



**COUNCIL MEETING**

**TUESDAY 27 APRIL 2021**

**URGENT BUSINESS**

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## 9. URGENT BUSINESS AND ITEMS RAISED THROUGH THE CHAIR

### CORPORATE SERVICES

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#### 9.1 Appointment of Acting Chief Executive Officer

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RESPONSIBLE OFFICER      Director Corporate Services

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#### SUMMARY

This report requests Council's endorsement of proposed acting arrangements for the position of Chief Executive Officer (CEO) while Tammi Rose takes a leave of absence.

#### RECOMMENDATION

##### *That Council*

1. ***Note and endorse the appointment of Jane Price by Tammi Rose (pursuant to the terms of the CEO's instrument of delegation from Council) as Acting Chief Executive Officer under the terms and conditions of her current Senior Officer contract and set a salary in accordance with the Council's Higher Duties Policy, effective from Monday 12 April 2021 to Sunday 2 May 2021.***
2. ***Appoint Mark Varmalis as Acting Chief Executive Officer under the terms and conditions of his current Senior Officer contract and set a salary in accordance with the Council's Higher Duties Policy, effective from Monday 3 May 2021 to Sunday 23 May 2021.***
3. ***Appoint Andrew Hilson as Acting Chief Executive Officer under the terms and conditions of his current Senior Officer contract and set a salary in accordance with the Council's Higher Duties Policy, effective from Monday 24 May 2021 to Sunday 13 June 2021.***
4. ***Appoint Kathleen McClusky as Acting Chief Executive Officer under the terms and conditions of her current Senior Officer contract and set a salary in accordance with the Council's Higher Duties Policy, effective from Monday 14 June 2021 to Sunday 4 July 2021.***
5. ***That the endorsed Acting CEO arrangements above cease upon the resumption of the CEO to her substantive position.***

## **DISCLOSURE OF CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **PROPOSAL**

Council is requested to endorse a series of Acting Chief Executive Officer appointments until such time as Council's Chief Executive Officer, Tammi Rose, returns to her substantive position.

## **RELATED COUNCIL DECISIONS**

Council appointed Tammi Rose as Chief Executive Officer on 18 December 2018 and she has held the position since 4 February 2019.

## **BACKGROUND**

Council's Chief Executive Officer, Tammi Rose, has proceeded on an unplanned leave of absence. This necessitates the appointment of a person or persons to fill the role until she is able to return.

Acting arrangements are routinely made when the Chief Executive Officer is absent for any reason. The *Local Government Act 1989* requires Council to appoint a natural person to meet the responsibilities and exercise the discretion of the Chief Executive Officer.

Decisions of this nature may be made:

1. by the Chief Executive Officer under the terms of the CEO's instrument of delegation from Council (when taking planned leave for example); or
2. by the Council itself.

The Instrument of Delegation from Council to the Chief Executive was last reviewed and approved by Council on 28 July 2020. The Instrument delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to the Instrument of Delegation.

## **STRATEGIC LINKS**

The acting arrangements for Council's Chief Executive Officer are made in accordance with section 94 of the *Local Government Act 1989*.

## **CONSULTATION**

Consultation has taken place with Council's Executive Leadership Team and the Mayor. There has been no community consultation undertaken in respect of the recommendation of this report.

## **FINANCIAL IMPLICATIONS**

Higher duties allowances will be paid in accordance with Council's Higher Duties Policy. The cost can be met within the current approved budget.

## **KEY ISSUES**

If the acting arrangements need to extend beyond the term of the current proposal, a report will be brought to Council to consider extending the arrangements.

### ***Environmental Impacts***

There are no environmental impacts arising from the recommendation in this report.

### ***Social Impacts***

There are no social impacts arising from the recommendation in this report.

### ***Economic Impacts***

There are no economic impacts arising from the recommendation in this report.

### ***Risk Assessment***

The recommendations expressed herein ensure compliance with the *Local Government Act 1989*. Moreover, they ensure orderly administration and governance, as well as overall sound leadership of the organisation.

## **CONCLUSION**

The recommendation to appoint Council's Directors as Acting Chief Executive Officer on a consecutive basis should be accepted.

