in the first quarter of the year, in particular in regard to the response to waste and recycling issues and change room projects at Gardiner Reserve in Gisborne.

Cost pressures and potential savings for the first six months of the year will be assessed as part of the mid-year budget review which will be presented to Council as part of the December quarterly report.

Consultation and Engagement

Officers from across the organisation have contributed to the preparation of the quarterly report.

Strategic Alignment

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

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Quarterly Report provides information on Council's operating and financial performance for the period 1 July to 30 September 2019.

Policy and Legislative Implications and Risks

This report has been prepared in accordance with the Local Government Act. The financial statements have been prepared in accordance with Australian Accounting Standards.

Sustainability Implications and Risks (Social and Environmental)

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

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a direct or indirect conflict of interest in this matter.

Conclusion

It is recommended that Council note the Quarterly Report for the period ended 30 September 2019.

CS.6	CUSTOMER SERVICE CHARTER
Officer	Brad Tellis, Coordinator Customer Service
Council Plan Relationship	Deliver strong and reliable government
Attachments	Customer Service Charter (Revised)

Purpose and Overview

The Customer Service Charter was last reviewed and adopted by Council in 2016. The charter was due for review in August 2019. The charter guides interaction with our community and the revised Customer Service Charter is attached for Council's consideration.

Recommendation

That Council adopt the Customer Service Charter, as attached to the agenda and place the policy on Council's website.

Background

Council has a range of policy documents that relate to its operations and how it responds to issues. Such documents assist officers to deal with issues in a consistent manner and provide certainty to people and groups who deal with Council.

The Customer Service Charter (the Charter) is one such policy and establishes the fundamental service standards that the community can expect when dealing with Council. It also provides expectations of the customer.

Council's existing Customer Service Charter was first adopted in 2011 and last reviewed in September 2016. It is scheduled for review every three years. Officers have reviewed the Charter and have proposed a range of changes, including:

- The addition of definitions to provide greater clarity regarding the meaning of customer and services.
- Revisions to the timeframes for responses to ensure clear standard parameters exists for providing responses.
- The contact methods and channels were updated to reflect evolving technology expectations and subsequent service offerings we provide our customers.
- Expectations of customer behaviour and conduct were strengthened to ensure we provide a safe, welcoming, professional and appropriate environment for staff and customers alike; to promote positive interactions and outcomes.
- How the organisation will handle inappropriate conduct has been considered, improving the ability of our organisation to appropriately manage such conduct and maintain a safe and positive environment, whilst reducing the impact and cost of inappropriate behaviour to staff and the organisation.

Context

The Customer Service Charter is an expression of Council's commitment to providing a high standard of service; ensuring consistency and sustainability in service delivery.

The purpose of the Charter is to explain how we provide and maintain a high standard of customer service and to define:

- processes that promote open, responsive and transparent customer service
- timeframes for responding to phone calls, emails, requests for service
- what you can expect from Council officers and what we expect of you
- how Council will handle requests for service consistently
- how we will respond to requests which are the responsibility of other agencies.

Some of the other key features of the Charter include:

- the methods of communication we will use to respond to our customers
- the behaviours and approach you can expect from us and what we expect from you
- the reporting regime that we will use to inform Council of our performance.

Consultation and Engagement

The Charter has been distributed internally for feedback which has been considered in the drafting of the updated policy. The Charter was also discussed at Council's Audit Committee.

Strategic Alignment

This report relates to the Council Plan priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Nil

Policy and Legislative Implications and Risks

The changes to the Charter strengthen Council's ability to ensure the Occupational Health and Safety of its employees by reducing risks and ensures that employees have clear guidance to be able to deal with inappropriate customer behaviour.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The implementation of the Customer Service Charter has the potential to limit both Freedom of Expression (Section 15) and taking part in Public Life (Section 18) as outlined in the Charter of Human Rights and Responsibilities Act 2006.

Specifically, the Charter provides grounds to limit freedom of expression if it has the potential to impact inappropriately on staff and other customers and outlines what is considered unreasonable behaviour. The outcome of finding of unreasonable behaviour may be to limit the access of individuals to Council venues and offices. In the interest of occupational health and safety of officers of the organisation potential limitations envisaged are considered appropriate.

Officer Declaration of Conflict of Interest

Whilst several officers involved in the review of the Customer Service Charter are customers of Council and would have an interest held in common with other residents, there are no direct or indirect conflicts of interest that would be considered to have the potential to influence the review of this policy.

Conclusion

The updated Charter will guide Council staff in achieving the standards of customer service we aspire to, through interaction with customers. The updated Charter is attached for Council's consideration.

CW.1	COMMUNITY CHEF SHAREHOLDING
Officer	Karen Stevens, Director Community Wellbeing
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

At its Ordinary Meeting on 28 August 2019, Council resolved to cease providing Meals – Individual effective 1 July 2020. This report discusses the impact of that decision on Council's role as a shareholder of the meals supplier, Community Chef.

Recommendation

As this report concerns a contractual matter then, pursuant to Section 89(2)(d) of the Local Government Act 1989, it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.

Option

In the event that all Councillors are satisfied with the 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 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.

AO.1	PROPOSED TRAFFIC ALTERATION AT FARRELL AND STATION STREET, NEW GISBORNE
Officer	Kerry Wilkinson, Manager Engineering and Projects Istvan Marton, Coordinator Engineering Designs and Investigations
Council Plan Relationship	Relates to priority area: Improve the built environment
Attachments	Nil

Purpose and Overview

A petition was raised by 43 affected landowners seeking the closure of Farrell Street, New Gisborne to through traffic.

The petitioner's request to close Farrell Street is based on concerns from local residents that Farrell Street is increasingly being used as a thoroughfare (or short cut) to avoid the Station Road and Saunders Street intersection.

Works to upgrade the intersection of Station Road and Saunders Road are being undertaken by Regional Roads Victoria (RRV) and are scheduled for completion in early 2022.

A Section 223 Committee Meeting was held on 16 October 2019, Council resolved at that meeting:

- 1. "That the Section 223 Committee note the submissions received and the verbal presentations in support of those submissions.***
- 2. That consideration of and responses to the submissions be referred to the Ordinary Council meeting of 27 November 2019.***
- 3. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Ordinary Council meeting on 27 November 2019."***

Recommendation

That Council:

- 1. Resolve not to close Farrell Street New Gisborne.**
- 2. Direct officers to continue to monitor traffic movements through Farrell Street New Gisborne before and after the Regional Roads Victoria intersection upgrade.**
- 3. Direct officers to advise the first named petitioner and submitters that Farrell Street New Gisborne will remain open.**

Background

The intersection of Saunders Road and Station Road, New Gisborne, has a notable traffic problem with heavy congestion at peak travel hours. As a result, RRV is in the process of finalising a design for the upgrade of this intersection. Part of this upgrade includes the provision of traffic signals at the intersection to improve traffic flows and reduce congestion.

