

Agenda

Council Meeting
Wednesday 13 December 2023 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging.

Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

This meeting is being recorded and streamed live on the internet, in accordance with Council's 'Live Streaming and Publishing Recordings of Meetings' policy, which can be viewed on Council's website.

3 PRESENT**4 APOLOGIES****5 CONFLICTS OF INTEREST****6 PETITIONS**

Nil

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**8 ADOPTION OF MINUTES****Recommendation**

That Council confirms the minutes of the Scheduled Council Meetings of Macedon Ranges Shire Council held on 21 November 2023 and 22 November 2023, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - NOVEMBER-DECEMBER 2023****Summary**

This report provides an update from the Mayor on recent Council activities and initiatives of a shire wide nature.

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

The last three weeks have delivered important projects and initiatives for the Macedon Ranges community. This has been possible due to the dedication of community members that volunteer considerable time, in partnership with Council support, to ensure we have the best services and facilities across our Shire.

• Barkly Square Playing Surface Upgrade – November 24

The installation of new irrigation and drainage systems, along with the re-shaping, sand capping and re-turfing of the playing surface, will provide a much improved and fit-for-purpose sports field at Barkly Square. This will enable greater participation opportunities not only for soccer but for the broader Kyneton community. It will also support the significant increase in female participation for the club and the newly formed 'Go Soccer Mums'. After many years of advocating and some unprecedented wet weather construction delays, it is pleasing to see the completion of the Barkly Square playing surface upgrade project. This is the result of another successful collaboration with support from our local Member of Parliament - the Hon. Mary Anne Thomas, Sport and Recreation Victoria and Council. The cooperation and understanding of the Kyneton District Soccer Club and the Kyneton Obedience Dog Club, who relocated their activities to allow for the surface upgrade was greatly appreciated. Thanks to everyone for your support.

• Opening of the new location for the Kyneton Toy Library – November 25

Council's Children, Youth and Family Services team worked closely with the Kyneton Toy Library to investigate alternative sites for the service. After casting the net far and wide across Kyneton, the former Visitor Information Centre was identified as an excellent site to house the toy library into the future. The new location also offers even more space for carers to connect, with a children's playground on its doorstep. Various works have been undertaken at the site to help make the space fit for purpose. The Kyneton and Districts Toy Library was also successful this year in receiving a Small Project Grant on behalf of Council to assist with the relocation. Thank you to the Kyneton and District Toy Library committee members who worked closely with Council and the community on the relocation and new fit-out and thank you also to the Council staff involved. Finally, to the Kyneton and District Toy Library members and the wider community, we hope you enjoy this wonderful new space.

• Showcasing Inclusion Photo Competition Presentation event – November 29

Each year Council considers how to recognise International Day of People with Disability in our local area. This year we invited the community to send us photos that illustrate what inclusion means to them. Promoting an inclusive and welcoming community is an important

priority in our Council Plan. Our Disability Action Plan promotes a whole of Council approach to accessible Council services; partnership networks and building a positive, inclusive community. Those who entered photos have contributed to community awareness and understanding of inclusion. Council have shared selected photos on different media platforms and organised a small travelling exhibition. Congratulations to the winners and all those who entered. As Mayor, it was a privilege to be on the judging panel, even though it was hard to choose a winner. All the entries were fabulous. Thanks to the other judges who gave their time - Hayden Walsh, who is a well-known local advocate for disability inclusion, and talented local photographic artist Deborah Mullins.

- **Walk Against Family Violence Woodend Community Centre**

The 16 days of activism is a powerful campaign to raise awareness that violence against women, and any gendered violence, is a fundamental violation of human rights. On 30 November, we walked against family violence and we were fortunate to be joined Dr Niki Vincent, Victoria's first Gender Equality Commissioner. On average, a woman in Australia is killed by a man they know every 10 days. It doesn't have to be this way. All of us deserve to be safe, equal and respected. To those that walked on the day: you are taking action to prevent family violence and violence against women and stand in solidarity with victim-survivors.

- **Kyneton Community House Twilight Festival**

Festive cheer was certainly in full swing at this event, and remarkably the weather enabled the event to go ahead. Locals and visitors to the area enjoyed shopping from a vast selection of local artisan makers, gourmet food offerings from our local community and were entertained by some of our region's music, performers and community groups. Thanks to all the stall holders, performers, Kyneton Community House, U3A and all those that volunteered time for this event.

- **Screening of 'Equal the contest' & panel discussion at Kyneton Townhall**

Supported by Women's Health Loddon Mallee, Sunbury and Cobaw Community Health partnered with Macedon Ranges Shire for this event on December 4. The film follows the Mt Alexander Falcons football club, a new community level club created in 2021 by and for women and gender diverse people. It is a case study for current day gender inequality, highlighting the challenges still faced by women and gender diverse people who simply want to play football. Thanks to the panel and all those involved to bring this free event to our community.

- **Macedon Ranges Regenerative Farmers (MRRF) Holistic Grazing workshop**

MRRF hosted this three-day course with internationally renowned educator Brian Wehlburg at Sidonia on December 1-3, 2023. The workshop covered topics such as ecosystem and waterway care, feed budgeting, drought planning, pasture development through grazing techniques and building resilience in farming families, businesses and communities. MRRF received a Macedon Ranges Shire Council community grant for 2023/2024 to assist in the cost of hosting this and future workshops and it is wonderful to see how the funding has supported this course.

- **Department of Transport and Planning Ministerial Roundtables**

On 27 November and 6 December our Chief Executive Officer, Mayor and relevant council officers attended forums to discuss future planning and a roadmap for strategic land use planning in Victoria. This is part of State Government reforms in relation to housing and a new Plan for Victoria. This is a very important strategy for the local government sector to be engaged with and we look forward to being part of the discussions moving forward.

I would like to take this opportunity to highlight some of the most recent happenings around the Shire.

- Eastern Macedon Ranges Business and Tourist Association (EMRBATA) Annual General Meeting held on 21 November at Romsey Community Hub.
- Municipal Fire Management Prevention Committee on 23 November at Gisborne Council office.
- Community Pizza and Music night on 24 November at Riddells Creek Neighbourhood House.
- Macedon Ranges Friends of Turiscai Annual General Meeting on 27 November at Victoria Hotel Woodend.
- Woodend Village late night shopping and Christmas decorations event on 30 November in Woodend.
- Joint Councillor and Officer VLGA Governance Advisory Network (GAN) Meeting on 24 November via online meeting.
- Central Victorian Greenhouse Alliance Annual General Meeting on 30 November in Ballarat.
- Woodend Lifestyle Carers Group pre-Christmas drinks on 1 December at Norma Richardson Hall in Woodend.
- Kyneton Agricultural Show Volunteer 'thank you' event on 1 December in Kyneton.
- Malmsbury Country Fire Authority (CFA) dinner on 2 December at the Malmsbury Hotel.
- Emergency Services Expo on 3 December in Gisborne.
- Macedon Ranges Local Safety Committee Meeting on 4 December at Gisborne Council office and online.
- Friends of Kyneton Botanic Gardens Annual General Meeting on 5 December at the Kyneton Football and Netball Clubrooms.
- Municipal Association of Victoria (MAV) Mayoral Welcome and Induction session on 7 December in East Melbourne.
- Community Christmas Party on 10 December at Viewfield Mt Macedon.
- Christmas in Romsey and Community Carols on 9 December at Romsey Primary School.
- Carols by Candlelight on 10 December at Dixon Field Gisborne.
- Various other festive season events attended by Councillors across the Shire.

I would also like to take this opportunity to wish everyone a safe, happy and healthy Christmas and New Year. On behalf of Councillors and Council staff, we look forward to working with and supporting our community in 2024.

Mayor Death
Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - NOVEMBER-DECEMBER 2023****Summary**

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Recommendation

That Council receives and notes the record of meetings of Councillors and Council staff, as outlined in this report.

Record of meetings

Type of meeting	Councillor Briefing
Date and time	21 November 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Rob Ball, Manager Strategic Planning and Environment • Jeet Dahal, Manager Assets and Project Management

	<ul style="list-style-type: none"> • Cam McFarlane, Coordinator Asset Management • Jake Hart, Coordinator Civil Maintenance and Construction • Christo Crafford, Coordinator Statutory Planning • Leanne Khan, Coordinator Strategic Planning • Patricia Clive, Coordinator Governance • Lucy Olson, Senior Governance Officer – Council Business • Tanya Loos, Biodiversity Strategy Projects Officer • Martin Roberts, Bushland Reserve Officer • Justin Walsh, Climate Change Engagement Officer • Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> • Silvana Predebon, Environment Policy and Sustainability Officer
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • CEO & Councillor only session • Adoption of Stanley Park Environmental Management Plan • Feedback from Public Exhibition & Final Version of the Climate Emergency Response Plan • Annual State of the Assets Report • Open Space Strategy • Planning Matters • Planning Delegated Committee Agenda Review • Other business
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 meeting? N/A</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	28 November 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor)

	<ul style="list-style-type: none"> • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Rob Ball, Manager Strategic Planning and Environment • Travis Harling, Manager Finance and Reporting • Sarah Annells, Manager Safer Communities • Scott Gilchrist, Coordinator Open Space • Leanne Khan, Coordinator Strategic Planning • Patricia Clive, Coordinator Governance • Stephen Pykett, Manager Economic Development and Visitor Economy • Jack Wiltshire, Strategic Planner • Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> • Shane Walden, Director Assets and Operations • Julius Pieker, Coordinator Community Development
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • CEO & Councillor only session • Budget 2024/25 Community consultation & Councillor priorities • Sister City Agreement with Tokai • Planning Matters • Community Grants acquittals • Draft Romsey Structure Plan – detailed review of submissions • Agenda Review for 13 December 2023 • Other business

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	Cr West declared a material conflict with the Romsey structure plan. Did they leave the meeting? Yes at 1:36pm and did not return.
Conflicts of interest declared by officers	Maria Weiss declared a general conflict with the Amess Road development in Planning Matters. Did they leave the meeting? Yes 11:18am – 11:43am

Type of meeting	Councillor Briefing
Date and time	5 December 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) (via Zoom) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West (via Zoom)
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Kylie Tatt, Manager People and Wellbeing • Awais Sadiq, Coordinator Statutory Planning • Christo Crafford, Coordinator Statutory Planning • Leanne Khan, Coordinator Strategic Planning • Patricia Clive, Coordinator Governance • Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> • Samuel Funcich, Senior People and Culture Advisor • Jeet Dahal, Manager Assets and Project Management

Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • CEO & Councillor only session • Fair Work Changes • Draft Borrowing Policy • Monthly Capex Monitoring Report • Planning Matters • Planning Delegated Committee Agenda Review for 6 December • Other business
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>Cr Ridgeway declared a general conflict with the Wedge Street in Planning matters.</p> <p>Did they leave the meeting? Yes 10:39am to 11:03am.</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	MACEDON RANGES SHIRE THEMATIC ENVIRONMENTAL HISTORY REPORT FOR ADOPTION
Officer:	Dannielle Orr, Heritage Planner
Council Plan relationship:	1. Connecting communities
Attachments:	Draft Macedon Ranges Shire Thematic Environmental History (October 2023) (under separate cover)

Summary

The purpose of this report is to present the 'Macedon Ranges Shire Thematic Environmental History (October 2023) for adoption.

Recommendation

That Council adopts the Draft Macedon Ranges Shire Thematic Environmental History (October 2023).

Background

Council funded the Macedon Ranges Thematic Environmental History (TEH) as a strategic planning project in the 2021/22 budget, and the project is a Council plan action.

The project was awarded to GML Heritage (formerly Context Pty Ltd) in late 2021 to prepare the TEH. A TEH is a strategic tool that helps understand the land use development of a municipality's history. A TEH works to a framework of nine themes drawn from Victoria's Framework of Historical Themes and the Australian Framework of Historical Themes. The themes are broad and holistic, covering the Aboriginal, built and natural heritage of an area. The localised version of these themes for Macedon Ranges Shire is:

- (1) Shaping the environment of Macedon Ranges Shire.
- (2) Peopling Macedon Range's place and landscapes.
- (3) Connecting Macedon Ranges Shire by transport and communications.
- (4) Transforming and managing the land and natural resources.
- (5) Building industries and workforce in Macedon Ranges Shire.
- (6) Building the hamlets, villages, towns and regional cities of Macedon Ranges.
- (7) Governing Macedon Ranges Shire.
- (8) Building community life.
- (9) Shaping cultural and creative life.

The Macedon Ranges TEH has largely been drawn from published secondary sources such as heritage studies, books published by historical societies, pamphlets and websites. Some readily available online archival material has also been used, such as digitised photos and historic newspapers. Original research was not budgeted to be part of the project, as there was sufficient accessible material, but some limited original research has been undertaken

where targeted stakeholder and community consultation pointed to gaps in the existing sources.

Discussion

A TEH assists with a high-level understanding of what is distinctive about our municipality's history and heritage. The TEH can then guide the priorities of council on what we should be protecting, assessing, managing and interpreting with our places, objects and events. Importantly, it can assist in identifying any gaps in heritage protection, and whether there is over- or under-representation of certain types of heritage covered by the Macedon Ranges Planning Scheme for example. The following are some high-level insights from the Macedon Ranges TEH:

Development

Development in the Shire is covered in Theme 6 'Building the hamlets, villages, towns and regional cities of Macedon Ranges', and the country towns are traced through their origins, as:

- Agricultural or postal settlements – Baynton, Bolinda, Edgecombe, Monegeetta, Pastoria East, Pipers Creek, and Sidonia
- Gold-mining settlements – Lauriston
- Major transport routes – Karlsruhe, Gisborne, Kyneton, Lancefield, Macedon, Malmsbury, Romsey and Woodend
- Railway townships – Clarkefield, New Gisborne, Riddells Creek and Trentham East;
- Sawmilling settlements – Cherokee, Hesket and Kerrie
- Tourist townships – Mount Macedon.

Reviewing the Macedon Ranges Planning Scheme in light of this, it is clear that of these townships, above, only six are protected by precinct Heritage Overlays (HO) for the historic values of their development:

- Cherokee (1 precinct HO for town area)
- Kyneton (8 precinct HOs for commercial, Botanic Gardens area and residential development)
- Lancefield (1 precinct HO for commercial area)
- Malmsbury (1 precinct HO for commercial, landscape and residential development)
- Romsey (1 precinct HO for commercial area)
- Woodend (1 precinct HO for commercial area).