## **ATTACHMENTS**

There are no attachments to this report.

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**ENVIRONMENT AND INFRASTRUCTURE**

No. of Pages – 5

**9.2 Former Yarra Hills Secondary College School site at 150 Cambridge Road, Kilsyth**

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**RESPONSIBLE OFFICER** Director Environment & Infrastructure

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**SUMMARY**

This report is to update Councillors on the process available and potential costs associated for the potential acquisition and management of land at 150 Cambridge Road, Kilsyth (former Yarra Hills Secondary College School site).

In 2015 the Department of Education approached Council regarding the sale of the secondary school site. At that time, Council declined to purchase the land. In 2016 Council negotiated a 20-year lease for the southern portion of the site consisting of the former sportsground adjacent to the Elizabeth Bridge Reserve. Council uses the oval and maintains the site. It also provides an off-lead dog area.

The northern 3.6 hectare parcel has been re-zoned and is now intended for sale by the State Government. There is significant community support for the land to be maintained as open space.

The purchase price of the land is unknown and will be determined through an Expression of Interest process with the State Government.

**RECOMMENDATION*****That***

- 1. Council write to the State Government with a formal Expression of Interest for the purchase of the former Yarra Hills Secondary College School site at 150 Cambridge Road, Kilsyth.***
- 2. A further report be provided to Council when a response is received from the State Government to allow consideration of subsequent steps to be taken.***

**DISCLOSURE OF CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **PROPOSAL**

That Council write to the State Government with a formal Expression of Interest for the purchase of the former Yarra Hills Secondary College School site at 150 Cambridge Road, Kilsyth.

## **RELATED COUNCIL DECISIONS**

26 February 2020 Council Meeting - Decision to support Department of Treasury & Finance proposal for re-zoning of land.

5 May 2020 and 8 September 2020 Council Meetings - Elizabeth Bridge Reserve Master Plan draft and final endorsement (relevant item).

## **BACKGROUND**

The subject site is the former Kilsyth campus of Yarra Hills Secondary College. In 2015 the Department of Education (DET) approached Council regarding the sale of the secondary school site. At that time Council declined to purchase the land, but in 2016 negotiated a 20-year lease for the southern portion of the site consisting of the former sportsground adjacent to the Elizabeth Bridge Reserve. Council uses the oval and maintains the site. It also provides an off-lead dog area.

In October 2018 the site was subdivided into two parcels, effectively creating one lot for Council's use under lease and one lot for sale. The boundary of the southern lot (2.9 hectares) aligns with Council's leased area. The oval is adjacent to Council's Elizabeth Bridge Reserve and integrates with the park. Council holds a twenty-year lease with DET on the sports oval, which is used by local sporting clubs for games and practice. Council has recently been successful through a State Government Growing Suburbs Fund grant application to establish a temporary change room facility which has been installed to help increase utilisation.

The northern 3.6 hectare parcel has been re-zoned and is now intended for sale.

The former school site was deemed surplus to the Victorian Government's current and future requirements. Consequently, the Department of Treasury and Finance (DTF), on behalf of the landowner DET, initiated a planning scheme amendment to change the planning controls for the site to reflect that it is no longer required for public use and to help facilitate the sale of the land.

Amendment C183 was approved on 13 August 2020 and rezoned the land to a Neighbourhood Residential Zone - Schedule 1 (Incremental Change Areas), applied the Significant Landscape Overlay – Schedule 23 (SLO23: Tree Controls) and applied new schedule 10 to the Development Plan Overlay (DPO10: Former Yarra Hills Secondary College Site). The oval was not affected by the amendment and remains in the Public Use Zone Schedule 2- Education.

### ***Purchase Process***

Council wrote to the Minister for Education in December 2020, asking the Minister to reconsider gifting or leasing the former secondary school site to Council to enable the land to be retained as public open space.

The Minister subsequently wrote to Council in February 2021 advising that under the First Right of Refusal process which forms part of the Government's land policy framework, the Council had the ability to acquire surplus Government land for community purposes at a reduced value, but in this instance, had not expressed an interest in acquiring the balance of the former school site for community use.