In February 2018 Council received a petition from local residents requesting that Council restrict vehicle access of Farrell Street New Gisborne to through traffic. At the 28 February 2018 Ordinary Council meeting, Council resolved that:

“This petition signed by 43 persons praying,

‘We the undersigned Macedon Ranges Shire residents &/or ratepayers request the Macedon Ranges Shire Council to restrict vehicle access of Farrell Street New Gisborne to through traffic. This is a result of traffic overflow from the Station Road/Saunders Road Intersection arterial roads during peak periods. We as a community are concerned about the future welfare and safety of all users of this road in particular our children/elderly pedestrians and cyclists. In order to restrict vehicles on the above road, it is proposed to install lockable removable barriers. This treatment will still allow for pedestrian and emergency vehicle access and will be done in accordance with the provisions of the Local Government Act 1989, Section 207, Schedule 11, Clause 9.’”

“be received, lay on the table and report on the matter be presented to the March 28 {2018} Ordinary Council Meeting.”

At the 28 March 2018 Ordinary Council Meeting, Council resolved that:

- “1. Council note the proposed actions to be undertaken by Council Officers in responding to the issues detailed within the petition;***
- 2. Council Officers provide a report to Council at the August 2018 meeting with the outcome of the investigation work in relation to the petition concerns; and***
- 3. Council respond to the first named petitioner about the proposed actions”***

An investigation was undertaken (as per the Council Resolution of 28 March 2018) and a report presented to the 22 August 2018 Ordinary Council Meeting. Council resolved that:

- “1. Council, for the purposes of public consultation, endorse the following two options which restrict the movement of through vehicle movements on Farrell Street, New Gisborne: a) The closure of Farrell Street with the Station Street intersection; or b) Designation of Farrell Street between Thom Street and Saunders Road as one-way road.***
- 2. Council notes the installation of “Local Traffic Only” signs on Farrell Street, New Gisborne as an interim measure to discourage the movement of through traffic; and***
- 3. Council officers provide a report to the November 2018 Council Meeting with the outcome of the public consultation.”***

Following public consultation, a report was prepared and presented at the 19 December 2018 Ordinary Council Meeting. Council resolved to:

- “1. Endorse the closure of Farrell Street at the Station Road Intersection for the purposes of receiving and considering a report from the Roads Corporation (Regional Roads Victoria) in accordance with the Local Government Act 1989;**
- 2. Write to Regional Roads Victoria to request a report on the closure of Farrell Street at the Station Road Intersection;**
- 3. Receive a report at the May 2019 Ordinary Council Meeting regarding the outcome of the report received by Regional Roads Victoria; and**
- 4. Write to all persons affected by the closure of Farrell Street at the Station Road Intersection to provide an update on this matter.”**

At the 22 May 2019 Ordinary Council Meeting it was resolved:

“That Council:

- 1. Advertise its intention pursuant to Section 206 and Clause 3 of Schedule 10 of the Local Government Act for the closure of Farrell Street, New Gisborne at the Station Road intersection;**
- 2. In accordance with Section 207A of the Local Government Act 1989 publish a notice in the Government Gazette inviting written submissions on the proposed closure of the Council road be received within 28 days of the date of the notice; and**
- 3. Hold a meeting in accordance with Section 223 of the Local Government Act 1989 on 7 August 2019 at Council’s Gisborne Administration Centre to hear and consider any submissions.”**

The proposed closure was advertised in local newspapers in June 2019, calling for public submissions through a Section 223 Committee meeting process. It became clear through direct consultation with affected stakeholders that a full closure of Farrell Street was not considered in the best interests of the majority of stakeholders and the initially scheduled Section 223 Committee meeting did not proceed.

A second advertisement was placed in September 2019, calling for public submissions through a Section 223 Committee meeting process which detailed an amendment to Farrell Street whereby traffic would be prevented from turning right from Farrell Street to Station Road. Three submissions were received and were heard at the Section 223 Committee meeting held on 16 October 2019. These submissions are summarised below:

Submission 1

The submitter recommends further traffic calming within Farrell Street. This is to prevent driver’s taking a short cut to avoid the RRV proposed traffic lights at the intersection of Station Road and Saunders Street, New Gisborne. The Submitter believes that despite the improvements to the intersection, motorists will try and avoid the new traffic lights.

Submission 2

The submitter asks the question, “why not wait until the new signalised intersection is constructed and see how the traffic behaves?”. The Submitter believes that the proposed changes at the intersection of Farrell Street and Station Road, New Gisborne, are a waste of money just to appease a few ratepayers. They believe that once the traffic lights are in operation the problem will go away.

Submission 3

The submitter asked if Regional Roads Victoria could provide a U-turn turning lane within the new intersection works at Station Street and Saunders Street. The Submitter believes that people living within Farrell Street and customers leaving the Medical Centre wanting to go to the train station or home will cause congestion of the service lane during peak periods; with the potential to hinder emergency ambulance access.

At the Section 223 Committee Meeting of 16 October 2019, Council resolved:

- “1. That the Section 223 Committee note the submissions received and the verbal presentations in support of those submissions.***
- 2. That consideration of and responses to the submissions be referred to the Ordinary Council Meeting of 27 November 2019.***
- 3. That recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the Ordinary Council Meeting on 27 November 2019.”***

An extract of the affected area is shown in Figure 1, below:



Figure 1: Location of Farrell Street, New Gisborne

Context

Council officers have prepared a number of reports during this investigation process.

A review of traffic conditions at Farrell Street indicated that there is a low number of through vehicle movements. These are insufficient to warrant a closure of Farrell Street or the implementation of any form of traffic calming measures. Whilst this petition identifies speed as a concern, the main issue on investigation is the current level of through traffic using this road as a short cut, instead of the main roads in Saunders and Station Road.

An upgrade of the Saunders Road/Station Road intersection is proposed by RRV. They have indicated that they would facilitate traffic modification works on Farrell Street as part of the Station Road/Saunders Road Upgrade Project. This is likely to improve traffic conditions in the immediate area.

Council officers originally recommended the closure of Farrell Street at the Station Road intersection, with an alternate recommendation to designate a section of Farrell Street between Thom Street and Saunders Road as one-way.

The former option was originally deemed the most appropriate, to restrict vehicle movements and improve road safety. This recommendation was presented to RRV and included for consideration within their intersection designs.

The intention to close Farrell Street was advertised pursuant to the Local Government Act. Prior to the first scheduled Section 223 Meeting, 6 submissions were provided to Council. Various concerns were raised including reduced accessibility to nearby properties and businesses.

Subsequently, the proposed road closure was reviewed and, with the support of RRV, amended to restrict right turning traffic movements from Farrell Street to Station Road. This new proposal was advertised and submissions invited.

Officers have reviewed the submissions heard at the Section 223 Meeting held on 16 October 2019. Each submitter had a distinctly differing view of the proposal.