The comparison highlights that the towns that have developed on major transport routes dominate the heritage protection in the Macedon Ranges Planning Scheme, where others such as agricultural / postal settlements, or gold mining, railway and tourist towns are not represented at all. This is a gap in the Macedon Ranges Planning Scheme that requires further heritage assessment in the future.

Uses

The impacts of land uses such as agriculture and industry in Macedon Ranges Shire is outlined in Theme 4 'Transforming and managing the land and natural resources' and Theme 5 'Building industries and workforce in Macedon Ranges Shire'. Types of uses in Macedon Ranges Shire include:

- Banking and commerce;
- Cattle;
- Dairying;
- Gold-mining;
- Horse-breeding;
- Horticulture and floriculture;
- Manufacturing;
- Milling for chicory, flax and flour;
- Quarries;
- Retail and trade;
- Timber industries;
- Tourism;
- Viticulture; and
- Water supply.

Additionally, these uses are associated with specific land types or structures, such as fencing (e.g. dry stone walls and cypress or pine shelterbelts), farmer's commons, plantations, nurseries and saleyards etc.

Many of these uses and their associated structures are not well-represented or are a gap in the Macedon Ranges Planning Scheme, and further analysis of the HO schedule is needed to identify these gaps more precisely.

Coverage

The various heritage studies and reviews that have been undertaken since the 1990s are listed in Theme 7 'Governing Macedon Ranges Shire'. All of these heritage studies recommend more places for heritage protection than have been implemented in the HO schedule, and possibly in the Aboriginal Heritage Register (VAHR). Another key area of work will be to analyse these heritage studies to make a comparison of their recommendations against the themes identified by the Macedon Ranges TEH, to understand what works remains to be implemented and whether it is a theme that is currently a gap in in our current heritage protection.

Next steps

Following adoption of the Macedon Ranges TEH, the document will inform strategic heritage work in two ways, to:

- Determine a list of gaps for future heritage work, for inclusion and community consultation in the draft Heritage Strategy 2024.
- Consider how best to implement the Macedon Ranges TEH into the Macedon Ranges Planning Scheme.

The implementation of the Macedon Range TEH needs to be considered in light of the recent Planning Policy Framework translation (Amendment C150macr), and how it is most relevant to the Macedon Ranges Planning Scheme in light of changes to the format and structure of local policy.

Consultation and engagement

Targeted stakeholder consultation

Consultation occurred with the Macedon Ranges Heritage Council (MRHC) in late 2021, and continued throughout the project. The MRHC provided ongoing support and detailed feedback from March to October 2022, in relation to the nine historical themes, draft report and Statement of Significance.

Community consultation

Wider community consultation was carried out from 24 August to 23 September 2022, with submissions received up until October 2022.

Consultation activities included:

- 'Have your say' and project webpages with draft TEH materials
- Media release
- Social media posts.

Five community submissions were received. Officers acknowledge the interest and contribution from MRHC members and community members who took the time to share their knowledge of the municipality. Whilst the number of submissions was relatively small, a significant amount of material (330 pages) was received. Review of this material by officers and the consultants impacted project timelines, and it took several additional months to assess, clarify and organise the extra information for inclusion, provide supporting sources for the consultants, and proof the different versions of the document.

Collaboration

Websites and publications from both state and federal governments, as well as relevant statutory authorities such as Coliban Water, were all accessed for historical information and appropriately referenced as part of this TEH report.

Innovation and continuous improvement

Some consultation with other councils, government or statutory bodies was undertaken during the TEH project. As detailed above the community engagement process strengthened the document through the review of submission material.

Relevant law

A TEH is strategic planning tool used to understand and identify heritage primarily at the local level which is protected under the *Planning and Environment Act 1987*. Heritage can be understood more broadly however and consideration of Aboriginal, natural and state heritage was also incorporated into the TEH project to contextualise our understanding of the way Macedon Ranges Shire has developed. These areas of heritage are governed by a variety of laws, the:

- *Aboriginal Heritage Act 2006* and relevant state legislation enacting Native Title (Commonwealth) for Aboriginal cultural heritage,
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) for natural heritage, and the
- *Heritage Act 2017* for state and archaeological heritage.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report. The TEH is a collection of sources

used to understand heritage, and not related to a policy, programme or service. It is noted that the TEH adds to our knowledge of the role women played in our heritage story.

This report does not have any direct or indirect human rights implications under the Charter of *Human Rights and Responsibilities Act 2006*

Relevant regional, state and national plans and policies

There is no specific regional, state or national plan or policy developed for TEH's in Victoria, but the two relevant state and federal government documents, the Victorian Government's 'Victoria's Framework of Historical Themes' and the Australian Government's 'Australian Framework of Historical Themes', were used to develop the localised version of historical themes for Macedon Ranges Shire.

Relevant Council plans and policies

The adoption of the 'Macedon Ranges Thematic Environmental History (October 2023) with Statement of Significance' delivers the Council Plan 2021-2031 (Year Two 2022-2023) Action 'Enhance planning protection of the shire's heritage assets, through completion of the Macedon Ranges Shire Thematic Environmental History'.

The next relevant Action is to 'Develop future work, following the outcomes of the Macedon Ranges Thematic Environment History project'.

Financial viability

There are no financial implications to be considered in relation to the adoption of this report.

Sustainability implications

There is a beneficial social implication from the TEH project and report. Initial stakeholder discussion with MRHC noted that some areas of knowledge may be a gap in the TEH research, such as women's history or migrant cultures. In response, the MRHC contributed substantial information on these specific areas, and as a result women's history and migrant cultures are now better represented in the TEH report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

PE.2	STANLEY PARK - ADOPTION OF ENVIRONMENTAL MANAGEMENT PLAN
Officer:	Tanya Loos, Biodiversity Strategy Projects Officer
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Draft Environmental Management Plan - Stanley Park, Mount Macedon - November 2023 (under separate cover)

Summary

Stanley Park is valued by the Mount Macedon community for its biodiversity and social values. Council has worked with the Stanley Park Community Asset Committee to create an updated Environmental Management Plan for Stanley Park (attached) which will guide future revegetation projects and inform the development of an Infrastructure Master Plan for the park.

Recommendation

That Council adopts the draft Environmental Management Plan – Stanley Park, Mount Macedon November 2023 replacing all previous plans.

Background

Stanley Park is a six hectare park of remnant forest, grassland and recreation areas located approximately two kilometres north-west of the Macedon village centre. The park is highly valued by the community and visitors for its diverse flora, beautiful forests and scenic waterfall, and for the playground and picnic area.

The reserve has been protected and cared for since 1919, when the Upper Macedon Ranges Progress Association acquired the land for conservation purposes and for the use of the community as a natural space.

After many years of a Committee of Management being in place for Stanley Park, a Community Assets Committee (CAC) was formed in October 2022 to assist with management of elements of the park.

During 2023, the Environment Unit has been working with the Stanley Park CAC on updating the Environmental Management Plan (EMP) for Stanley Park. The updated EMP will inform the development of an Infrastructure Master Plan.

The Stanley Park Reserve EMP was originally prepared by Atlas Ecology in 2014. The management actions identified in the EMP aim to protect and improve biodiversity and recreation values. Priorities for management included targeting invasive plants and reducing the level of impact from visitors to the reserve.

With the need for an infrastructure master plan evident, it was timely to review and update the EMP as the first step. The updated plan will then be used to inform the development of an infrastructure master plan to guide future works in the reserve.

Ecological consultant Geordie Scott-Walker was selected to undertake field assessments, attend a working group meeting, and update the Environmental Management Plan. The recommendations identified in the plan are the result of input from community members,

background knowledge of Council operational staff and the observations by the consultant ecologist.

Discussion

The objectives of the Stanley Park Environmental Management Plan (EMP) review was to:

- Assist the Stanley Park Community Asset Committee (CAC) and Council to work collaboratively to enhance Stanley Park Reserve over the next ten years or more.
- Guide habitat restoration projects, support grant applications and inform infrastructure needs to improve the passive recreation and use of the reserve for a range of users.
- Ensure future actions have the best ecological outcome for the reserve and its surrounds and are supported by the local community.

The 2023 EMP revision provides updated documentation of the site values and gives revised directions for management for at least the next ten years, recognising the important biodiversity and social values of the reserve.

Key revisions and updates in the 2023 EMP include:

- An updated assessment and map of Ecological Vegetation Classes including Damp Forest, Herb-rich Foothill Forest and Valley Grassy Forest
- An updated map of Management Zones based upon feedback from the CAC at the March workshop. There are seven zones and include Grassland, Western and Eastern Forested Slopes, Sheltered Riparian Slopes, Western and Eastern Grassy Slopes, and the Swampy Gully.
- An updated flora and fauna list of records, including records from the CAC, including historic records of Platypus, and a sighting of the now Endangered Gang-gang Cockatoo inspecting a dead stag for a tree hollow.
- Land management issues and biodiversity threats outlined in the 2014 EMP remain relevant today and include weed invasion, fauna habitat maintenance, infrastructure maintenance and development, as well as public use disturbance and pest animals.

The 2023 EMP updates the vision for the bushland areas of Stanley Park, which honours the ecological restoration work of both bushland areas and the two waterways that course through the reserve, Turitable Creek and Gurrborra Creek.

The Stanley Park EMP provides guidance on infrastructure maintenance and site development, noting that any infrastructure upgrade proposals should be confined to the existing developed footprint of the site and no expansion should occur.

Consultation and engagement

The preparation of the draft EMP involved consultation with the Stanley Park CAC and Council officers. Consultation included a field-based workshop in March 2023 and the opportunity to provide written comments to the ecological consultant prior to and as follow-up to the initial draft EMP.

After minor updates, the draft EMP was released for community consultation in late July 2023 for a four week period, and closed on August 17, 2023. During the consultation period, letters were sent to residents nearby to Stanley Park, and the opportunity to comment on the draft EMP was promoted via Council's website, community newsletters and social media. Have your say posters were displayed at entrances to the Park.

As well as commenting on the draft EMP, members of the community were also encouraged to provide input and initial ideas into the infrastructure and assets of the reserve – namely to let us know how the community used Stanley Park, and what they valued about the Park.

This consultation process resulted in 17 written submissions. The CAC and working group members from Council and Melbourne Water also provided further comments and feedback on the draft EMP.

Ten submissions highlighted the value of Stanley Park as a gathering area for families, and seven submissions, including the CAC, centred on the primary value of Stanley Park as a conservation reserve.

Two example quotes are below:

“In regional areas, where depression and isolation are on the rise, we need to promote public places that allow children to play and friends to gather outdoors.”

And

“Environmental management and environmental protection must be the highest priority, it is a conservation reserve.”

Council was aware of strong community support for the biodiversity values of Stanley Park, via the volunteer work and advocacy of the CAC and its members. The community consultation showed an equally strong support for the social and recreational values of the Park, including the playground and waterfall viewing areas (both the platform and at base of waterfall).

Stanley Park is classified as Public Conservation and Resource Zone (PCRZ), which acknowledges the Stanley Park’s primary purpose as a conservation reserve, as opposed to a more traditional park for active recreation or botanic gardens for example.

However, under this zoning, opportunities for passive recreation such as walking, a playground, and picnic areas are complementary to Stanley Park’s conservation function, as per other PCRZ sites such as Black Hill and other Council reserves.

The proposed Infrastructure Master Plan will combine the recommendations of the draft EMP and the community consultation to seek a balance between passive recreation needs of the community and ecological conservation priorities.

Key revisions and updates in the Final EMP (attached) include:

- Increased acknowledgement of the community use of Stanley Park by families and other visitors – over half of the submissions stated that they did not want to see visitor use of the park restricted
- Addition of the foot bridge on Figure 2: the Current Amenity and Access Features at Stanley Park.
- Increased recognition of the values of Stanley Park’s waterways and the ongoing partnership with Melbourne Water.

Comments that responded specifically to infrastructure needs will be supplied when officers report on the Infrastructure Master Plan.

Theme	Comment	Officer response
Weed management	Two submissions expressed disappointment at abundance of weeds such as Blackberry.	Noted. This is acknowledged in Table 4 p. 22 The EMP notes that “Weed threats have the potential to become intractable without significant investment of time and labour in the

		early stages of this EMP’s implementation”. Council and Melbourne Water will support the CAC in developing multi-year work plans and accessing funding, with Priority Actions including work plans guided by the EMP.
Revegetation	Two submissions stated that weed removal and use of dormant seedbank preferable to revegetation.	Noted. The EMP Refer to the <i>Management standards for native vegetation offset sites</i> (DELWP 2021) as a point of reference for basic information on these activities, with recommended species Table 5 page 30.
Fire risk concerns	Three submissions concerned with extent of branches and fallen timber at ground level.	Consider reducing amount of woody debris as per EVC benchmarks, prioritising the boundaries of the reserve, and areas of vulnerability.
Burning of green waste	Two submissions stated dumping and burning of piles in maintenance area off Waterfalls Rd not appropriate for use of green waste and a source of smoke pollution to residents.	Noted. Permit processes apply.
Water consumption	Two submissions stated concern regarding removal of water from waterways upstream from Stanley Park.	Noted. Out of scope for this EMP.
Removal of the words ‘social’ and ‘recreation, and staged removal of all visitor facilities	Three submissions, including the CAC, stated that the words social and recreation were not appropriate for a Stanley Park EMP, and visitor facilities should be removed as the site is zoned PCRZ and thus its primary use is conservation.	Opportunities for passive recreation (walking, playground, picnic area) are complementary to Stanley Park’s conservation function, as per other PCRZ sites such as Black Hill. The purpose of the Infrastructure Master Plan is to guide any future works or upgrades to reduce any potential impact that visitors may have on the biodiversity values, e.g. streamside vegetation.
The names “Stanley Park” and “Stanley Park Conservation Reserve”	Three submissions agreed that the name Stanley Park Conservation Reserve is more appropriate than simply Stanley Park.	At present, all legal documents such as the Instrument of Delegation use the name Stanley Park, EMP updated to use ‘Stanley Park’ for consistency.

Collaboration

Melbourne Water staff provided detailed comment on the draft EMP. This feedback has been factored into the EMP

Innovation and continuous improvement

An ecological consultant was engaged to provide expert advice for the management of Stanley Park’s bushland areas and waterways.

Relevant law

Stanley Park is subject to the following zones and overlays under the Macedon Ranges Planning Scheme:

- Zoned as Public Conservation and Resource Zone (PCRZ);
- Schedule 1 to the Significant Landscape Overlay (SLO1) 'Mountain Ranges and Features';
- Schedule 2 to the Vegetation Protection Overlay (VPO2) 'Roadside Vegetation';
- Schedule 5 to the Environmental Significance Overlay (ESO5) 'Other Water Supply Catchments'; and
- Bushfire Management Overlay (BMO).