Subsequent to this advice the DTF has advised that it has decided to allow further expressions of interest from government entities to purchase the property. Council will be required to submit a formal Expression of Interest that outlines Council's proposed use of the land and indicates if Council is proposing to acquire the land on a restricted community use (i.e. reduced value) basis.

The availability of this process has been re-confirmed in recent discussions with the Victorian School Building Authority.

The community has articulated through a petition and other advocacy strategies that they would like this space to be available as a social recreation park.

Restoration works to bring the northern section up to social recreation park status, including landscaping, path networks, seating and gathering spaces, are estimated by Council's Parks and Bushlands team to cost approximately \$2,000,000 to construct for land of this size.

Annual maintenance of the remediated site would be expected to cost between approximately \$5,000 and \$18,000.

The purchase price of the land is unknown and will be determined through an Expression of Interest process with the State Government.

It is proposed that as this process progresses and Council is provided with an understanding of the expected cost to acquire the land, that a further report be referred to Council to determine subsequent steps that are to be considered and taken, including the capacity of Council to fund the purchase of the land.

### **STRATEGIC LINKS**

This parcel of land has links with several Council's Strategic Priorities, including:

- Council Plan 2017-2021;
- Recreation and Open Space Strategy 2013-2023;
- Liveable Climate Plan 2020-2030;
- Integrated Transportation Strategy 2020 -2040;
- Health and Wellbeing Strategy 2017-2021;



- Environment Strategy 2015-2025; and
- Council's Vision 2020.

## **CONSULTATION**

While not specific for this parcel of land, significant community consultation for this precinct was undertaken as part of the Elizabeth Bridge Reserve Master Plan, completed and endorsed by Council during 2020. While not part of the formal study area, as it was outside of Council's current control, significant feedback was received from the community advocating for the continuation of the northern parcel of land as public open space during this process.

Council also noted a 7,129 signature petition to the Legislative Assembly of Victoria at the 9 March Ordinary Meeting for 150 Cambridge Road, Kilsyth to be retained as public open space, further demonstrating the community's advocacy.

## **FINANCIAL IMPLICATIONS**

In 2016, Council signed a 20-year lease with the Minister for Education for the use of the southern parcel. Council continues to make improvements to the site and is currently maintaining it. Further enhancements are planned subject to community use and funding, both through external grants and operational budgets.

Restoration works to bring the northern section up to social recreation park status, including landscaping, path networks, seating and gathering spaces, are estimated to cost approximately \$2,000,000 for land of this size, with annual maintenance costs of between \$5,000 and \$18,000 per annum approximately, dependant on the level of service determined.

The purchase price of the land is unknown and will be determined through an Expression of Interest process with the State Government.

## **KEY ISSUES**

### ***Environmental Impacts***

If developed, the proposed planning controls seek to retain significant vegetation that contributes to the landscape character of the surrounding area.

Should the land remain open space and be re-vegetated, it would further enhance the important environmental values of the Elizabeth Bridge Reserve precinct for both flora and fauna.

### ***Social Impacts***

Access to and diversity of open space as well as a connected paths and trails network that facilitate active travel and recreation opportunities have been identified as a key to improving physical activity rates, and in doing so enhance mental and physical health and well-being outcomes.

### ***Economic Impacts***

If the land is retained as open space and not developed into housing, as permitted from re-zoning, then there would be some lost rate revenue as a result. The exact number of dwellings the site would have has not been established.

### ***Risk Assessment***

Other than the financial and economic implications, there is a risk of community discontent should the land be sold off and developed into housing.

### **CONCLUSION**

The DTF intend to sell the re-zoned land in the near future.

Through discussions with the Victorian School Building Authority it is understood that Council still has the opportunity to submit a formal Expression of Interest that outlines Council's proposed use of the land and indicates if Council is proposing to acquire the land on a restricted community use (i.e. reduced value) basis.

There are likely upfront and on-going maintenance costs associated with the potential purchase as outlined in this report, however, it is recommended Council enter the Expression of Interest process for the possible purchase of the land at 150 Cambridge Road, Kilsyth.

### **ATTACHMENTS**

There are no attachments to this report.