The RRV initiative to upgrade the Station Road/Saunders Road intersection will likely improve traffic conditions within the area. Council Officers recommend no alterations to Farrell Street be made, on the basis of future improved traffic conditions and due to insufficient evidence to warrant expenditure on any alterations to Farrell Street. Officers will continue to monitor traffic conditions at Farrell Street New Gisborne and take appropriate measures if unacceptable traffic changes are observed.

Consultation and Engagement

The intention to close Farrell Street was advertised pursuant to the Local Government Act. Advertising of two proposals was made.

One Section 223 meeting was held on 16 October 2019.

Consultation occurred with RRV throughout the duration of this investigation.

Community consultation was undertaken with all affected residents, local businesses and emergency services to seek their feedback and preference on the initial two options.

All affected property owners were forwarded a copy of the two options and requested to provide feedback and preference on the two proposals.

Strategic Alignment

Any proposed upgrade aligns with the Council Plan 2017 – 2027 with respect to the following:

“Improve the built environment”; specifically, *“Improve local roads”* and *“balance maintenance and renewal of community assets”*.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There is no current investment required by Council. If future amendments to Farrell Street New Gisborne are required, an investment from Council will be necessary.

Policy and Legislative Implications and Risks

The permanent closure of a local road to traffic required Council to formally undertake a Section 223 Public Consultation process in accordance with Section 207A of the Local Government Act 1989.

Under Clause 9 of Schedule 11 of the Local Government Act 1989 Council was required to receive and consider a report from the Roads Corporation (Regional Roads Victoria) before it can exercise this power.

Both these requirements were met.

Sustainability Implications and Risks (Social and Environmental)

Nil, however social implications were duly considered, particularly those around safety.

Charter of Human Rights Implications and Risks

Nil, however social implications were duly considered, particularly those around safety.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter

Conclusion

The petition identified concerns with the volume of through traffic using Farrell Street New Gisborne as a short cut, instead of using the main roads in Saunders and Station Road.

Council undertook investigation and consultation to effectively review these concerns and develop appropriate solutions. Insufficient evidence was available to suggest that current traffic volumes were sufficient to endorse a closure of Farrell Street.

It is acknowledged that the proposed Station Road/Saunders Road intersection upgrade to be undertaken by RRV may potentially increase traffic along Farrell Street.

Council will monitor traffic volumes through Farrell Street to assess this potential impact on completion of the RRV intersection works. If traffic volumes are increased in Farrell Street, so as to cause traffic or safety issues, Council officers will revisit a proposed closure and traffic calming measures.

AO.2	DOMESTIC WASTEWATER MANAGEMENT PLAN 2019
Officer	Michael Dyt, Coordinator Environmental Health
Council Plan Relationship	Protect the natural environment
Attachment	Domestic Wastewater Management Plan 2019

Purpose and Overview

This report considers the submissions and feedback received during the public consultation period on the review of the draft Domestic Wastewater Management Plan 2019 for the purpose of seeking adoption by Council.

At the 24 July 2019 Ordinary Council Meeting, Council resolved to:

- “1. Endorse the draft 2019 Domestic Wastewater Management Plan for the purpose of community consultation for a period of two months; and***
- 2. Receive a report back from Officers to the November 2019 Council meeting with the outcomes from the community consultation period.”***

The draft was advertised for a period of eight weeks to allow water corporations and the community time to consider the plan and respond. Submissions were received during the consultation period. The submissions received have been considered in finalising the plan.

The Domestic Wastewater Management Plan 2019 will supersede the Domestic Wastewater Management Plan 2013.

Recommendation

That Council:

- 1. Adopt the Domestic Wastewater Management Plan 2019, having considered the submissions and feedback received from the consultation period.**
- 2. Note officers will provide a written response, including a thank you, to all persons who made a submission on the draft Domestic Wastewater Management Plan 2019;**
- 3. Refer funding for any additional resources required to implement Domestic Wastewater Management Plan actions to the annual budget process; and**
- 4. Rescind the Septic Tank Policy 1996.**

Background

Council adopted the Domestic Wastewater Management Plan (DWMP) at its Ordinary Council Meeting of 18 December 2013. Council resolved:

“That Council:

- 1. Adopt the Municipal Domestic Wastewater Management Plan [2013]***
- 2. Refer allocation of appropriate resources to the 2014/15 budget to commence implementation of the Year One Actions identified in the plan.***
- 3. Acknowledges and thanks all submitters.”***

The State Environment Protection Policy (Waters of Victoria) (SEPP) requires Councils to prepare a DWMP in conjunction with water corporations and the community. The DWMP aims to reduce the environmental, public health and economic risks associated with the management of all domestic wastewater systems in the Shire. Council adopted its first DWMP in 2007. The DWMP 2013 was due for review at the end of 2018.

Context

It is a requirement that the plan is audited by an independent and accredited auditor (water corporation approved) on a three yearly basis. The audit reviews the monitoring and enforcement of the DWMP. The audit was conducted in November 2018. Recommendations from the audit have been incorporated in the new DWMP.

The audit identified the following focus areas to assist in the review of the DWMP:

- Information Management
- Risk Management
- Compliance
- Community Education and Awareness
- Funding and Resourcing

Included in the audit was a review of the action plans. This identified which actions had been progressed and completed and which were incomplete. Of the 22 actions listed in the plan, the audit identified 10 were complete and 12 outstanding. Since the audit in November 2018, three additional actions have been completed with nine actions outstanding.

		Outstanding Action	Current Status of Action
Continuation of improvement of data collection	1	Mail out to all unsewered properties in the Shire requesting DWM systems details. The mail out aims to increase Councils database of information on systems within the Shire to assist with inspection scheduling and future planning.	Incorporated into Action 3, 4, 7 & 8 of the 2019 DWMP Action plan. Part of the MRSC / Coliban Water joint inspection and compliance program.

		Outstanding Action	Current Status of Action
	2	Record all returned mail out forms into DWM system data base. Enter all system data onto Council data base for DWM.	Incorporated into Action 3, 4, 7 & 8 of the 2019 DWMP Action plan. Part of the MRSC / Coliban Water joint inspection and compliance program.
	3	Investigate the Purchase and integration of handheld devices for collection of field data during audits.	Incorporated into Action 6 of the 2019 DWMP Action plan.
Develop a system Inspection strategy for the Shire based on constraint maps	4	Undertake system inspections of all High-Risk systems.	Incorporated into Action 9 of the 2019 DWMP Action plan. An inspection strategy has been developed to identify and prioritise 1050 high risk wastewater systems. To be expanded to Moderate/ Low risk properties if funding permits.
	5	Undertake system inspections of all Moderate Risk systems.	
	6	Undertake system inspections of all Low Risk systems.	
Reporting	7	Implement a system of reporting for EPA compliance and to other Stakeholders.	Incorporated into Action 13 of the 2019 DWMP Action plan.
Future planning	8	Investigate the preparation of a Decentralised sewerage model (DSM) for the Shire in a detailed risk assessment for DWM.	Not incorporated into the 2019 DWMP Action Plan. Outside the scope of the current 2019 DWMP. If there was a need for a decentralised sewerage scheme in the future a risk assessment can be undertaken with the relevant water corporation.
	9	Investigate areas of Shire for Sewer Extension this may include High Constraint lots in existing sewerred areas which have not connected to sewer. Consult with the relevant water corporation to liaise regarding the possibility of connection of these properties.	