The Community Asset Committee, in partnership with Council, is obliged to manage weed species as outlined in the *Catchment and Land Protection Act 1994*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Turitable Creek is identified in Melbourne Water's *Healthy Waterways Strategy 2018-2028* as a high priority waterway, and tributary of the Jacksons Creek sub-catchment to Maribyrnong River.

Relevant Council plans and policies

This plan aligns with the Council Plan Strategic Objective 2 "Healthy environment, healthy people" which includes an action to "protect, preserve and enhance bushland and biodiversity".

Financial viability

The implementation of the EMP is dependent on the provision of funding to undertake the works.

Council and the Community Asset Committee can use the plan to apply for different funding streams available through Council, State and Federal Governments, Melbourne Water, community environment grants, or other funding programs.

Sustainability implications

The EMP will ensure the reserve network is managed in a sustainable manner and ensure protection of the natural environment.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

PE.3	CLIMATE EMERGENCY PLAN
Officer:	Justin Walsh, Sustainability Officer
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people 3. Business and tourism 4. Delivering strong and reliable government
Attachments:	1. Draft Climate Emergency Plan (under separate cover) 2. CEP - summary of community feedback and officer response ↓

Summary

The Climate Emergency Plan 2023-30 aims to accelerate action in the Macedon Ranges Shire to address climate change. This plan will guide the work of all parts of Council, and provide inspiration and opportunity for everyone across the community to take action.

After an extensive consultative process of development, the draft Climate Emergency Plan was released for community consultation over a period of four weeks from 27 September to 27 October, 2023.

This report and attachment provides a detailed response to community feedback and presents an updated and finalised version of the Climate Emergency Plan for adoption.

Recommendation

That Council adopts the draft Climate Emergency Plan 2023-2030.

Background

Council made a Declaration of Climate Emergency on 24 March 2021, publicly stating its commitment to urgently address climate change. On 14 December 2022 Council adopted 'Counting Down to Zero' net emissions on Council operations by 2030, further enacting this commitment to action on climate change and 'doing its bit' to reduce greenhouse gas emissions. Additionally, a Climate Risk Assessment of Council operations, services and processes was conducted in late 2022 to further inform Council of the potential risks that climate change poses to its ongoing services.

In further efforts to address the local impacts of climate change and in alignment with the Environment Strategy (refreshed 2021), this Climate Emergency Plan 2023-30 (CEP), Attachment One, has been collaboratively developed alongside residents, landowners, community groups, local and regional agency stakeholders, State Government and Council representatives from across the organisation and aims to guide both Council and community to mitigate and adapt to the current Climate Emergency.

Furthermore, the CEP looks to 'bridge the gap' between Council action and community action on climate change, using the learnings of the Cool Changes program (running 2018

– 2022 and developing seven Community Climate Action Plans) to form the foundations for the actions included in the CEP.

Discussion

The CEP includes a total of 56 actions, across the six themes of Nurturing Nature, Climate Ready Communities, Post Fossil Fuels, Health and Wellbeing, Waste and the Circular Economy, and Response and Recovery. A dedicated 'Monitoring and Evaluation' theme is also included within the CEP outlining six key monitoring actions, as well as, an additional 'Advocacy Commitments' title outlining Councils key advocacy position on various aspects of climate change issues into 2030.

The CEP has been guided by a number of principles in development which will continue throughout its implementation. These include:

- Equity
- Embed First Nations' perspectives
- Mobilisation
- Collaboration and Partnerships
- Regeneration

Additional to the CEP principles, the implementation will be guided by four key priorities that create 'waves' of action throughout the CEPs timeframe. The priorities for action are:

1. Pulling the '*emergency brake*' on climate change: Actions that rapidly accelerate the transition away from using fossil fuels
2. Transitioning to 'low carbon systems': Actions that present a pathway to a low or zero carbon alternatives.
3. Social interventions: Actions that build awareness and resilience across Council and community.
4. Nature-based emissions removal: Actions that protect and add to our 'carbon sinks' such as offsetting / carbon planting projects.

Key flagship actions that will shape, enable and empower climate action within the CEP include:

- A new Climate Action Grant stream to enable community groups to implement grassroots projects
- The development of a comprehensive Integrated Transport Strategy that will increase active transport and public transport use, guide electric vehicle infrastructure and education and awareness campaigns
- Securing resources to provide continuity to Council's Recovery & Resilience programs and build community skills and knowledge for community-led recovery after natural disasters.
- A localised program that enables an equitable transition to solar and energy efficiency upgrades for low-income households ensuring all residents thrive in a low-carbon future

Consultation and engagement

Extensive internal and external consultation has been undertaken in preparing the CEP. This included:

- A Project Steering Group that consisted of Council Managers, alongside nine community representatives from:
 - Sunbury Cobaw Community Health, Macedon Ranges Sustainability Group (outgoing President and Treasurer) and Macedon Daylesford Tourism Association
 - Advocates for healthy aging, youth, Traditional Owners, and the business sectors
 - State Government agency 'ADAPT Loddon Mallee' (DEECA).
- A community forum at Kyneton Town Hall which introduced the CEP.
 - This event included a visioning exercise for the upcoming thematic workshops and was attended by approximately 100 community members.
- Six thematic workshops designed to prioritise actions to be included in the Plan, as well as, perform a 'gap analysis' which provided local experts the opportunity to suggest additional actions to be included.
 - A total of 131 participants registered for six workshops.
- The draft plan being available for review alongside a brief survey via the Council 'Have Your Say' webpage. During the consultation period:
 - The 'Have Your Say' webpage received 353 views.
 - Our Facebook, X, Instagram and LinkedIn, including individual CEP posts and the Mayor's video reached 3,853 residents
 - Featured on the Environment eNews, reaching 1,884 subscribers
 - Three drop-in sessions were conducted, two Farmers Market stalls hosted and one online presentation was offered to residents
- The draft plan was also presented to the MRSC Reconciliation Action Plan Working Group, Sacred Heart's Student Green Team and the Municipal Emergency Management Planning Committee.

The draft version of the CEP was open for feedback for a period of four weeks from 27 September – 27 October, 2023.

A total of 13 written submissions and 17 survey responses were received on the draft plan. Comments generally commended the plan on being comprehensive, simple to understand and proactive, as well as, recognising the highly consultative process taken during the draft plans development. Specific initiatives that received very positive responses include:

- Transition away from gas and support to households and businesses to 'electrify' (CRC2, CRC3, CRC9, CRC11, PFF1, PFF4)
- Increase and trailing of active transport options (PFF8, PFF9)

- Sustainable building design and the introduction of Environmental Sustainable Design for new developments (CRC6, CRC7, CRC16)
- Biodiverse street tree plantings, tree protection, urban cooling and canopy targets (NN3, NN7, CRC13)
- Tool Libraries and soft plastic collection (W+CE1, W+CE4)
- Embedding First Nations perspectives

In response to requests for further transparency and credibility, an addition 'what we will measure' title aligned with each theme is now included, as well as, multiple additions to the 'Collaborators' listed against actions.

Additionally, a theme title was amended from "Adaption and Emergency Response" to "Response and Recovery" upon feedback that many actions could be classified as 'adaptation'. Officers agreed, adding that action within the theme were more rightfully forced towards natural disaster response and community recovery.

It should be noted that a small number of responses have expressed their lack of support for the CEP for opposing reasons. Some submitters (four) expressing their lack of support because of the view that addressing climate change is outside Councils jurisdiction. Whilst another submitter was dissatisfied that the CEP wasn't a shire-wide Net Zero Emission Pledge and believed it does not do enough to address emissions generated throughout the shire. These views are acknowledged, however, were outweighed by the high level of positive support provided by the broader community to both the development of the CEP and the final version of the plan.

A summary of submissions and officer response, as well as, general themes of the survey results is provided within Attachment Two.

Collaboration

The CEP centres itself around the principle of 'collaboration'. From design to delivery, Council has sought and welcomed collaboration opportunities with relevant stakeholder agencies, community groups, local experts and willing contributors. Possible collaborators have been clearly outlined throughout the CEP to amplify Council's willingness for partnership within the delivery of the actions.

Due to the far reaching and complex nuances of the impacts that climate change poses, collaboration and partnerships cannot be understated in their importance in the success of the plan.

Innovation and continuous improvement

Addressing climate change requires an adaptive approach driven by a commitment to innovation and leadership. The CEP takes into account that it's the first of its kind for the organisation and community and, as such, aims to provide practical, foundational actions that will be able to be built upon into the future.

Additional to providing transparency and integrity, the 'Monitoring and Evaluation' theme within the Plan also aims to provide a clear indication to the community that review and

improvement of direct actions and processes will be conducted throughout the timeframe of the Plan and that reporting will be publicly available through the Annual Environment Report.

The CEP acknowledges the need for continued capacity building and awareness raising within the organisation, community groups and residents throughout the shire and, as such, presents actions that aim to do so.

Relevant law

Part 2 Section 1 of the *Local Government Act 2020* requires local government councils to give effect to the stated overarching governance principles. One of which is “*the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks*”.

The CEP will guide how the governance principle stated above can be incorporated into Council’s work for climate mitigation, as well as, appropriately identify and adapt to the various local risks that climate change poses to the community. It also supports and contributes to the intent of the *Climate Change Act 2017* with its legislated target for zero net emissions for Victoria by 2050.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) has been conducted in relation to the subject matter of this report.

In discussion with the Project Steering Group, the GIA was expanded to be a broader ‘Social Impact Assessment’ in response to growing research that climate change will impact all members of our community in differing ways and differing capacity.

Importantly, it must be noted that the climate change intersects and amplifies many social issues already present within our communities. Research shows domestic violence increases during times of extreme weather, poor health conditions are more prominent with families living in poor thermal efficiency housing and the wealth disparity increases within an unsupported transition to electric vehicles and home solar uptake. Furthermore, not all members of the community are starting on a level playing field to adapt to climate change with certain demographics (single parents, homeless, youth, people with a disability, elderly) having a reduced capacity to respond and participate in the broad transition to a low-carbon future.

The CEP aims to be equally accessible to and inclusive of everyone in the shire, as well as, provide tailored support to disproportionately affect demographic groups. The CEP recognises that different people can play different roles in addressing climate change according to their circumstances and unites everyone through a shared goal for a climate ready community.

It is recommended that the Social Impact Assessment prepared during development of the CEP be a reference point throughout implementation of plan, to ensure the design and delivery of actions are inclusive of and accessible to everyone in the shire and provide a fair and equitable transition to a low carbon future.

Implementation of the plan would have a positive impact on Council’s general environmental duties as the activities will not cause environmental harm, and would reduce environmental harm.

Relevant regional, state and national plans and policies

- The CEP has been informed by various regional and state plans for both government and key stakeholders, most notably; DJAARA Dhelkunya Dja Country Plan, Climate Change Strategy & Nyauwi Mutjeka (Renewable Energy Strategy)
- Taungurung buk dadbagi Taungurung Country Plan
- Victorian Climate Change Strategy.
- Victorian Industry Adaptation Plans.
- Loddon Mallee Climate Ready Plan.
- Loddon Mallee Region Renewable Energy Roadmap.
- Recycling Victoria: a new economy.
- Victoria Climate Science Report.

Relevant Council plans and policies

The CEP has been informed by several key adopted plans of Council, most notably:

- Counting Down to Zero 2022 (to reach Zero Net Emissions for Council operations by 2030).
- Environment Strategy (refreshed 2021)
- Biodiversity Strategy 2018
- Waste and Resource Recovery Management Strategy 2021-2026
- Elevate: Youth Strategy 2018
- Participate: Positive Ageing Plan 2020
- Walking and Cycling Strategy 2014-2024

The CEP will also help enact the goals and objectives of both the statutory Council Plan 2021-2031 and Municipal Public Health and Wellbeing Plan 2021-2015 and incorporates internal work such as the aforementioned Climate Risk Assessment.

Financial viability

As this CEP is the first of its kind, it has been designed to ensure it is both ambitious and achievable. This has resulted in many actions that can be completed with current internal budget and resources.

Having said that, there are significant actions that will require additional funding in the first two years of implementation. Actions outside of internal resources to be implemented in year one of the CEP include:

- Conduct further investigations to inform a carbon offsets policy and portfolio to account for residual emissions from council operations (NN4)
- Continue to support the Healthy Landscapes program (CRC1)
- Continue to phase out the use of gas at Council operated sites (PFF4)
- Enabling permanent resources for a recovery and resilience programs (A+ER6).

Actions outside of internal resources to be implemented in year two of the Plan include:

- Pilot a dedicated support program for low income households to access solar power (CRC11),
- Increase rooftop solar energy generation and storage at council facilities (PFF7)
- Continue to transition all electricity accounts held by tenants of Council owned buildings to become the responsibility of Council, so they can be included in Council's contract for renewable energy (VECO) by 2028-2029 (PFF6)
- Develop a comprehensive integrated and holistic transport strategy for the shire that increases opportunities for residents to engage with active transport, public transport, and transition to low carbon vehicles, implement action in the following years (PFF9).

Sustainability implications

The CEP is grounded in environmental sustainability and its related social, health and financial benefits of taking collective action on climate change.