Changes in the revised plan

The new DWMP is written using easy to understand language. The action plan is presented with SMART (specific, measurable, attainable, relevant and time-based) actions. It was identified that the 2013 DWMP was very detailed, included a lot of mapping (some of which has been deemed unnecessary) and some of the actions in the plan were not achievable. The actions also did not identify whether additional resources were required to implement the actions.

The following changes have been made to the revised plan:

- Updated and relevant mapping
- Written in plain English, where possible
- An achievable SMART action plan, complete with cost estimates
- A proactive inspection and compliance program of septic systems close to waterways
- A proactive inspection and compliance program of septic systems in higher density areas within water catchment areas
- A prioritisation of the inspection and compliance program based on Council's risk framework

Consultation and Engagement

In accordance with Council's Community Consultation Framework, Council displayed the draft Domestic Wastewater Management Plan 2019 on Council's website and called for submissions. Public consultation was undertaken between 12 August 2019 and 13 October 2019.

A total of seven submissions were received during the eight-week consultation period. This included submissions from four community members/ groups and the three Water Corporations with drinking water catchments in the Macedon Ranges Shire. Below is a summary of the main feedback received:

- Requirement for Council to secure long term resourcing and funding to ensure the implementation of the DWMP. Details of funding should be included in the action plan.
- Upgrades to Council's existing database that incorporates due dates, reminders, testing and compliance enforcement.
- Some terminology and detail corrections.
- Commitment through annual reports to stakeholders on the progress of the DWMP detailing activities, achievements and further opportunities. Report should include inspections, results and remediation.
- Changes to the risk assessment criteria to categorise Domestic Wastewater System (DWS) risk level and inspection frequency based on previous inspection results.
- Queries if Council is checking their own unsewered properties
- Less substance than the 2013 DWMP
- Under funding and resourcing and lack of commitment by Council
- The new plan has a 'Northern' focus
- Lack of progress from the 2013 DWMP Action Plan

A summary of the submissions received is included in the table below:

Submission No	Comment Summary	Officer Response	Changes to the Plan
1.	Small diagrams	Diagrams are a representation of GIS layers used for identifying high risk properties.	No changes
	Query if Council is checking their own unsewered properties	Council DWS's receive routine maintenance and are permitted under the Environment Protection Act.	No changes
2.	Long document that should have 'property owner obligations' listed in the contents	Proposal to change subheading from 'Landholders' to "Property owner obligations".	Changes made accordingly
3.	Issues with the Kyneton sewerage treatment plant odours and delegation transfer of this facility to Coliban Water has been problematic.	Not relevant to our DWMP. Part of Council's advocacy with Coliban Water	No changes
4.	Less substance than the 2013 DWMP	Officers approached the writing of the new plan with a view to ensuring that the language used is easy to understand whilst having sufficient detail and technical information to identify high risk properties.	No changes
	Under funding and resourcing and lack of commitment by Council	There has been a focus on delivering an achievable action plan, complete with cost estimates	No changes
	The new plan has a 'Northern' focus	Although we are working with Coliban Water, initially the intention is to expand the inspection program to all areas of the shire. Maps 2 and 3 have been adjusted to include Southern drinking water catchments.	Changes made accordingly
	Lack of progress from the 2013 DWMP Action Plan	Actions will be revised using SMART wording and linked to funding estimates. Funding will be sought through Council's budget processes.	No changes
	Specific mapping issues	All maps can now be found on Council's GIS system. These maps are regularly used when assessing septic systems.	No changes

Submission No	Comment Summary	Officer Response	Changes to the Plan
5.	Terminology and detail corrections	The technical detail and comments are taken on board	Editing changes made accordingly
6.	Database management system should include due dates, testing, compliance enforcement	This was included in the action plan	Minor changes made to the action plan
	All Domestic Wastewater Systems in the shire to be identified and assessed	Given there are over 8,000 septic tanks in the Shire, we will focus on the highest risk properties with scope to expand this should time/funds allow.	No changes made
	Categorise DWS risk level and inspection frequency based on previous inspection results.	Agreed, to be included in the risk assessment matrix	Agreed. Changes made accordingly
	Any DWS not operating in accordance with manufacturers requirements and permit conditions should be classified as 'high risk'	Agreed, to be included in the risk assessment matrix	Agreed. Changes made accordingly
	Council must satisfy stakeholders that resourcing and funding is in place to ensure the DWMP can be implemented. Details of funding should be included in the action plan.	Recommended, refer implementation of actions to annual budget process	Funding section strengthened
	Annual reports to stakeholders on the progress of the DWMP. Detailing activities, achievements and further opportunities. Report should include inspects, results and remediation	Included in current action plan. An exchange of information is always welcome. Council would also appreciate information on any new and planned 'back-log' sewerage works from the water corporations.	No changes made
7.	Terminology and detail corrections	The technical detail and comments are taken on board	Editing changes made accordingly

Some minor amendments to the Draft Domestic Wastewater Management Plan 2019 have been made as per the table above.

Strategic Alignment

The DWMP relates to the Council Plan priority to 'protect the natural environment'. The DWMP will protect the natural environment by enhancing water catchment quality through proactive planning, advocacy and policy.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

Council (in partnership with Coliban Water) have committed \$20,000 in the 2019/20 budget to commence an inspection and compliance program. This is a major action in both the 2013 and 2019 DWMP's. Further funding is required in future budgets to continue this work as outlined in the action plan. An annual allocation of funding is required for implementation of actions that cannot be achieved within current resources.

It is recommended that action plan items that require additional resources for implementation are referred to the annual budget process. Without adequate funding for an inspection and compliance program, Council cannot accurately and comprehensively assess the level of risk from high-risk unsewered areas of the municipality.

One intention of the DWMP is to strengthen partnerships with the water corporations in the future through jointly funded programs to enhance the health of our waterways for our community.

There may also be additional benefits from adequately resourcing the implementation of the DWMP. Should council wish to have a higher density of dwellings in potable water catchment areas, Council's DWMP must satisfy the 'Category 4' exemption to '*Guideline 1: Density of dwellings*' in the *Guidelines (the guidelines) for Planning* permit applications in in Open Potable Water Supply Catchment areas (November 2012). This reads:

"The water corporations will consider relaxing the 1:40 hectare dwelling density guideline allowing a higher density development than would otherwise be permitted by Guideline 1 where:

Category 4: The water cooperation is satisfied that the relevant Council has prepared, adopted and is implementing a DWMP in accordance with the DWMP requirements"

Policy and Legislative Implications and Risks

All Councils are required to develop a DWMP under the provisions of the SEPP. DWMP's must be prepared or reviewed in consultation with relevant water corporations and the community.

On 1 July 2020 the new Victorian Environment Protection legislation will come into effect. Some subordinate instruments, such as SEPPs, are discontinuing and new instruments are being introduced.

Specific clauses in SEPP, such as the requirement for Councils to have a DWMP, will be preserved for two years from the commencement of the new Environment Protection legislation. This will provide time for the Department of Environment, Land, Water and Planning (DELWP) and Environmental Protection Agency (EPA) to consult with duty holders on how to address and managed issues over the longer-term.

As it stands, the requirement for Councils to develop and review a DWMP under the SEPP remains until June 2022.

Sustainability Implications and Risks (Social and Environmental)

The key risks from poorly treated and managed domestic wastewater fall into two categories—public health and environmental.

Domestic wastewater contains pathogens harmful to humans and contaminants that are harmful to the environment if not treated safely. Council have a responsibility to ensure owners are maintaining their onsite wastewater system.

An effective DWMP and strong oversight of its performance and implementation is essential to manage the environmental and health risks posed by the poor management of domestic wastewater.

Without accurate information about the performance, location and age of domestic wastewater systems, Council cannot accurately and comprehensively assess the risks from high-risk unsewered areas. In turn, Council cannot provide assurance to that Council is effectively identifying and managing poorly performing systems.

Charter of Human Rights Implications and Risks

There are no foreseeable implications to The Charter of Human Rights.

Officer Declaration of Conflict of Interest

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

The Domestic Wastewater Management Plan 2019 has been developed under the provisions of the State Environment Protection Policy (Waters of Victoria) (SEPP) and reviewed in consultation with relevant water corporations and the community.

AO.3	SETTING OF INFRINGEMENT PENALTY AMOUNTS – ROAD SAFETY (GENERAL) REGULATIONS 2019
Officer	Anne-Louise Lindner, Manager Community Safety
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The purpose of this report is to seek a resolution of Council to set infringement penalty amounts under the *Road Safety (General) Regulations 2019*.

Recommendation

That Council:

- 1. In accordance with Section 87 of the Road Safety Act 1986, resolve to set the penalty amount at 0.5 of a penalty unit for the following offences under the Road Safety Road Rules 2017 ('Road Rules'):**
 - **Road Rule 205 - Parked for period longer than indicated**
 - **Road Rule 207(2) - Parked fail to pay & obey instructions on sign**
 - **Road Rule 201 - Stopped on a bicycle parking area**
 - **Road Rule 202 - Stopped on a motor bike parking area**
 - **Road Rule 209(2) - Parked contrary to requirements of parking area**
 - **Road Rule 210(1) - Parked not at an angle of 45 degrees**
 - **Road Rule 210(1) - Parked not at an angle of 90 degrees**
 - **Road Rule 211(2) - Parked not completely within a parking bay**
 - **Road Rule 211(3) - Parked long vehicle exceed minimum no. of bays**
 - **Road Rule 211(3) - Parked wide vehicle exceed minimum no. of bays**
- 2. Adopt a fixed penalty amount of 0.5 of a penalty unit.**
- 3. Direct officers to update the website to inform the community of Council's parking fines.**

Background

Schedule 6, Section 87 of the *Road Safety Act 1986* (Act), which authorises the *Road Safety (General) Regulations 2019* (Regulations), permits Councils to set the penalty amount applicable for a number of specific parking offences.

These offences relate to Council car parks and Council land. They include the following offences:

- Parked for period longer than indicated
- Parked fail to pay and obey instructions on sign
- Stopped on a bicycle parking area

- Stopped on a motor bike parking area
- Parked contrary to requirements of parking area
- Parked not at an angle of 45 degrees
- Parked not an angle of 90 degrees
- Parked not completely within a parking bay
- Parked long vehicle exceed minimum no. of bays
- Parked wide vehicle exceed minimum no. of bays

Section 87 of the Act permits Councils to set an amount that is greater than 0.2 of a penalty unit and not being more than 0.5 of a penalty unit.

Most Acts and Regulations which ascribe a penalty have had the penalty converted into a penalty unit rather than referring to actual dollar amounts. This allows the State Government to adjust the value of a penalty unit each year without changing numerous existing laws.

Thus, the one change to the value is automatically adopted throughout the relevant legislation. The current value ascribed to a penalty unit is \$165.22.

Council has previously endorsed a penalty under the fees and charges schedule as part of the budget process with the fee amended annually. In the current budget, Council ascribed the highest penalty unit amount allowable, which is currently \$83 (including GST) being 0.5 of a penalty unit. At that time a monetary value was permitted based on the then current regulations, being the *Road Safety (General) Regulations 2009*.

On 27 September 2019 the *Road Safety (General) Regulations 2009*, were replaced with the 'remade' *Road Safety (General) Regulations 2019* (Regulations). In order to ensure compliance with the updated legislation, the Department of Transport has advised all Councils that they should pass a new resolution for penalties where they fix a penalty for parking infringements that is greater than the 0.2 prescribed in *Schedule 6 – Parking Infringements* but not more than 0.5 penalty units. In response, Officers have currently adjusted the penalty amount back to \$33 for impacted offences, reflecting the 0.2 penalty unit, to ensure compliance with the legislation until a resolution is passed.

Context

Options for consideration

Option 1 – Do nothing and keep the penalty unit set at 0.2 as prescribed in *Schedule 6 – Parking Infringements*

By not making the proposed changes to the scheduled penalty, there may be confusion in the community with different penalty amounts issued for similar infringement notices throughout the year. By not adopting these changes, a (perceived) inconsistency could be found between the *Council's 2019/2020 Fees and Charges* and the new *Road Safety (General) Regulations 2019*.

The lower penalty amount fails to act as an effective deterrent to drivers and costs more to administer than the fine collected. Option 1 Doing nothing is not recommended.

Option 2 - Council re-set the penalty amount applicable for parking offences that Council has control over at a mid-range amount between 0.3 and 0.4 of a penalty unit.

Based on the current penalty unit rate of \$165.22 the fees for the following are:

0.3 - \$50

0.4 - \$66

Taking into consideration the time it takes to administer a parking infringement and that fees need to be set at a level that enables effective deterrence, as is warranted with parking infringements, this option (Option 2) is not recommended.

Option 3 - Council re-set the penalty amount applicable for parking offences that council controls at 0.5 of a penalty unit.

Setting the penalty amount at 0.5 of a penalty unit which is currently \$83 is a reasonable deterrent for drivers to ensure they comply with the Road Rules. It also enables Council to recover a higher proportion of the costs associated with the administration of parking infringements.