The CEP achieves this by prioritising the mitigation of the causes of climate change (burning fossil fuels), whilst also enacting projects that assists with the adapting to science-based forecasts and strengthen the resilience of the community in the face of a changing climate.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Attachment 1: Macedon Ranges Draft Climate Emergency Plan. Summary of community feedback and officer response

#	Submitter	Comment	Response
1	Riddells Creek Landcare	CRC16 comment: Resolve and words needs to be stronger. Implement by 2025	Noted. Council will continue to work to facilitate outcomes for sustainability in the built environment within available resources and limitations of the planning system. No changes recommended
		M&E4 suggestion: MRSC should facilitate collective learning with a forum that includes the various environmental groups	Noted with thanks. No changes recommended
		PFF8/9: Active transport options should be community consultation process. Focus on in-town cycling not recreational	Noted. To be addressed during research and development of action. No changes recommended
		More urgency to timelines. Multiple actions to commence earlier (CRC7, 2024; CRC16, 2025; PFF6, 2026).	Noted. Implementation of actions subject to resources (staff and / or funds) being made available No changes recommended
		Additional collaborator: CRC12: 'Macedon Water Think Tank'	Plan updated
2	Macedon Ranges Community Enterprises (MRCE)	MRCE to be an addition to collaborator list for action: NN1, NN8, CRC2, CRC14, PFF1, PFF3, PFF5, PFF7, PFF8, PFF10, H+W2, H+W4, W+CE2, W+CE4, A+ER1	Plan updated
		Addition of 'targets' and a clear statement of the expected level to be achieved by 2030 is important to ensure accountability to the CEP, initiatives receive appropriate resource allocations, and initiatives don't become de-prioritised.	Targets were not identified as a priority within workshops, however, will be captured by M&E5. Councils has ability as a community 'influencer', however, unable to be held accountable for residents' actions. Additional transparency added with inclusion of 'what will be measured' title to each theme. No changes recommended

#	Submitter	Comment	Response
		Additional action suggestion: drive sustainable outcomes in developers contributions, sub-divisions, planning consents and local laws. EG. mandating community localised power generation micro-grids in new sub-divisions; regulating the building orientation for best passive heating and cooling, sustainability of materials used, and energy efficiency measures included in new constructions, or other considerations.	CRC16 would adequately address suggestion. No changes recommended
		Council have access to significant land that has minimal community usage - ideal for community garden spaces	Noted. Refer CRC14. No changes recommended
3	Resident	Supportive or strongly supportive of actions: NN7, NN10, CRC2, CRC9, M&E1, Advocacy for ethical finance options.	Noted with thanks. No change necessary
		CRC16: Resolve and words needs to be stronger. All greenfield developments should have set amounts of social and low cost housing and rental options upgrades. Planning laws should stop river flats and good arable land being built on by subdivisions.	Noted. Council will continue to work to facilitate outcomes for sustainability in the built environment within available resources and limitations of the planning system. No changes recommended
		Additional action suggestion: Council-funded 'Energy Advisors' who can work out of the neighbourhood houses in all towns.	Not considered a current priority with the resources available. No changes recommended
		Additional advocacy actions: abolish the gas disconnect fee; grid infrastructure via PowerCor	Additional advocacy commitments add: "Work with CVGA for the abolishment of the gas disconnection fee administered when removing gas connection" Nominate PowerCor within 'Energy trading' advocacy commitment. Plan updated.
4	Resident	CRC13: What is the existing and desired Canopy cover in Kyneton urban areas?	To be determined through further research. Council participate in Loddon Mallee Cool-it Program. No changes recommended
		What is council going to do about the ongoing removal of our natural assets of vegetation?	Refer to NN8, NN6, NN7 No changes recommended

#	Submitter	Comment	Response
5	Resident	General theme of submission: Draft plan lacks data / projections / credibility.	Noted. Addition title (“What we will measure...”) added to theme preamble page to increase transparency. Noting multiple in-build measures on accountability and integrity within M&E theme Plan updated
		The Macedon Ranges Shire Council’s Draft Climate Emergency Plan 2023 – 2030 fails to identify actual greenhouse gas emissions reductions. With no emission reduction or carbon abatement targets included such as 50% emissions reduction by 2030 as recommended by the Intergovernmental Panel on Climate Change (IPCC) it fails as a plan to address climate change and limit global warming to 1.5C.	There are no standard guidelines regarding what “should” be included in a Climate Emergency Plan, any one council can develop a plan to enact its Declaration of Climate Emergency within its own context and capacity. The project brief endorsed by council for developing the Climate Emergency Plan did not include setting interim targets. Also, setting emission reduction targets for the shire was not identified as a priority within workshops, and outside current staffing capacity. Councils has ability as a community ‘influencer’, however, unable to be held accountable for residents’ actions. No changes recommended
		The lack of any targets means the Plan fails the United Nations test for tackling the Climate Emergency and may even be considered a greenwashing plan.	Refer to transparency and accountability measures built into the CEP through M&E1, M&E3, M&E4, M&E5. The UN Integrity Matters: Net Zero Commitments by Businesses, Financial Institutions, Cities and Regions Report outlines actors that make Net-zero Emission Pledges cannot: <ol style="list-style-type: none"> 1. Claim to be net zero while continuing to build or invest in new fossil fuel supply 2. Buy cheap credits that often lack integrity instead of immediately cutting their own emissions across their value chain 3. Focus on reducing the intensity of their emissions rather than their absolute emissions or tackling only a part of their emissions rather than their full value chain 4. Lobby to undermine ambitious government climate policies either directly or through trade associations or other bodies None of the guidelines above are conducted by Council No changes recommended

#	Submitter	Comment	Response
		No emissions reduction targets across the shire’s scope 1, 2 and 3 emissions.	Noted. Refer to comment above. Current accessible data and staff resources unable to accurately include this type of information for the whole-of-shire emissions. No changes recommended
		Potential exists for increasing housing density within town boundaries rather than building on greenfields sites. Avoiding greenfield development!	Noted. Refer to CRC16 and advocacy for diverse and climate-ready housing. Additionally, infill development is considered as first priority in development of strategic planning projects, but there may not be sufficient capacity within a town to accommodate the development required to support projected population growth and / or state government policy, thereby requiring conversion of greenfields to residential or commercial or industrial development. Council aims to guide development to include ESD principles but has limited control or influence on many aspects of new developments. No changes recommended
		No target for percentage of vehicles owned by households which will be electric by 2025, 2030 and 2036	Noted. EV owners added to ‘what we will measure’ title. Refer PFF1 and PFF5, community bulk buy schemes and increased charging infrastructure increases community’s ability to transition to EVs Plan updated
		Theme title ‘Adaptation & Emergency Response’ inadequate as ‘adaptation’ actions are included across multiple themes	Agree. Theme title amended to ‘Response & Recovery’ Plan updated
		The statement “regenerative agriculture practices ...produce low levels of carbon” must be an error as farming best practice relies on increasing and maintaining the highest possible levels of carbon within soil.	Agree. Wording amended to: “ <i>regenerative agriculture practices produce low levels of carbon emissions</i> ” Plan updated
6	Loddon Mallee Public Health Unit (LMPHU)	There is mention of emergency response but I think there also has to be reference to recovery and restoration	Agree. Theme title amended to ‘Response & Recovery’ Plan updated
		Add ‘Cool Spaces’ during heat waves – Romsey Library etc.	Comment would be adequately captured by H+W4. No changes recommended
		LMPHU can be a collaborator on:	Noted with thanks. Collaborator list updated

#	Submitter	Comment	Response
		<ul style="list-style-type: none"> • Raise awareness about the links between climate change and health • Provide educational opportunities that build community capacity and resilience • Provide resources for dissemination, either DH or internally created as available. 	Plan updated
7	Friends of Daly Reserve	Overall, supportive of draft, highlighted: <ul style="list-style-type: none"> • Embedding First Nations perspectives and acknowledge their sustainable custodianship • Regeneration of ecosystems, community connections, skills and knowledge • Statement: <i>“biodiversity is essential to human survival, wellbeing and economic prosperity”</i> • Promoting indigenous plantings in public places to increase overall biodiversity • Urban biolinks, protecting our waterways and promoting the benefits of indigenous plants in ecosystems 	Noted with thanks. No changes recommended
8	Resident	Overall, supportive of draft in particular H+W5: Sustainable sports. Additional actions if resourcing available: <ul style="list-style-type: none"> • ride share apps, safe travel maps to sporting facilities • EV charging at sporting facilities • collaboration opportunities with rising grassroots sports & climate groups to increase participation • increase biodiversity opportunities on non-playing surfaces eg, golf courses 	Noted with thanks. No changes recommended
9	Resident	Good first step but needs to put in place time frame targets to make it clear to the service provider’s, private enterprise and the state government that serious investment will need to be contributed	Targets were not identified as a priority within workshops, however, will be captured by M&E5. Councils has ability as a community ‘influencer’, however, unable to be held accountable for residents’ actions. Additional transparency added with inclusion of ‘what will be measured’ title to each theme. No changes recommended
		One observation is it is like the people responsible for the Draft Romsey Structure Plan and the Draft Climate Emergency Plan were completely siloed and never saw or talked to each other	Refer to CRC16 and advocacy for diverse and climate-ready housing No changes recommended

#	Submitter	Comment	Response
		Supportive to see addition support to Cool Changes Community Climate Action Plans	Noted with thanks. No changes recommended
10	Resident	The Draft Climate Emergency Plan and the Draft Romsey Structure Plan are contradictory. Actions listed include: NN2, NN4, NN5, CRC14, CRC15, PFF7, PFF8, PFF10, H+W6, W+CE4.	Romsey Structure Plan, refer: Chapter 9 Sustainability & Resilience includes multiple complementary recommendations to the CEP (e.g. Identifying flood risk area, increasing rooftop solar opportunities, exploration of wastewater opportunities with GWW, investigate micro-grid and solar farm growth, public EV charging stations in Main Street, advocacy to Powercor to upgrade existing power supply, ensure new developments do not connect to gas, incorporate urban cooling through street tree canopy cover, etc.) No changes recommended
		Additional action suggestion: Manage land banking (“currently a significant proportion of Romsey’s prime agricultural land is being held by land bankers who are not interested in farming let alone regenerative farming and carbon sequestration.”)	Not identified as a priority within workshops and outside Council’s powers. No changes recommended
11	Resident	Overall, very supportive of draft.	Noted with thanks. No change necessary
		Some councils operations (mowing, street tree selection) and events (Autumn Festival) in contradiction to environmental best practice.	Noted. No changes recommended
		Additional action suggestion: Raise awareness with local community and nurseries about the weed threats posed by species available at local nurseries.	Refer to NN9, incoming Pest Plans & Animal Strategy. No changes recommended
		Additional action suggestion: Would council consider an Environmental Advisory Committee consisting of representatives from interested groups?	Refer to M&E1. Community representatives will be approached through an Expression of Interest process to be part of the Climate Emergency Plan Governance Committee. An Environmental Advisory Committee is outside current staff capacity and not identified as a priority in the workshops. No changes recommended
		Additional advocacy suggestion: Can council advocate for the state government to stop culling our precious wildlife, and to shut VicForests down?	Noted. Outside current staff capacity. No changes recommended

#	Submitter	Comment	Response
		NN preamble: Could it also mention enhancing and increasing existing natural habitats, not just protecting existing (using indigenous plantings).	Plan updated
		NN4 comment: concerned that offsets provide opportunity for polluters to continue polluting – but fully support council-owned land to be planted out with indigenous plantings with or without needing to wait for offset opportunities.	Refer to Council ‘Counting Down to Zero’ emission by 2030 plan which prioritises emissions reduction over offset creation. No changes recommended
		NN7 comment: There is also a moral obligation to add to legal requirements, it is vital to enforce any breaches of native vegetation clearing. It appears that this has not been happening in the past (and present).	Noted. To be explored during Policy and Strategy development. Noted. Current Domestic Animal Management Plan 2021-25 has scheduled review of sunset to sunrise curfew in the next Domestic Animal Management Plan 2026-2030
		NN9 comment: This must include a 24 hour cat curfew or banning of cat ownership all together in proximity to conservation areas	No changes recommended
		CRC8 comment: Could training also be rolled out to interested community groups who are collaborating with this plan?	Training yet to be developed. If MRSC has ability to invite / share with community groups, this will be explored. No changes recommended
		CRC13 comment: Urban cooling must be achieved with indigenous and ecological plantings	Noted. No changes recommended
		PPF7 comment: What about small-scale wind generation on homes and council facilities? There are some great innovations in this space.	Not identified as priority in workshops and technology not advanced enough to be viable to warrant staff resourcing. No changes recommended
		PPF9 comment: Support if appropriate path materials – cement paths not always appropriate.	Noted. No changes recommended
		H&W5: No fake turf to be installed; Council single plastic ban to be included on all Council land	Noted; MRSC Single-Use Plastic Policy inclusive of council land and facilities. No changes recommended
		Composting – the glut of autumn leaves are a problem each year, when not collected they pose a fire hazard in summer and pollute waterways. Some residents burn them, which just releases more carbon into the atmosphere and wastes a resource. How can this problem be addressed?	Noted. Current method of collection and repurpose for compost and mulch sufficient within resourcing. Burning-off must apply for permit. No changes recommended

#	Submitter	Comment	Response
		Additional action suggestion: Promote indigenous plants that are fire retardant/resilient which recover more readily than introduced species	Was not identified as priority in workshops. No changes recommended
		Addition collaborators: NN1: Friends groups, Environmental networks, Melbourne Water and TO's NN4: Melbourne Water CRC12: Melbourne Water H+W3: Friends groups	Plan updated
		Amendment request to NN and CRC Community Vision.	Independent amendments to Community Visions may misrepresent participants' views. No change necessary
		Diverse housing advocacy: More diverse housing options appears to mean more small units and infill. This may be fine for new developments where purchasers know what they are buying into, but not appropriate for existing residential areas, it is damaging township characters in established areas.	Noted. No change necessary
12	Resident	Draft plan doesn't represent 'emergency measures'	Council recognises the need for emergency measures to be taken to address climate change and do so through the Counting Down to Zero Plan, multiple actions to reduce greenhouse emissions and help community members to adapt to forecasted changes. No change recommended
		Draft plan does not embed Plan Melbourne for Smart Cities and 20-minute Neighbourhoods	Noted. Council looks to work with all levers to enable sustainable development. No change recommended
		Draft plans ignores dangers of electromagnetic radiation and dangers of 5G network	Noted. Addressing these concerns if outside the scope of the Climate Emergency Plan No change recommended
13	Sustainable Malsbury	Looks fantastic! Very comprehensive and I hope Council will put in the funds and resources to make it happen.	Noted with thanks. No change recommended

Summary of survey submissions

#	Question	Comment	Response (if necessary)
1	What do you like about the draft plan?	<p>Actions:</p> <ul style="list-style-type: none"> Transition away from gas and support to households and businesses to 'electrify' (CRC2, CRC3, CRC9, CRC11, PFF1, PFF4) Increase and trailing of active transport options (PFF6, PFF9) Sustainable building design and the introduction of Environmental Sustainable Design for new development (CRC6, CRC7, CRC16) Biodiverse street tree plantings, tree protection, urban cooling and canopy targets (NN3, NN7, CRC13) Waterway enhancement, habitat connectivity through biolinks and integrated water management (NN1, NN2, NN5) Tool Libraries and soft plastic collection (W+CE1, W+CE4) 	
		<p>General:</p> <ul style="list-style-type: none"> Comprehensive Consistent layout Clear, unequivocal and impactful Proactive and positive Excellent graphics Demonstrates a consultative process and commitment to action 	Noted with thanks.
2	Is there anything missing from the draft plan?	<p>Actions:</p> <ul style="list-style-type: none"> Better planning for housing in rural areas FOGO bins in public places Guidelines for Developer's and builder's so that all housing estates are designed and built to the highest sustainable standards Emissions caused by wood burning heaters, backyard burning Reducing of fuel loads in Macedon Ranges to reduce risk to homes, lives, businesses and animals. Accessible treed, natural green spaces to optimal mental health. 	<ul style="list-style-type: none"> Refer CRC16. Resource limitations. Refer CRC16. Refer CRC9. Noted. Noted.
		<p>General:</p> <ul style="list-style-type: none"> A net zero pledge should be made publicly by the shire The Climate Emergency Plan not included in each towns draft structure plans (particularly Romsey's) would it not be wise to include these plans into each town to assure the goals and facilities 	All addressed in written response section above