It is recommended Council adopt this option.

Consultation and Engagement

Consultation with the community has not been undertaken as this decision relates to Council complying with new regulations. There was no genuine opportunity for the community to influence the decision. However, it is recommended that the website is updated immediately so that it is transparent to the community that Council applies a higher parking fine.

Strategic Alignment

This report relates to the Council Plan Priority – *Deliver strong and reliable government*. By making this resolution and publishing this on the website Council is demonstrating the qualities of good governance. The process of issuing infringement notices must be undertaken in a strictly correct legal manner, following clearly defined processes.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Should Council choose not to adopt the recommendation, there is a risk previously issued infringements may be challenged and/or refunds sought for the difference in penalty amount. By adopting the proposed recommendation, this risk would be mitigated. The budget for parking revenue would also be reduced should Council choose not to adopt 0.5 of a penalty unit as the 2019/20 budget has been estimated on the current fee.

Policy and Legislative Implications and Risks

Passing a resolution to adopt the penalty unit as recommended will ensure that council is complying with the new regulations.

Sustainability Implications and Risks (Social and Environmental)

There are no sustainability implications associated with this report.

Charter of Human Rights Implications and Risks

There are no direct or indirect human rights implications with this report.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

During late September 2019, the new *Road Safety (General) Regulations 2019* set the infringement penalty which Councils could charge at between 0.2 and 0.5 penalty units. These regulations permit Councils to set the penalty amount applicable for a number of specific parking offences when council staff issue a penalty infringement notice. These offences relate to Council car parks and Council land.

In order to comply with the new Regulations Council must resolve to set infringement penalties as opposed to specific dollar amounts.

AO.4	DOG AND CAT CONTROL ORDER
Officer	Althea Jalbert – Coordinator Local Laws
Council Plan Relationship	Protect the natural environment
Attachments	1. Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2) 2. Alternate - Council Dog and Cat Order 2019 – Domestic Animal Act 1994 (incorporating Schedule 1)

Purpose and Overview

A Council resolution is required to make an Order under sections 25 and 26(2) of the *Domestic Animals Act 1994*. The Order will introduce requirements for dogs to be on-leash in public places except in designated off-leash areas and for cats to be confined to the owner's premises between sunset and sunrise. The Order prescribes effective control requirements for dogs, designates off-leash areas for dogs, and designates prohibited areas for dogs and cats. The dog control Order will come into effect from 1 January 2020 and the cat control Order from 1 July 2020.

Recommendation

That Council:

- 1. Make the *Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2)* as per section 25 and 26(2) of the *Domestic Animals Act 1994*;**
- 2. Give public notice of the making of the '*Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2)*' by publishing it in the Government Gazette and in newspapers circulating in the municipal district of the Council in accordance with Section 26(3) of the *Domestic Animals Act 1994*;**
- 3. Direct the Chief Executive Officer to commence the process with the Department of Land, Water and Planning (DELWP) to revoke and dissolve existing Government Gazetted regulations at the eight sites identified in this report, managed by Council and owned by DELWP;**
- 4. Direct the Chief Executive Officer to commence a process with DELWP to formally appoint Council as the Committee of Management for the sections of the Campaspe River Walk in Kyneton that are currently unreserved Crown land;**
- 5. Receive a further report at a future Council meeting on the progress of recommendations 3 and 4;**

6. Refer the resourcing for the second stage implementation of the Order and for the introduction of a Council subsidised cat desexing and microchipping scheme to the 2020/21 budget process; and
 7. Direct the Chief Executive Officer to review Schedule 1 and Schedule 2 of the Council Dog and Cat Order 2019 as a first year action in Council's Domestic Animal Management Plan 2022 – 2026.
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Background

At the Council Meeting on 25 October 2017 Council resolved to:

- “1. Amend the Draft 2017 – 2021 Domestic Animal Management Plan to bring forward the activity to investigate the feasibility of introducing a cat curfew to 2018/19.**
- 2. Conduct the consultation for investigating a cat curfew including regulatory requirements simultaneously with the consultation for investigating dog on and off lead areas.**
- 3. Refer both of these projects for consideration in the 2018/19 budget.**
- 4. Adopt the 2017 – 2021 Domestic Animal Management Plan with the above amendments; and**
- 5. Send a copy of the adopted 2017-2021 Domestic Animal Management Plan to the Secretary of the Department of Economic Development, Jobs, Transport and Resources, in accordance with the Domestic Animals Act 1994.”**

The 2017-2021 Domestic Animal Management Plan (DAMP) identified two actions for completion in year one that directly relate to reducing nuisance caused by dogs and cats.

The actions were:

- Investigate the feasibility of introducing an Order that identifies dog on and dog off-leash areas in the Shire, including regulatory requirements; and
- Investigate the feasibility of introducing a cat curfew.

The review was funded in the 2018/19 budget and a consulting firm was engaged to undertake the reviews and consultation for introducing a possible cat curfew and dog on and dog off-leash areas simultaneously.

At the Council Meeting on 27 March 2019 Council resolved to:

- “1. Endorse the Dog On and Off-leash and Cat Curfew Review Report;**
- 2. Implement the six recommendations regarding dogs in public places as listed on page 3 of the Dog On and Off-leash and Cat Curfew Review Report;**
- 3. Implement the four recommendations regarding a cat curfew as listed on page 3 of the Dog On and Off-leash and Cat Curfew Review Report;**
- 4. Refer the resourcing for the development of an Implementation Plan and additional Local Laws Officer to the 2019/20 budget process; and**

5. Receive a further Council report to adopt the finalised Orders.”

It was recommended Council introduce Orders related to dogs in public places. These include designating dog on-leash, dog off-leash, prohibited dog areas and requiring dogs to be under effective control in public places. Further work was required before finalising the Orders. It was proposed that the dog control Orders become effective from 1 January 2020.

It was also recommended Council introduce Orders for a sunset to sunrise cat curfew and cat prohibited areas. Additional community consultation was required to finalise the cat prohibited areas prior to the introduction of the Order. It was proposed that the cat control Orders be deferred to at least 1 July 2020 to allow the new cat shelter/pound contract to be implemented and reviewed and to provide an opportunity to communicate the new requirement(s) to the community.

Context

Following endorsement of the *Dog On and Off-leash and Cat Curfew Review* recommendations by Council in March 2019, the *Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2)* has been drafted in line with the endorsed recommendations. This includes schedules listing the finalised designated off-leash areas (Schedule 1) and prohibited areas (Schedule 2).

In presenting the Order to Council, a number of options have been considered.

Option 1 – Defer making of the *Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2)* to enable community consultation specifically for the purpose of expanding the prohibited areas list in Schedule 2 for dogs to apply to additional bushland reserves and for cats to apply to additional Council reserves.

Benefits – This would help to address concerns raised by Friends Groups and others advocating for prohibition of dogs from all bushland reserves, whilst providing additional time to consult with the broader community about proposed expansion of prohibited areas that may affect them.