#	Question	Comment	Response (if necessary)
		<ul style="list-style-type: none"> There are no estimates of total emissions as population increases across the shire up to 2050. Local Government should not be acting on Climate Change (3 responses) 	
3	Rate your support for the plan	<p>Strongly support: 7 responses Somewhat support: 4 responses I don't support: 6 responses Undecided: 0 responses</p> <p>General:</p> <ul style="list-style-type: none"> Lacks commitment to biodiversity, indigenous plantings, waterway protection, protection of ecosystems Its basically greenwashing as has no emission reduction targets for the shire Too expensive, unrealistic and possibly dangerous It's clearly driven by and relies heavily on the MRSC environment team who seem to have clear agendas and are only one sided It's outside of council's jurisdiction This is a good first step. Doing nothing will not benefit anybody. This plan needs to underpin all of MRSC's decision making going forward. A beacon of hope in a pretty hopeless political environment A wonderful vision for the future of Macedon Ranges It's essential! Climate change is an emergency and like all emergencies we need to have a plan to be ready and able to deal with it as best we can Long overdue and very well presented and developed 	
4	Do you have any other comments and feedback you would like to share with us?	<p>General:</p> <ul style="list-style-type: none"> Needs to take a serious look at the Clean Energy Regulators abatement methodologies I'd just like to see a priority list of what has to be done within the rate cap Stick to what you're elected to do Please listen to these concerns and ease the anxiety of the Romsey population with answers and support of their concerns. We are lucky to have a Council that has indicated their awareness through the various programs and initiatives. I simply want to warmly congratulate all involved! I feel much better already through just reading it. Do it! 	

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	AUDIT AND RISK COMMITTEE - APPOINTMENT OF CHAIR FOR 2024, EXTENSION OF INDEPENDENT MEMBER AND ADOPTION OF AUDIT AND RISK COMMITTEE CHARTER
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Audit and Risk Committee Charter - Updated December 2023 ↓

Summary

The Audit and Risk Committee comprises two Councillors and four independent members from the Macedon Ranges Shire community. This report seeks for Council to consider an extension of an existing independent member and the appointment of Chairperson for 2024.

Also included as part of this report is an amendment to the Audit and Risk Committee Charter to include minor changes at the recommendation of the Committee and Officers.

Recommendation**That Council:**

- 1. Offers an extension to the appointment of independent member Maggie Williams for the period 1 January 2024 to 31 December 2027;**
- 2. Endorses the appointment of independent member, Vinitha Pinto as Audit and Risk Committee Chairperson from 1 January 2024 to 31 December 2024;**
- 3. Approves the attached updated Audit and Risk Committee Charter, to be effective from 14 December 2023, replacing the previous Charter; and**
- 4. Formally recognises Peter Matthews for his valuable service to the Macedon Ranges Shire Council's Audit and Risk Committee since March 2017, as both independent member and Chair.**

Background

The Audit and Risk Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 53 (1) of the Local Government Act 2020.

The Committee's Charter was first adopted by Council at its meeting on 26 August 2020 and a number of updates have been made by Council at its meetings on 24 November 2021, again 15 December 2021 and 14 December 2022.

The purpose of the Audit and Risk Committee is to provide a structured, systematic oversight of Council's governance, risk management and internal control practices.

Discussion**Extension of Independent Member – Maggie Williams**

In accordance with the Committee's Charter, independent members, may seek an extension of their position. Maggie Williams expressed her interest in continuing on the Committee,

which was then presented to the Committee at its meeting on 29 November. The Committee have recommended to Council that an extension is offered as follows:

Position	Member	Commencement term	Position due to expire (extension of four years)
Position 1	Magdalena Williams	1/02/2021	31/12/2027

Appointment of Committee Chairperson for Period 1 January 2023 to 31 December 2023

Consistent with Section 6 of the Charter, the Chairperson shall be appointed from the independent members of the Audit and Risk Committee on an annual basis. The appointment must be endorsed by Council at the next available Council meeting.

At the Audit and Risk Committee Meeting on 29 November 2023, the Committee recommended Vintha Pinto be appointed as Chair for the period 1 January 2024 to 31 December 2024. The Committee now seeks Council’s endorsement of this recommendation to proceed.

Formal Acknowledgement to Peter Matthews

The Committee recommends Council formally acknowledge the valuable service of Peter Matthews to the Macedon Ranges Shire Council Audit and Risk Committee during his tenure from March 2017 to 31 December 2023. During this period, Peter has provided valuable input and guidance to Council, both as an independent member and Chairperson, drawing from his wealth of knowledge and experience.

Amendment to the Audit and Risk Committee Charter

The Committee recommended the following changes to the Committee Charter:

- Referencing diversity and inclusion principles when considering the composition of the Committee including Councillor delegates and independent members, and that relevant policies be included in the Charter under guiding policies;
- minutes be circulated to the Chair within five working days after the meeting;
- updating language to be more succinct;
- Clarifying the meaning of ‘significant risk’ where referenced in the Risk management section;
- Including appropriate references to responsibility of the Committee regarding Council’s ‘internal control framework’;
- Remove references to reviewing systems or processes under ‘Compliance’.

The updated Charter is included at Attachment 1.

Consultation and engagement

The Committee has reviewed, discussed and put forward recommendations to Council on these matters, arising from its November meeting.

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required in relation to this report.

Innovation and continuous improvement

The operation of the Committee provides a structured, systematic oversight of Council's governance, risk management and internal control practices.

The Committee reviews those practices and provides Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

The Audit and Risk Committee is an important communication forum between the External Auditor, Internal Auditor, management, and Councillors.

The Committee reviews its own performance, and that of its internal and external auditors annually. This information informs the ongoing operation of the Committee and refinements to the Charter, members and Committee practices.

Relevant law

The Audit and Risk Committee is established in line with Section 53(1) of the *Local Government Act 2020*, and its functions and responsibilities are outlined in and Section 54(2) of the Act.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The operation of the Committee is a legislative requirement, which assists Council to deliver on its priority of strong and reliable government and achieve its vision by following good governance processes. Council has an adopted charter for the Committee.

Financial viability

There are no financial implications relating to the subject matter of this report that are over and above the current cost of resourcing the Committee.

Sustainability implications

There are no sustainability implications relating to the subject matter of this report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



Audit and Risk Committee Charter December 2023



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Approval

Charter approved by Council	13 December 2023
Signed by the Chief Executive Officer	[date to be inserted]

1. Purpose

The purpose of this charter is to facilitate the operation of the Council's Audit and Risk Committee (the Committee). This charter is prepared and approved by the Macedon Ranges Shire Council (Council) pursuant to section 54 (1) of the *Local Government Act 2020* (the Act).

2. Authority

The Committee is established by the Council in accordance with section 53 (1) of the Act. The Committee is not a delegated committee of Council and does not have executive powers nor authority to implement actions in areas over which Council management (management) has responsibility, nor any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee has authority to:

- a) Advise Council on the appropriate resolution on any disagreement between management and the Auditor General's Agent (that is, the External Auditor) on financial reporting.
- b) Review all auditing – both planning and outcomes.
- c) Provide input into the scope of internal services that will be sought via tender
- d) Seek any information it requires from Councillors and Council Staff, via the Chief Executive Officer and external parties.
- e) Formally meet, as necessary, with Council Staff, Internal Auditors and External Auditors.

The Chief Executive Officer has responsibility to provide advice to the Audit and Risk Committee in respect to matters before it.

3. Objectives

The Committee plays an important role in providing oversight of Council's governance and risk management practices and internal control framework. This oversight mechanism also serves to provide confidence in the integrity of these practices. The Committee performs its role by providing independent oversight to Council in overseeing internal and external audit functions.

The Committee's functions and responsibilities include monitoring the compliance of Council policies and procedures with the overarching general principles set out in section 9(2) of the Act, and the regulations and any Ministerial directions under the Act.

The objectives of the Committee are to oversee:

- the integrity of external financial reporting, including accounting policies
- the scope of work, objectivity, performance and independence of the external and internal auditors
- the establishment, effectiveness and maintenance of controls and systems to safeguard financial and physical resources
- the systems or procedures that are designed to ensure compliance with relevant statutory and regulatory requirements
- the process for recognising risks arising from operations and strategies, and consider the adequacy of measures taken to manage those risks
- the process and systems which protect against fraud and improper activities including the *Public Interest Disclosures Act* (2012) procedures.

The Audit and Risk Committee will conduct itself in accordance with the values and ethics of Council and in accordance with the Act.

The Committee expects that all communication with management and staff of the organisation as well as with any external assurance providers will be direct, open, respectful and complete.

4. Composition

Membership of the Audit and Risk Committee is open to any resident, property owner or business operator in the Shire of Macedon Ranges, or to others at the discretion of Council.

- a) The Committee is comprised of six members, two Councillors as delegate members and up to four independent members.
- b) In accordance with section 53(3(c) of the Act, the Committee will not include any person who is a member of Council staff.
- c) The Council will appoint Independent Committee members.
- d) Councillor delegate members shall be appointed annually by Council.
- e) 'Alternates' for Councillor delegate members shall also be appointed annually by Council to substitute Councillors if required to maintain quorum.
- f) 'Alternates' are provided the same rights as the elected Councillor delegate member when declared acting in the role.
- g) The Chair will be independent of Council and management and will be appointed by the Committee annually by election of committee members and ratified by Council.
- h) The Committee is authorised to appoint an Acting Chair, from the independent members, as required.
- i) The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council including expertise in financial management and risk and experience in public sector management.
- j) Independent members will be appointed for an initial term of up to four years. Independent members will be subject to a maximum consecutive term of 12 years.
- k) Independent members will be remunerated at a rate set by Council.
- l) New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

When determining the composition of the Committee, including independent members and Councillor delegates, Council should give consideration to diversity and inclusion principles to ensure the most equitable representation.

5. Meetings

- a) The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- b) Additional meetings may be called by the Chair of the Committee, or at the request of the Mayor or Chief Executive Officer.
- c) The Committee meetings are closed to the public.
- d) All Councillors are invited to attend each Committee meeting, and should advise the Chairperson of their intent to attend a meeting.
- e) All Committee members are expected to attend each meeting. Attendance can be in person, via teleconference or video conference.
- f) A quorum of any meeting will be at least two independent members and at least one Councillor.
- g) The Chief Executive Officer will facilitate the meetings of the Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.
- h) The Committee will develop a forward meeting schedule that includes the dates, location, and content of the annual work program for each meeting for the forthcoming year, that cover all the functions and responsibilities outlined in this charter.

- i) Meeting agendas will be prepared and provided at least five working days in advance to members, along with appropriate briefing materials.
- j) Minutes will be taken at each meeting and circulated to the Chair for review within five working days of the meeting. Approved minutes will be distributed to the Committee for confirmation at the subsequent meeting.

Secretariat

An officer nominated by the Chief Executive Officer (herein referred to as the “nominated officer”, will have responsibility to manage all administrative matters associated with the Audit and Risk Committee (such as researching issues, coordinating reports to the Audit and Risk Committee, preparing agendas, organising meetings, preparing minutes, coordinating reports to Council and the recruitment process for independent members).

6. Responsibilities

The Committee will carry out the following functions and responsibilities:

Risk Management

To obtain reasonable assurance regarding risk management practices, the Audit and Risk Committee has a responsibility regarding significant risks, being those that are ‘State Significant’, rated Extreme, High or Moderate, and/or, have not previously been identified in risk management processes, are systemic in their origin, not currently controlled, or have not been sufficiently mitigated to prevent the possibility of serious impacts. The Audit and Risk Committee will:

- Provide oversight on significant strategic and operational risk exposures and control issues, including fraud and corruption risks, governance issues, Council’s internal control framework and other matters needed or requested by Council.
- Monitor the effectiveness of Council’s risk management framework and assess the impact on its control environment and insurance arrangements.
- Monitor Council’s risk appetite, risk culture and the degree of alignment with Council’s risk profile.
- Monitor Council’s treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans.
- Review Council’s Quarterly Risk Management Reports.
- Monitor Council’s approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

Fraud and corruption

To obtain reasonable assurance regarding procedures for the prevention and detection of fraud, and corruption the Audit and Risk Committee will:

- Oversee management’s arrangements for the prevention and deterrence of fraud and corruption.
- Challenge management and internal and external auditors to ensure that appropriate anti-fraud and corruption programs and controls are in place to identify potential fraud and recommend that appropriate investigations are undertaken if fraud is detected.
- Monitor and provide advice on fraud prevention systems and controls to assist Council in ensuring it has appropriate processes and systems in place to detect, capture and effectively respond to fraud and improper activities.

Reporting

- Monitor Council’s financial and performance reporting at regular intervals.
- Review significant accounting and reporting issues, including complex or unusual transactions

and highly judgemental areas, and recent accounting, professional and regulatory pronouncements, and legislative changes, and understand their effect on the financial report.

- Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position
- Recommend the adoption of the Annual Financial Statements and Annual Performance Statement to Council.
- Understand strategies, assumptions and estimates that management has made in preparing financial statements, budgets, and investment plans.
- Receive details of all reimbursements of expenses of Councillors and members of a delegated committee.

Internal audit

To obtain reasonable assurance regarding work of the internal audit providers, the Audit and Risk Committee will:

- Review and monitor the charter, activities, resourcing, and structure of the internal audit function.
- Review the annual audit plan (or changes to the plan).
- Ensure the annual audit plan is linked with and covers the material business risks as shown in Council's risk register.
- Review all internal audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- Review and track management's action plans to address the results of internal audit engagements.
- Monitor processes and practices to ensure that the independence of audit function is maintained.
- As part of the Committee's annual assessment of performance, determine level of satisfaction with internal audit function.
- Provide an opportunity for the Committee to meet with the Internal Auditor to discuss any matters that the Committee or internal auditor believes should be discussed in-camera.

External audit

To obtain reasonable assurance with regarding of the external assurance providers, the Audit and Risk Committee will:

- Meet with the external auditor during the planning phase of the engagement, the presentation of the audited financial statements, and the discussion of the results of engagements and recommendations for management.
- Note the external auditor's proposed audit scope and approach, including any reliance on internal auditor activity.
- Monitor significant findings and recommendations made by the external auditor, and that management's responses are appropriate and acted upon in a timely manner
- Receive the External Auditors Final Management Letter and monitor management's progress on action plans.
- Monitor the findings and recommendations of any relevant performance audits undertaken by VAGO and Council's responses to them.
- Provide an opportunity for the Committee to meet with the External Auditors, to discuss any matters that the Committee or the external auditors believe should be discussed in-camera.
- Annually assess the performance of the External Auditor.

Compliance

- Monitor the compliance of Council policies and procedures with the overarching governance principles of the Act, the regulations and any ministerial directors.
- Review the effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of non-compliance.
- Keep informed of the findings of any examinations by regulatory agencies, and any auditor (internal or external) observations and monitor management's response to these findings.
- Obtain regular updates from management about compliance matters.

Other

In addition, the Committee will:

- Perform other activities related to this Charter as requested by Council.
- Annually review and assess the adequacy of this charter, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.
- Prepare a biannual audit and risk report that describes the committee's activities and includes its findings and recommendations and provide a copy of the biannual report to the Chief Executive Officer for tabling at the next Council Meeting.
- Undertake an annual assessment of the Committee's performance against this charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting in accordance with section 54 (4)(a) and (b) of the Act.

7. Professional Conduct

Section 123 (misuse of position), 125 (confidential information) and Division 2 of Part 6 (conflict of interest) of the Act apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.

Misuse of Position

Committee members must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or cause, or attempt to cause, detriment to Council or another person.

Confidential Information

Committee members must not intentionally or recklessly disclose information that they know, or should reasonably know, is confidential information.

Independent Committee Members will be required to sign a Confidentiality Agreement upon commencement of their term.

Conflict of Interest

A conflict of interest is where a Committee Member has a private interest that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties as a Committee Member.

Committee Members must disclose any conflicts of interest to the Committee. Where the conflict is related to the Chair of the Audit and Risk Committee it must be disclosed to the Chief Executive Officer.

Once a conflict of interest is identified the member of the Audit and Risk Committee must:

1. Disclose the conflict of interest immediately before the matter is considered in the meeting, including the:
 - Type of interest and class; and
 - The nature of the interest.
2. Notify the Chair that they are leaving the meeting.
3. Leave the meeting while the matter is being considered and await the Chair's direction to return.

If details are private in nature then the nature of the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and class. Disclosure of conflicts of interest must be minuted.

Independent Committee Members of the Audit and Risk Committee will be required to sign an Initial Personal Interests Form upon commencement of their term, and an annual Personal Interests Return. In addition they will be required to confirm the declaration made in their Personal Interests Form remains unchanged at each Audit and Risk Committee Meeting as a standing agenda item.

Professional Conduct Definitions

Private Interests means anything that can influence a Committee Member. Private interests include direct interests, such as a Committee Member's own personal, family, professional or business interests, as well as indirect interests, such as the personal, family, professional or business interests of individuals or groups with whom the Committee Member is, or was recently, closely associated. Private interests may be financial (pecuniary) or non-financial.

Financial interests involve an actual, potential or perceived financial gain or loss. Money does not need to change hands for an interest to be financial. People have a financial interest if they (or a relative, or a close associate) own property, hold shares, have a position in a company bidding for government work, or receive benefits such as concessions, discounts, gifts or hospitality from a particular source related to the public entity.

Non-financial interests involve any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group. They include personal or family relationships, or involvement in sporting, social or cultural activities. If personal values are likely to impact on the proper performance of public duty, then these can also lead to a conflict of interest. Enmity as well as friendship can give rise to a non-financial conflict of interest.

Conflict of Duty arise when a person is required to fulfil two or more roles that may be in conflict with each other, and can be actual, potential or perceived conflicts of duty. This situation is sometimes known as 'wearing two hats'. For example, a Committee Member may also hold a position as a public servant, or they may be a member of the board of another public entity or body. A conflict of duty may also arise through a Committee Member having official duties to other Commonwealth and local government bodies, community and professional associations or non-governmental organisations.

Conflict of Loyalty Committee Members may have a conflict of loyalty that is they may have competing loyalties between a not for profit to which they owe a primary duty and some other person or entity. This could include funding bodies that nominate Committee Members, so called 'representative' Committee Members from a particular interest group. It could also extend to friendship and personal beliefs in some circumstances.

13 DIRECTOR CORPORATE REPORTS

COR.1	INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER
Officer:	Fiona Lang, Governance Officer
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	S5 Instrument of Delegation to Chief Executive Officer ↓

Summary

The purpose of this report is to amend the Instrument of Delegation to the Chief Executive Officer to address legislative compliance. It is necessary to remake the Chief Executive Officer's Instrument of Delegation regularly so that it applies to all legislation current at the time. There are minor amendments to the Instruments that do not change the operation but clarify intention.

Recommendation**That Council:**

- 1. adopts the amended Instrument of Delegation from Council to the Chief Executive Officer at Attachment 1;**
- 2. authorises signing of the Instrument of Delegation from Council to the Chief Executive Officer at Attachment 1; and**
- 3. notes that the amended Instrument of Delegation from Council to the Chief Executive Officer comes into force immediately upon signing.**

Background

The Instrument of Delegation from Council to the Chief Executive Officer is required to be made at regular intervals to ensure that the Chief Executive Officer is delegated all the current powers, functions, and duties of the legislation applicable to Local Government. There is legal precedence that the Chief Executive Officer delegation only applies to the Acts, Regulations and provisions that are in force at the time the Instrument was made. Therefore, with the changing legislative environment it is important to remake the Instrument so that the Chief Executive Officer can delegate and authorise staff under the Acts, Regulations and provisions that have come into force since the last time the Instrument was made.

Discussion

The Instrument of Delegation from Council to the Chief Executive Officer has been reviewed. Minor amendments have been made to ensure clarity such as the length of time the Chief Executive Officer can appoint an acting Chief Executive Officer is 28 calendar days, previously it was unclear whether this was business days or calendar days. The reference to signing and sealing has been removed as this is not required.

Consultation and engagement

Not applicable.

Collaboration

Not applicable.

Innovation and continuous improvement

Not applicable.

Relevant law

This report has been prepared in accordance with section 11 of the *Local Government Act 2020* that allows the Council to delegate to the Chief Executive Officer.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's *Charter of Human Rights and Responsibilities Act 2006*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

This recommendation allows Council to maintain the *Council Plan 2021-2031* requirement to deliver strong and reliable government.

Financial viability

Not applicable.

Sustainability implications

Not applicable.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



S5 Instrument of Delegation to Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Macedon Ranges Shire Council (Council) 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 this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 13 December 2023;
2. the delegation
2.1 is subject to any conditions and limitations set out in the Schedule;
2.2 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
2.3 remains in force until Council resolves to vary or revoke it.

Signed by the Chief Executive Officer of Council in the presence of:

Witness

Date:

Signed by the Mayor in the presence of:

Witness

Date:



SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of \$1,000,000;
 - 1.2 making any expenditure that exceeds \$1,000,000 (unless it is expenditure made under a contract already entered into: or is expenditure which Council is, by or under legislation required to make in which case it must not exceed \$1,100,000);
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 calendar days;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under s 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approving or amending the Council Plan;
 - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9 adopting or amending the Governance Rules;
 - 1.10 appointing the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approving the Budget or Revised Budget;
 - 1.13 approving the borrowing of money;
 - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;

S5 instrument of Delegation to Chief Executive Officer

2023 Update **Page 2**



3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategy
adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

COR.2	INSTRUMENT OF APPOINTMENT AND AUTHORISATION
Officer:	Patricia Clive, Coordinator Governance
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	S11A Instruments of Appointment and Authorisation ↓

Summary

This report seeks Council's approval to appoint authorised officers under the *Planning and Environment Act 1987* (the Act) by an Instrument of Appointment and Authorisation. Under the Act only Council, by a resolution, can appoint authorised officers who must be employees of Council. In addition, Council is required to revoke any appointments for authorised officers who are no longer employees of Council.

An Instrument of Appointment and Authorisation is required for staff who have recently commenced with Council and existing staff whose position has change. In addition, several Instruments are required to be revoked as the authorised officer no longer works for Council or has moved to a position that does not require an Instrument.

Recommendation

That Council resolves that in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987:

- 1. the Instrument of Appointment and Authorisation for the officers outlined in this report are to be revoked;**
- 2. Council Officers named in the Instruments of Appointment and Authorisation provided at Attachment 1 be appointed and authorised;**
- 3. any previous Instruments issued to the officers in Attachment 1 by Council are revoked;**
- 4. the Instruments of Appointment and Authorisation come into force upon signing and remain in force until Council determines to vary or revoke these; and**
- 5. the Instruments of Appointment and Authorisation at Attachment 1 be signed.**

Background

The appointment of Authorised Officers allows certain Council staff to act on behalf of the Council in the administration and enforcement of various Acts, regulations or local laws in accordance with the powers granted to them. Under the *Planning and Environment Act 1987* staff represent the Council in enforcing the provisions of that Act.

Discussion

The following officers are required to be authorised officers under the *Planning and Environment Act 1987*:

- Shawn Langley, Senior Statutory Planning Officer
- John Perry, Senior Statutory Planning Officer
- Lipi Patel, Senior Statutory Planning Officer

The list of authorised officers includes staff new to Council and staff changing positions. All previous Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* issued by Council to these people are to be revoked with the issuing of the new Instruments.

The Instrument of Appointment and Authorisation for the following officers are to be revoked as they are either no longer employed by Council:

- Chelsea Bongiovanni, Senior Statutory Planning Officer
- Yousef Taibeh, Senior Statutory Planning Officer
- Zoe Li, Statutory Planning Officer

Consultation and engagement

Not applicable

Collaboration

Not applicable

Innovation and continuous improvement

Not applicable

Relevant law

This report has been prepared in accordance with Local Government Acts 2020 and the Planning and Environment Act 1987.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian *Government's Charter of Human Rights and Responsibilities Act 2006*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Not applicable

Relevant Council plans and policies

This recommendation allows Council to maintain the Council Plan 2021-2031 requirement to deliver strong and reliable Government.

Financial viability

Not applicable

Sustainability implications

Not applicable

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

John Perry – Senior Statutory Planning Officer

By this instrument of appointment and authorisation Macedon Ranges Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on 13 December 2023

Signed:

Mayor, Councillor
Date:

Signed:

Chief Executive Officer
Date:



**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Lipi Patel – Senior Statutory Planning Officer

By this instrument of appointment and authorisation Macedon Ranges Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on 13 December 2023

Signed:

Mayor, Councillor
Date:

Signed:

Chief Executive Officer
Date:



**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Shawn Langley – Senior Statutory Planning Officer

By this instrument of appointment and authorisation Macedon Ranges Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on 13 December 2023

Signed:

Mayor, Councillor
Date:

Signed:

Chief Executive Officer
Date:

COR.3	CONTRACTS TO BE AWARDED AS AT DECEMBER 2023
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

- a) direct that the Chief Executive Officer (CEO) award the contract under the direct delegation from Council; or
- b) specifically delegate the power to the CEO.

Recommendation

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2024-56 Provision of Mulching Services**
 - (b) **C2024-57 Asset Reporting Data Validation, Capture and Condition**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2024-55 Design Services Regional Sports Precinct Stage 2**
 - (b) **C2024-58 Supply Panel Emergency Management Response and Recovery**

Background information

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 6 of the Procurement Policy.

Opportunity to review delegated authority

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.

C2024-56 Provision of Mulching Services

This is a Panel contract to provide mulching services for green waste and timber material generated by Council Transfer Stations and roadside vegetation clearance. This contract will replace the existing contract for these services that will expire in February 2024.

The CEO has delegated authority to award this contract.

C2024-57 Asset Reporting Data Validation, Capture and Condition

This contract is to carry out data validation, data capture, and condition assessments for Open Space, Streetscape and Recreational Assets. The project will include spatial and attribute information on various assets to understand the condition and replacement cost. The data delivered will be used for asset valuation and works planning purposes.

The CEO has delegated authority to award this contract.

C2024-55 Design Services Regional Sports Precinct Stage 2

Stage 2 of the Macedon Ranges Regional Sports Precinct is proceeding and the council is seeking to engage a qualified Consultant to successfully deliver design consultancy services for this project.

The contract may exceed the \$1 million financial delegation of the Chief Executive Officer.

C2024-58 Supply Panel Emergency Management Response and Recovery

This contract is to appoint a number of suppliers to a panel, to provide Council with consultancy services on an as required basis relating to emergency management, response, resilience and recovery.

The contract may exceed the \$1 million financial delegation of the Chief Executive Officer.

Consultation and engagement

The nature of this report does not require any consultation or community engagement.

Collaboration

The nature of this report does not require collaboration with other councils, governments or statutory bodies.

Innovation and continuous improvement

Council reviews its Procurement Policy regularly, in accordance with the *Local Government Act 2020*. These reviews consider options for innovation and are part of continuous improvement processes.

Relevant Law

The *Local Government Act 2020* provides for Council to delegate powers to staff, including the power to award contracts.

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

There are no regional, state or national plans and policies that are relevant to the subject matter of this report.

Relevant Council plans and policies

The awarding of contracts is undertaken in accordance with the provisions of Council's Procurement Policy.

Financial viability

Funds for all contracts to be awarded, as listed above, have been provided in the operational and capital works budget and future annual budgets.

Sustainability implications

Council's Procurement Policy requires staff to procure goods, services and works from suppliers who actively employ sustainable practices in their operations.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

COR.4	AUDIT AND RISK COMMITTEE BIENNIAL REPORT - DECEMBER 2023
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Audit and Risk Committee Biannual Report - December 2023 ↓

Summary

The Biannual Report of the Audit and Risk Committee (the Committee) is presented to Council to ensure a transparent summary of the key matters discussed at the Committee during the second half of the 2023 calendar year.

The report also ensures the requirements of the Committee's Charter are met, by providing a biannual report to Council to fully discharge its responsibilities.

The Audit and Risk Committee Biannual Report - December 2023 is attached. The Committee's Chairperson, Mr Peter Matthews, will attend the Council Meeting to present on the report.