Risks – Significant work has been undertaken to conduct the review with recommendations endorsed by Council, including timelines for implementation. Deferring the making of the Order to commence further work to expand prohibited areas would delay implementation of on-leash requirements, effective control requirements and the cat curfew. This would serve to delay important Shire-wide protections that the review findings showed have community support.

This option is not recommended as it will postpone implementation of the Order beyond the endorsed timeframes. Community feedback (ongoing since 2017) indicates support for the introduction of these dog and cat controls. With the amount of consideration already given to prohibited areas, it is unlikely that there would be changes to the areas already proposed in Schedule 2 and that changes to prohibited areas for cats is unlikely to make a material difference to cat management practices in reserves.

Option 2 – Make the alternate *Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedule 1)* (Attachment 2) by adopting the alternate Order that excludes prohibited areas.

This would enable community consultation for expanding the prohibited area list for dogs to include additional bushland reserves and for expanding the prohibited area list for cats to include all Council reserves.

Benefits – This would help to address concerns raised by Friends Groups and others advocating for the prohibition of dogs at all bushland reserves while providing additional time to consult with the broader community about proposed expansion of prohibited areas that may affect them. This option also enables Council to implement the majority of proposed dog and cat controls in the recommended Order including dog on-leash requirements, effective control requirements and the sunset to sunrise cat curfew.

Risks – This option would delay implementation of prohibited areas for dogs and cats at the areas already identified as the most highly sensitive areas requiring protection. Dedicated resourcing would be required to conduct the additional consultation, prepare the results and make additional recommendations to Council in the future. Consulting on prohibited areas while implementing a partial Order may be confusing for the community and detract from education messages. Adding areas to the prohibited list would then require redrafting of the Order, rescinding the existing Order, endorsement of the new Order and gazetting of the new Order.

This option is not recommended because it will postpone implementation of prohibited areas, does not meet the expectations of community feedback already received through the consultation processes and does not present best value to the community as it requires additional resourcing for further work to be done. With the amount of consideration already given to prohibited areas, it is considered unlikely that there would be changes to the areas already proposed in Schedule 2 and changes to prohibited areas for cats is unlikely to make a material difference to cat management practices in reserves. The variety of messaging may cause confusion as educational information is provided to the community on the new Order, whilst consultation opens to seek feedback on adding prohibited areas to the new Order.

Option 3 – Make the *Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2)* (Attachment 1).

Benefits – This option delivers the review recommendations as endorsed by Council in March 2019 and would enable Council Officers to continue with implementation of the Order in a timely manner. This option provides clarity for the community regarding the new requirements and enables a clear communication and education strategy. This strategy will help the community adapt to the changes and achieve a higher level of compliance with the Order.

Risks – Some stakeholders are unlikely to be satisfied with the making of an Order that does not include the Mount Gisborne Bushland Reserve as a prohibited area and may continue to advocate for this change. Bushland Reserve sites could be reviewed as a first year action in Council's *Domestic Animal Management Plan 2022 – 2026* with Council officers reviewing Schedules 1 and 2 of the Order.

This is the option recommended to Council.

Consultation and Engagement

As part of the review, proposed dog and cat controls including lists of proposed designated off-leash areas and proposed prohibited areas were developed for the community to consider. Community consultation was undertaken in November 2018 in line with Council's *Community Consultation Framework*. The *Dog On and Off-leash and Cat Curfew Review Report*, contains an overview in the Executive Summary which details the outcomes and recommendations from the review. A *Summary of Community Feedback Report* was also prepared.

Since the *Dog On and Off-leash and Cat Curfew Review Report* recommendations were endorsed by Council, officers undertook further internal and external consultation to refine the designated off-leash areas as per the recommendations in the report.

This included:

- Consultation with the Department of Education (DOE) and the Romsey Primary School Committee about designating the Romsey Community Oval 2 (owned by DOE) as off-leash when sporting activities are not in progress. Council has a joint user agreement with the DOE for use of this oval. Approval to use this site as a designated off-leash area was not provided so it has been removed from Schedule 1; and
- Targeted further consultation with community members and the Romsey Five Mile Creek Working Group supported the addition of the Romsey Five-mile Creek Reserve Walk (west side) to be designated as a time-restricted off-leash area so this has been added to Schedule 1; and
- Targeted further consultation with community members and user groups supported the addition of the Campaspe River Walk, Kyneton (between the bridges) to be designated a time-restricted off-leash area so this has been added to Schedule 1; and
- Targeted consultation with the Lancefield Park Committee of Management and the Lancefield Light Harness Club to explore the addition of sites to be designated off-leash areas, which were ultimately not supported by either group and have not been added to Schedule 1.

Consultation was undertaken with DELWP (as land owners) to determine whether 12 proposed Council managed sites could be designated as off-leash areas under the Order. DELWP undertook an extensive land use and native title assessment for the sites and advised the following:

- There are six sites that have Government Gazetted regulations dated between 1898 and 1967 with specific references to dogs within the reserves. These include: Lake Ernshaw Reserve (Woodend), Woodend Racecourse and Recreation Reserve, Oak Park (within Kyneton Botanical Gardens), Malmsbury Cricket Ground, Sankey Reserve (Gisborne), and Riddells Creek Recreation Reserve. Council is the currently appointed Committee of Management for all six sites.

- There is one site, Barkly Square (Kyneton), that has two sets of Government Gazetted regulations in place dated 1895 and 1921. The regulations do not make any reference to dogs. Council is currently appointed Committee of Management for this site.
- There are four sites that do not have any Government Gazetted regulations in place. These include: Campaspe Park (Woodend), Timber Lane Reserve (Woodend), Steam Park (Gisborne), and Clifford Reserve (Macedon). Council is currently appointed Committee of Management for all four sites.
- There is one site, the Campaspe River Walk (Kyneton), that spans across an area with a Government Gazetted regulation in place dated 1933 with a specific reference to dogs. The walk also spans across unreserved Crown land that Council currently manages, but for which Council has not been appointed Committee of Management.

The advice from DELWP is that Council can proceed with including the 12 listed sites in the Order as off-leash sites and these have been included in Schedule 1. DELWP further advised that Council should consider proceeding with dissolving/revoking historical regulations pertaining to the eight sites specified above and seek to formalise the land management arrangements for the unreserved Campaspe River Walk area.

It is recommended that Council commence the process with DELWP to revoke and dissolve existing Government Gazetted regulations at the eight sites owned by DELWP that are managed by Council, as identified in this report. It is also recommended that Council commence the process with DELWP to formally appoint Council as the Committee of Management for the sections of the Campaspe River Walk in Kyneton which are currently unreserved Crown land.