Recommendation

That Council notes the Audit and Risk Committee Biannual Report - December 2023 and thanks the Committee for the report.

Background

The Committee was formally appointed under Section 53 of the *Local Government Act 2020* (LGA) as an advisory committee to Council.

Discussion

The biannual report of the Committee has been prepared and tabled for Council's consideration. The provision of this report to Council is in line with the requirement in the Committee's Charter to provide a biannual report that describes the activities of the Committee. It also ensures Council is compliant with Section 54 (5) (a) of the LGA.

The report provides a summary of the work performed by the Committee during the first and second quarters of the 2023/24 financial year. The outline of these activities is as follows:

External Audit

- Financial Statements 2022/23
- Performance Statement 2022/23
- 2022/23 Audit Closing Report
- 2022/23 Audit Management Letter
- External Audit Reports and regular update from the Victorian Auditor-General's Offices which included the following:
 - VAGO Annual Work Plan
 - Financial Audit matters for 2022-23

- Current or planned Performance Audits undertaken by VAGO
- Parliamentary Reports tabled by VAGO
- Operations undertaken by the Independent Broad-based Anti-Corruption Commission
- Local Government Reports
- Active governance matters across Victorian Municipal Councils
- Performance Audits within local government sector undertaken by other Australian audit offices

Internal Audit

- Review of Cyber Awareness – presented 6 September meeting
- Review of Statutory Planning Enforcement - presented 20 September meeting
- Review of Environment Management – presented at the 29 November meeting
- Review of Customer Service Enquiries and Complaints (field work commenced)
- Confirmed Internal Audit Program for the remainder of 2022/23 and 2023/24

Other items presented to the committee

- Financial Reports
- Risk Management briefings and management report
- Reimbursement of Expenditure for Councillor and Delegated Committees
- Council Responses to Local Government Reports and Publications
- Council Fraud Control Reports
- Council Compliance Reports
- Information Services Updates
- Assessments of the performance of internal and external audit, and a self-assessment of the Audit and Risk Committee's performance
- Council Policy Reviews
- Review of Audit and Risk Committee Charter

Consultation and engagement

The Committee received a draft version of the attached report at its November meeting and were encouraged to provide feedback.

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required in relation to this report.

Innovation and continuous improvement

The operation of the Committee provides a structured, systematic oversight of Council's governance, risk management and internal control practices.

The Committee reviews those practices and provides Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

The Audit and Risk Committee is an important communication channel between the External Auditor, Internal Auditor, management, and Councillors.

Relevant law

The Audit and Risk Committee is established in line with the *Local Government Act 2020*.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Not applicable to this report.

Relevant Council plans and policies

The operation of the Committee is a legislative requirement, which assists Council to deliver on its priority of strong and reliable government and achieve its vision by following good governance processes. Council has an adopted charter for the Committee.

Financial viability

There are no financial implications relating to the subject matter of this report that are over and above the current cost of resourcing the Committee.

Sustainability implications

There are no sustainability implications relating to the subject matter of this report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.



Audit and Risk Committee

Biannual Report December 2023

MACEDON RANGES SHIRE COUNCIL

Audit and Risk Committee

Biannual Report December 2023

1. Introduction
2. External Audit
3. Internal Audit
4. Summary of Work Performed
5. Self-Assessment of Committee Performance

Peter Matthews
Chairperson
Audit and Risk Committee
29 November 2023

1. Introduction

As part of its governance obligations to its community, Council has established an Audit and Risk Committee. The Audit and Risk Committee is an Advisory Committee to Council, acting in accordance with *Sections 53 and 54 of the Local Government Act 2020*.

The Local Government Act under section 5(a) requires the Audit and Risk Committee to produce a biannual audit and risk report describing the activities of the Audit and Risk Committee, including its findings and recommendations. The biannual audit and risk report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

This is the second biannual Report of 2022, prepared by the Audit and Risk Committee and presented to Council.

During the later six months of 2022, the Committee has discharged its duties at the following meetings:

- Wednesday 6 September
- Wednesday 20 September
- Wednesday 29 November

Meetings were in person at the Gisborne Council Chambers from 8:30am – 12:00pm.

The Committee members through July 2023 to December 2023 were:

- Professor Peter Matthews, Independent Member and Chairperson (Appointed 2018 until 2023)
- Ms Magdalena Williams, Independent Member (Appointed 2021 to 2023)
- Ms Vinitha Pinto, Independent Member (Appointed 2021 to 2025)
- Mr Jonathan Kyvelidis, Independent Member (Appointed 2021 to 2024)
- Cr. Geoff Neil, Councillor Delegate from 25 November 2020
- Cr. Mark Ridgeway, Councillor Delegate from 25 November 2020
- Cr. Jennifer Anderson, alternate Councillor Delegate from 17 August 2022
- Cr. Janet Pearce, alternate Councillor Delegate from 17 August 2022

At the November 2023 meeting, the Committee made the following recommendations for Council consideration:

- the appointment Vinitha Pinto as Chairperson of the committee for 2024
- the extension of the appointment of Independent Member, Ms Maggie Williams for a further four years to 2025

The Committee agreed to set six meetings for 2024, with proposed dates (to be confirmed) as follows:

- Wednesday 21 February 2024
- Wednesday 17 April 2024
- Wednesday 5 June 2024
- Wednesday 14 August 2024
- Wednesday 11 September 2024
- Wednesday 4 December 2024

2. Internal Audit

The Internal Auditor is a consultant to Council. HLB Mann Judd were appointed the internal auditors in 2019 and are fulfilling the role of the internal auditor for the 2023-24 financial year; Mark Holloway is the Audit Partner.

The purpose of an internal audit (also known as a review) is to provide assurance to the Executive, Audit and Risk Committee, and Council by reviewing and testing the existence and effectiveness of policies, procedures and practices of an area of operation. An internal audit is aimed at reviewing operational risks and implementing controls to eradicate or minimise the risk. The Internal Auditor will both offer an opinion on the existing policies and procedures and provide recommendations to improve the policies and procedures to mitigate systemic risk.

2.1 Internal Audit Reports

The Internal Auditor prepares a Memorandum of Audit Plan prior to each Review, which is considered by the relevant Director. The Internal Auditor, in consultation with the relevant Department Manager and other key staff, conduct an entry meeting and discussed the scope and objectives of the review. Following the site interviews, the Internal Auditor prepares a Report and Recommendations. The Report also includes the Department Manager's Response to each recommendation.

The following reports were presented to the Committee in the second half of 2023:

- Review of Cyber Awareness – presented 6 September meeting
- Review of Statutory Planning Enforcement - presented 20 September meeting
- Review of Environment Management – presented at the 29 November meeting

The following internal audit was in progress to be completed during the remainder of 2023:

- Customer Service Enquiries and Complaints

2.2 Council Progress on Internal Audit Action Items

The Committee regularly reviewed Council's progress on open action items from prior internal audits. The reporting provided the Committee with insights into the risk profile, age and status and progress of internal audit action items towards closure.

While there is still work to be done, Council has made substantial advances regarding closing audit actions.

2.3 Performance Assessment of Internal Audit

In accordance with the Audit and Risk Committee Charter, an annual assessment was completed to determine the level of satisfaction with the performance of Council's internal audit function.

The annual assessment was undertaken by Committee members via an online survey. The survey contained nine questions. Seven questions required the committee to assign a rating on a scale from satisfied to dissatisfied for each agenda item delivered across the calendar year. The survey also allows Committee members to provide suggestions of improvements to the internal audit function.

The Committee assessed they were satisfied with the performance of the internal audit, noting that the internal auditors had demonstrated a professional and methodical approach in performing their function throughout the year.

3. External Audit

3.1 Financial Statements

The Victorian Auditor-General's Office (VAGO) undertook the financial audit for the year ended 30 June 2023. VAGO were represented at relevant Committee meetings by Travis Derricott and Jung Yau.

The Financial Audit enables the Auditor-General to form an opinion on whether Council's financial reporting meets the requirements of the *Local Government Act 2020*. The Financial Audit focuses on the accuracy of recording income and expenditure, the existence and measurement of assets and liabilities, and compliance with accounting standards.

The Committee reviewed Council's 2022-23 Financial Statements and the content of the VAGO Closing Report, and recommended they proceed to Council for endorsement.

3.2 Performance Statement

The Performance Statement Audit enables the Auditor-General to form an opinion on whether Council's Performance Statement meets the requirements of the Local Government Act 2020. The Performance Statement Audit focuses on a range of measures, including roads, planning, animal management and waste.

The Committee reviewed Council's 2022-23 Performance Statement and recommended they proceed to Council for endorsement.

3.3 External Audit Report

The Committee received regular updates from VAGO on external audit matters and activities including:

- VAGO Annual Work Plan
- Financial Audit matters for 2022-23
- Current or planned Performance Audits undertaken by VAGO
- Parliamentary Reports tabled by VAGO
- Operations undertaken by the Independent Broad-based Anti-corruption Commission
- Local Government Reports
- Active governance matters across Victorian Municipal Councils
- Performance Audits within local government sector undertaken by other Australian audit offices

3.4 Performance Assessment of External Audit

In accordance with the Audit and Risk Committee Charter, an annual assessment was completed to determine the level of satisfaction with the performance of Council's external audit function.

The survey contained nine questions. Seven questions require the committee to assign a rating between satisfied to dissatisfied for each agenda item delivered across the calendar year by the external audit function. The survey also allowed the committee to provide any suggestions for improvements within the external audit function.

The Committee assessed they were 'satisfied to very satisfied' with the performance of external audit and noted the impact and challenges of the timing of in the completion of the 2021-22 Financial Audit due to resource constraints noted by the external auditor.

4. Summary of Work Performed

This section provides a summary and update on the work performed by the Committee during the second six months of 2022 (Quarters 1 and 2 of the 2022-23 financial year).

4.1 Financial Reports

Financial reports to 30 June 2023, 31 August 2023, and 31 October 2023, were presented to the Committee at the meetings of 6 September, 20 September and 29 November respectively.

4.2 Risk Management

The Committee received regular briefings from the Chief Executive Officer addressing key highlights and emerging risks that had impacted Council since the preceding Committee meeting. Council's Risk Management Report provided the Committee with an update on Council's risk management practices including strategic and operational matters, Business Continuity Planning, the adoption of the Risk Management Framework and Insurance Claims. Council's Risk Appetite Statement was presented at the 20 September meeting. The Committee was provided with the minutes of Council's Risk Management Committee (RMC) meetings, which were included as an attachment to the Risk Management Report.

4.3 Reimbursement of Expenditure for Councillors and Delegated Committees

Under S40 (2) of the *Local Government Act 2020* the Audit and Risk Committee must be provided with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a report on this expenditure as part of the Quarterly Report at the 6 September meeting and as a separate agenda item at the November meeting.

4.4 Council Response to Local Government Reports and Publications

The Committee reviewed Council's response to the recent reports and publications that have an impact on the Local Government Sector in the matters of:

- Glen Eira City Council's approach to contractor work - November 2023 meeting

4.5 Council Fraud Control Report

At the 20 September and 29 November 2023 meetings, the Committee was briefed on Council's Fraud Control Report. The report confirmed that Council had no suspected instances of fraud to report.

4.6 Council Compliance Report (Governance Schedule)

At the 6 September and 29 November 2023 meetings, the Committee was briefed on Council's compliance with the statutory obligations. The report provided the Committee with the assurance that Council is complying with the statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020*.

4.7 Information Services Update

The Committee continued to receive regular Information Services updates after this was highlighted as an area of interest at the beginning of 2021. An Information Services update was provided out of session in July and at the November meeting, with particular focus placed upon the status of software and technology, posture of Council's ICT Disaster Recovery capability and Information and Cyber Security position, updates on KPIs, and Information Services' strategic and operational risks. The reports included the minutes of recent Information Services Steering Committee meetings.

4.8 Council Policy

At the 6 September meeting the Committee reviewed Council's work with KPMG to develop a Strategy and Planning Development Model to aid in Council work to update and refine the process to develop, review, monitor and update Council's Strategies, Plans and Policies.

4.9 Review of Audit and Risk Committee Charter and Work Plan

At the November 2023 meeting, the Committee reviewed the Audit and Risk Charter and made some minor updates to the Charter, including:

- Incorporating consideration of Council's diversity and inclusion principles into selection of Committee delegates and members
- Minutes be circulated to the Chair within five business days after the meeting
- Clarifying the meaning of 'significant risk' under the Risk Management section

- Ensuring that the work plan aligns with all the responsibilities of the committee as outlined in the Charter.
- Updating wording to be more succinct.

The Committee discussed and endorsed the proposed work plan based on a schedule of six meetings for the 2024 calendar year.

5. Self-Assessment of Committee Performance

In accordance with the Audit and Risk Committee Charter, the Committee has a responsibility to undertake an annual assessment on the performance of the Committee against the responsibilities outlined in the Charter.

The annual assessment was undertaken by Committee members via an online survey. The survey contains 9 sections with several sub-questions that require a rating on a scale from strongly agree (5) to strongly disagree (1). Three (3) is neutral, and N/A is a possible response.

The survey allows for comments or suggestions for improvements at the end of the survey and seeks any other comments about the Committee's performance.

The Committee has moderated the members responses to the self-assessment and agreed the responses of the survey. There was some variation in the range of responses to several questions, partially due to a differing interpretation of the question, and partially due to a differing perception of performance. Generally, the Committee was satisfied, with identified areas for further improvement including a more explicit approach to oversight of Council's internal control framework, and the ongoing maturity of the risk framework, including risk identification.

14 DIRECTOR COMMUNITY REPORTS

COM.1	NORTH CENTRAL GOLDFIELDS REGIONAL LIBRARY AGREEMENT 2024
Officer:	Maria Weiss, Director Community
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	North Central Goldfields Regional Library Agreement 2024 ↓

Summary

This report seeks Council approval for signing the North Central Goldfields Regional Library Agreement 2024 (attached), following a public notice period from 1 November to 29 November inclusive, during which no submissions were received.

Recommendation**That Council:**

- 1. Notes that Council's intention to sign the Regional Library Agreement 2024 with the North Central Goldfields Regional Library Corporation was advertised from 1 November to 29 November 2023 inclusive, with no submissions received;**
- 2. Authorises the CEO to sign the Regional Library Agreement 2024 on behalf of Council.**

Background

The North Central Goldfields Regional Library Corporation (the Corporation) includes four councils; the City of Greater Bendigo and the shires of Loddon, Macedon Ranges and Mount Alexander. The Corporation provides library services to these member municipalities.