The internal reference group gave further consideration to Recommendation 2 in the *Case for Cat Controls* section of the report. This included the requirement to conduct further community consultation to extend prohibited areas for cats beyond the four reserves originally proposed to include all bushland reserves and other environmental reserves that Council manages. As most cats impounded are unidentified and owners never found, the internal reference group determined by introducing the sunset to sunrise cat curfew combined with existing cat trespass legislation that these controls would be sufficient to enable trapping and impounding of cats on Council reserves.

Whilst work to finalise the Order was underway, Council Officers received further correspondence and a submission from the Friends of Mount Gisborne in response to a proposal to erect signage at the Mount Gisborne Bushland Reserve. They again called for dogs to be prohibited in the reserve and were not supportive of introducing on-leash requirements. The reasons cited were similar to those that have been presented to Council previously as part of the consultation process and is consistent with calls by other friends groups to prohibit dogs in bushland reserves.

Council officers acknowledge that during the original review consultation period, requests were made by groups to extend dog bans to all of Council's bushland reserves. These requests were carefully considered as part of the review, but prohibition of dogs across all bushland reserves was not considered to be required, providing dogs are kept on-leash. Council officers maintain this position as per the *Dogs in Public Places* Report, Recommendation 3. This recognises that in most bushland reserves dog walkers are a significant user group, that restricting their use would significantly reduce community use and appreciation of these natural assets. The dogs are considered to have minimal impact on wildlife and biodiversity when walked on-leash on paths. It is not recommended to include the Mount Gisborne Bushland Reserve as a prohibited dog area in the Order.

It is recommended that Council officers review Schedules 1 and 2 in 24 months to determine if amendments should be made. This will provide an opportunity to gather data about the effectiveness of introduced on-leash requirements and whether additional prohibited areas are warranted. It also provides the opportunity to allocate additional open space for off-leash areas as part of new developments for inclusion into Schedule 1 to cater for growth in the municipality. A review of the Schedules is recommended as a first year action in Council's Domestic Animal Management Plan 2022 – 2026.

Should Council choose to defer adopting the Order or adopts the alternate Order, it is recommended that further community consultation be undertaken to seek community feedback about prohibition of dogs and cats at additional bushland reserves.

Strategic Alignment

The following Council plans and strategies are relevant to the review and introduction of the proposed Order:

- The *Council Plan 2017-2027* Year 2 actions include: 'Protect the Natural Environment - Investigate the introduction of dog on and off leash areas and a cat curfew in the shire by 30 December 2018;' and
- The *2017-2021 Domestic Animal Management Plan* including actions to investigate the feasibility of introducing dog on-leash requirements and a cat curfew; and
- The *Biodiversity Strategy 2018* with actions specific to domestic animal management; and
- Environment Management Plans prepared for various bushland reserves that include actions about the management of dogs and cats.

Implications

Financial, Resource, Information Technology and Asset Management Implications and Risks

Council approved a \$29,000 new initiative in the 2019/20 budget. This new initiative covers the first stage of implementation including:

- development of the Implementation Plan,
- finalising the Order,
- development of community education materials,
- promotion of the new requirements and
- purchasing and installation of signage/stencilling at key sites.

A new initiative will be prepared for the second stage of implementation for consideration in the 2020/21 budget. This is for additional materials/signs required and to progress review recommendations for introducing a Council subsidised cat desexing and microchipping scheme to coincide with the introduction of a cat curfew.

Enforcement requirements will be assessed once the Order is in place to determine whether there are any additional resource requirements to respond to customer requests and pro-actively monitor compliance with the new requirements.

Should Council choose to defer adopting the Order or adopts the alternate Order, additional funding would be required to undertake further community consultation, collate findings, and progress any changes to implementation of the Order (eg. re-drafting the Order, gazetting, additional promotion, additional signage, etc.)

Policy and Legislative Implications and Risks

Section 26(2) of the *Domestic Animals Act 1994* states that Council may, by resolution, make an Order that:

- Prohibits the presence of dogs and/or cats in any place of the municipality
- Imposes conditions on the presence of dogs and/or cats in any public place in the municipality including restraint requirements, time restrictions and any other conditions specified.

Section 25 of the *Domestic Animals Act 1994* states that Council may by resolution make an Order requiring the owner of a cat to securely confine the cat to the owners premises during specified hours.

Orders made under these sections can be enforced through infringements or summarily at the Magistrates Court. Without an Order in place it limits officers in their ability to require effective restraint and control of dogs and cats in public places.

Sustainability Implications and Risks (Social and Environmental)

The recommended option to adopt the Order as proposed, inclusive of Schedule 1 and Schedule 2, will provide greater protections for the community and environment than those currently in place. Community consultation supports the introduction of the proposed Order.

The areas included as Prohibited Areas in Schedule 2 were determined to be the most sensitive areas requiring protection. We do not have sufficient data to support expanding prohibited areas.

Responsible walking of dogs on-leash is a popular form of exercise and socialisation, with many people enjoying walking in bushland reserves to enjoy the natural environment. Prohibiting dogs in bushland reserves will likely reduce the number of people enjoying these spaces, placing pressures on other reserves and reducing passive surveillance. A reduction in passive surveillance in bushland reserves may lead to unwelcome or damaging activities.

Varying from the recommended Order for the purpose of expanding the list of dog and cat prohibited areas in Schedule 2 would delay introduction of much needed protections for the community and the environment.

Charter of Human Rights Implications and Risks

The Order restricts animals in public places and does not have human rights implications.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion

The recommended *Council Dog and Cat Order 2019 – Domestic Animals Act 1994 (incorporating Schedules 1 and 2)* was developed after broad community and stakeholder consultation. The Order will serve to introduce important regulations for the management and control of dogs and cats in public places to better protect the community and environment.

15. NOTICES OF MOTION

Notice of Motion No. 2/2019-20 – Councillor Helen Radnedge

That Council refer the formal recognition of the Gisborne Avenue of Honour and the New Gisborne Avenue of Honour to the budget process.

Notice of Motion No. 3/2019-20 – Councillor Janet Pearce

That Council:

- **Direct the CEO write to Regional Roads Victoria:**
 - **Expressing concerns regarding the continued traffic and safety issues relating to the High Street and Urquhart Street intersection and surrounding roads in Woodend since the Supermarket development.**
 - **Requesting a clear timeline as to when these issues will be addressed and the ultimate solution implemented.**
- **Direct the CEO to provide a copy of the correspondence sent to Regional Roads Victoria to both the State Member for Macedon, Mary-Anne Thomas MP and the Minister for Roads, Jaala Pulford MP.**
- **Direct the CEO and Mayor to meet with Brian Westley, Regional Director of Rural Roads Victoria, to discuss the above issues and all effort is made to arrange this meeting prior to 30 January 2020.**
- **Resolve that a report of the outcomes of the meeting with Regional Roads Victoria is brought to an Ordinary Council Meeting for noting.**

16. URGENT AND OTHER BUSINESS

In accordance with Council's Local Law No. 11 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 Community Chef shareholding