The Corporation was created in 1996 and is designated a body corporate with perpetual succession under the *Local Government Act 1989*, meaning the Corporation remains in place for perpetuity until such time as there is a voluntary winding up.

The Regional Library Agreement (the Agreement) provides the terms under which the Corporation and member councils act and contribute to the library services. The Agreement is approved by the Minister for Local Government.

The last Agreement was approved by the Minister for Local Government in 2019 and this report represents a review of that current Agreement.

It should be noted that the Agreement proposed for Ministerial approval in 2024 is expected to be the final Agreement before the voluntary winding up of the Corporation, as per requirements of the *Local Government Act 2020*. The Act (2020) states that all Regional Library Corporations established under the *Local Government Act 1989* may continue under the relevant provisions of that Act (1989) as though they had not been repealed, but must either be voluntarily wound up before 2030, or they will be wound up by the Minister for Local Government in 2030.

Councils are committed to the delivery of library services and the outcomes these deliver to communities across Victoria. The CEO and Board of the Corporation are currently

undertaking a service review of potential Library models. This approach is proposed to provide flexibility for council members in considering the requirements of the Local Government Act 2020, to wind up Regional Library Corporations by 2030. Councils may consider alternative ways of delivering library services by either directly providing them as an “in-house” council service, or through a Beneficial Enterprise as defined under s. 110 and s. 111 of the Local Government Act, 2020.

Discussion

The current Regional Library Agreement, approved by the Minister in 2019, has been reviewed by the CEO and Board of the Corporation and there are no proposed changes to the Agreement, other than the change of dates to 2024, given the expectation of approval of the new agreement by the Minister in 2024.

The Agreement outlines:

- The role of the Corporation;
- Membership of the Corporation;
- Meeting procedures;
- Requirements for strategic planning, budgeting and financial contributions; and
- Entry, exit and dissolution provisions, as per section 196 and 197 of the Local Government Act 1989.

While no amendments are proposed to the conditions of the current Agreement, the Corporation’s CEO and Board believe clarity for all member councils will be provided by endorsement of a 2024 Agreement. This effectively provides a continuation of the arrangement for shared library services for the four member councils, as they move toward the voluntary winding up of the Corporation, and exploring alternative models to continue the delivery of library services.

Section 197 of the Local Government Act 1989 requires that Council advertise its intention to sign and seal a Regional Library Agreement.

Advertising this intent to sign and seal the Agreement allows any person to make a submission and be heard in respect to their submission, in accordance with Section 223 of the Local Government Act 1989. The exhibition period for the proposed Regional Library Agreement is 28 days and was held from 1 November 2023 to 29 November 2023 inclusive.

The process of review and adoption of a new Regional Library Agreement involves the following steps.

- (1) Review and approval by the Corporation’s Board (completed).
- (2) Advertising for 28 days, inviting public submissions on Council’s intention to sign the Agreement (completed).
- (3) If there are no submissions, Council proceeds to sign the new Agreement.
- (4) If submissions are made, there will be a hearing of submissions.
- (5) The Corporation will set meeting times with each member council, to apply signatures on the Agreement.
- (6) The Corporation will submit the Agreement to the Minister for Local Government for approval and gazettal.

Consultation and engagement

From 1 November 2023 to 29 November 2023 inclusive, submissions were invited on Council's intention to enter into a Regional Library Agreement with the North Central Goldfields Regional Library Corporation – trading as Goldfields Library Corporation – for a four-year period to 2028.

Copies of the agreement were made available at local libraries, Council offices and on Council's website.

In accordance with Section 223 of the Local Government Act 1989, written submissions in relation to the Regional Library Agreement received within 28 days of the date of this notice are to be considered by Council.

No submissions were received during the public notice period. Should there have been any submitters, they would have been offered the opportunity to be heard at a Submitters Delegated Committee Meeting.

Collaboration

Macedon Ranges Shire Council officers work closely with partner councils as part of the North Central Goldfields Regional Library Corporation. This includes members from City of Greater Bendigo and the shires of Loddon and Mount Alexander.

All four partner councils have gone through the process of seeking feedback on their intention to sign and seal of the Agreement in a similar time-frame.

Innovation and continuous improvement

The Agreement aligns with the current practice of the Corporation and represents good governance through the provision of an Agreement that clearly specifies the responsibilities of all parties. The current Agreement has been reviewed and no conditions have been changed in any way. This process represents a continuation of current services utilising the same arrangements as currently exist.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Legislation around regional library services under the Local Government Act 1989 and 2020 has been noted throughout this report.

Relevant regional, state and national plans and policies

There are no regional, state or national plans or policies to be considered in relation to this report.

Relevant Council plans and policies

- Council Plan 2021-31
- Municipal Public Health and Wellbeing Plan 2021-2025

Financial viability

Funding for the Corporation is provided for in the current Budget and each year agreement is reached on an equal per capita contribution, based on an annual budget and 10-year financial plan developed by the Goldfields Regional Library Corporation.

Sustainability implications

There are no social, economic or environmental sustainability implications to be considered in relation to this report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

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Regional Library Agreement 2024*

Continuation of Agreement For
North Central Goldfields Regional Library
Corporation

Trading as

Goldfields Library Corporation

2024

Regional Library Agreement



*North Central Goldfields Regional Library Corporation trading as Goldfields Library Corporation
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This AGREEMENT is made on the.....

BETWEEN :

Greater Bendigo City Council, a Body Corporate established under an Order-in- Council made pursuant to the *Local Government Act 1989*, of Lyttleton Terrace, Bendigo:

Mount Alexander Shire Council, a Body Corporate established under an Order-in-Council made pursuant to the *Local Government Act 1989*, of 25 Lyttleton Street, Castlemaine:

Macedon Ranges Shire Council, a Body Corporate established under an Order-in-Council made pursuant to the *Local Government Act 1989*, of 129 Mollison Street, Kyneton:

Loddon Shire Council, a Body Corporate established under an Order-in-Council made pursuant to the *Local Government Act 1989*, of 41 High Street, Wedderburn.

RECITALS

- a. The Councils have entered into an agreement to operate a Regional Library, under section 196 of the *Local Government Act, 1989*, to service the area comprising their municipal districts.
- b. The Councils have agreed on the assets they will provide for the use of, or, transfer to the ownership of, the Regional Library.
- c. The Councils have agreed to contribute certain sums of money annually for the purposes of the Regional Library.
- d. This Agreement should be read in conjunction with the NCGRL’s Service and Funding Agreement, 2023-2025.
- e. The- Revised Agreement dated 2019 is amended by this Agreement.

AGREEMENT

1. DEFINITIONS

In the interpretation of this Agreement, including the Recitals, except where the context otherwise requires -

- a. the following words shall have the following meaning -

"Act" means the *Local Government Act 1989*;

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"Asset" means defined resources made available to the Corporation by member Councils to assist in the provision of library services and consisting of such items as real property, machinery, furniture, fittings and equipment.

"Board" means the governing body of the Regional Library established under clause 3.1;

"Chief Executive Officer" means the person appointed in accordance with the Act;

"Council" means a party to this Agreement;

"Local Law" means a Local Law made in accordance with Part 5 of the Act;

"Minister" means the Victorian Government Minister responsible for administering *Local Government Act 1989*;

"Regional Library" means the regional library corporation established under this Agreement;

- b. words denoting the singular shall include the plural and vice versa;
- c. words denoting any gender include all genders;
- d. headings are for convenience only and shall not affect the interpretation of this Agreement.

2. CREATION OF THE REGIONAL LIBRARY

The North Central Goldfields Regional Library Corporation (Trading as Goldfields Library Corporation) has been constituted as a regional library corporation for the purposes of section 196 of the Act to -

- a. provide, subject to any conditions attached to any State government library subsidies and grants to the Regional Library or the Councils, a regional library service for Councils' municipal districts as determined by the Board;
- b. make Local Laws relating to the Regional Library;
- c. perform any other functions which are conferred on the Regional Library under this Agreement or the Act, including defining overall policy objectives, developing strategic policy and approving a Library Plan and an Annual Operating Plan; and
- d. to do all things necessary or expedient in accordance with this Agreement and the Act for the carrying out of its functions.

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3. MEMBERSHIP OF THE BOARD

- 3.1 The Board of the Regional Library shall consist of the following members –
- (a) One (1) Councillor appointed by each Council
 - (b) One (1) other person appointed by each Council
- 3.2 A Council may appoint a councillor, or other person to act as deputy in place of its appointed members.
- 3.3 A member and deputy shall hold office until the term of his/her appointment expires, until removed or the person resigns or ceases to be a councillor or member of council staff, whichever occurs first.
- 3.4 A Council may remove from office its appointed member or deputy.
- 3.5. A Council must fill a vacancy in its members as soon as possible and notify the Board in writing of the new member.
- 3.6 The office of a member automatically becomes vacant if he/she is absent for three consecutive meetings without the leave of the Board.

4. PROCEEDINGS OF THE BOARD

- 4.1 The Board shall hold an ordinary meeting at least once in every three months.
- 4.2 If a special meeting is called, it must be called by the Chief Executive Officer on the request of the Chairperson or three members of the Board.
- 4.3 The Board shall elect a member to be Chairperson and a member to be Deputy Chairperson of the Board and they shall hold office for twelve months, unless they go out of office earlier in accordance with Clause 3.3 of this Agreement.
- 4.4 a. The election for the Chairperson and Deputy Chairperson of the Board shall be held by the Board at its first meeting after the general election of councillors for a Council and will be for a period of one year.
- b. Where there is no general election of Council, the election for the Chairperson and Deputy Chairperson of the Board shall be held by the Board at its first meeting after the Statutory Meetings of the Councils each year and will be for a period of one year.

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- 4.5 The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson shall preside at a meeting of the Board.
- 4.6 In the absence of the Chairperson and Deputy Chairperson from a Board meeting, the remaining members of the Board may elect one of their number to preside at that meeting.
- 4.7 If a Member is unable to attend a Board meeting, he or she may delegate a proxy for that Member. The proxy is entitled to vote on behalf of that Member.
- 4.8 An item of business may not be transacted at a general meeting unless a quorum is present when the meeting proceeds to consider it.
- 4.9 Any five members of the Board constitute a quorum to allow the transaction of business at a meeting of the committee.
- 4.10 If a quorum is present at the beginning of a meeting it is taken to be present throughout the meeting unless the Chairperson of the meeting on their own motion or at the request of a Member, proxy who is present, declares otherwise.
- 4.11 If within thirty minutes after the time appointed for a general meeting a quorum is not present, the meeting:
- a. if convened by, or on requisition of, Members is dissolved; and
 - b. in any other case stands adjourned to the next meeting, or to such other day, time and place as the Chairperson appoints by notice to the Members and others entitled to notice of the meeting.
- 4.12 Notice of motion to recommend amendment of this Agreement and notice of motion for the adoption or amendment of Local Laws by the Board shall be given in writing to Councils at least one month before the meeting of the Board at which the motion is to be discussed.
- 4.13 Each Council agrees to indemnify the Regional Library in respect of any liability incurred as a consequence of the operation of section 76 of the Act in relation to each of its appointed members.

5. CHIEF EXECUTIVE OFFICER

- 5.1 The Board shall appoint a Chief Executive Officer of the Regional Library.
- 5.2 In addition to any responsibilities imposed on a Chief Executive Officer in the Act, the Chief Executive Officer shall be responsible to the Board for the finances and administration of the Regional Library including the implementation of the Library Plan, delivery of the service and administrative

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support for the Board, employment and management of staff and any other duties specified by the Board subject to CEO delegation.

6. EQUITY AND OPERATING COSTS

- 6.1 The Chief Executive Officer shall maintain a register of the assets provided for the use of the Regional Library by Councils. This register must indicate which Council owns each asset.
- 6.2 The Chief Executive Officer shall maintain a register of assets owned by the Regional Library.
- 6.3 Respective Asset Registers must be updated by 1 March each year.
- 6.4 A Council must, unless otherwise agreed by Councils, give one clear financial year's notice in writing to the Chief Executive Officer of its intention to withdraw assets from the use of the Regional Library.
- 6.5 The Regional Library shall, unless otherwise agreed by Councils, be responsible for the maintenance, repair, replacement and operating costs of assets owned by the Regional Library.
- 6.6 Each Council shall, unless otherwise agreed by Councils, be responsible for the maintenance, repair, replacement and operating costs of assets owned by it but provided for the use of the Regional Library.
- 6.7 The Regional Library shall, unless otherwise agreed by Councils and subject to clauses 6.5 and 6.6, be responsible for its own operating costs.

7. STRATEGIC PLANNING

- 7.1 The Chief Executive Officer shall be responsible for preparing a Library Plan for approval by the Board within six months of each general election at member Councils in accordance with section 125 of the Local Government Act.
- 7.2 The Chief Executive Officer shall by 1 June each year prepare and provide each Council with a proposed Annual Operating Plan for the financial year commencing 1 July.
- 7.3 The Annual Operating Plan shall include a program for the delivery of services by the Regional Library which identifies the nature and extent of proposed services and an estimate of the costs of the provision of those services.
- 7.4 The Regional Library must adopt a Library Plan and an Annual Operating Plan by the date specified in the Act for the adoption of its annual Budget.

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- 7.5 The Corporation must consider whether the Library Plan requires any adjustment at least once a year.

8. ANNUAL BUDGET

- 8.1 The Chief Executive officer shall by 1 June each year provide each Council with a copy of the Regional Library's proposed annual Budget prepared in accordance with section 127 of the Act.
- 8.2 The proposed annual Budget shall include -
- a. the amount of funds currently held by the Regional Library;
 - b. the amount of each Council's proposed financial contribution to the Regional Library for the financial year commencing 1 July;
 - c. the amount of funds to be received from any other source by the Regional Library in the financial year commencing 1 July;
 - d. standard statements and description of activities and initiatives to be funded in the budget;
 - e. a statement as to how activities and initiatives will contribute to the achievement of strategic objectives in the Library Plan; and
 - f. key strategic activities and performance targets and measures.

9. ANNUAL FINANCIAL CONTRIBUTIONS

- 9.1 The amount to be contributed to the Regional Library by each Council during each financial year shall be the sum of -
- a. the amount specified in the Regional Library's adopted annual budget;
 - b. all State Government library subsidies and grants received by the Council for the library services; and
 - c. funds received by the Council from any other source for library services.
- 9.2 The Councils must agree on a funding formula for the purpose of making annual financial contributions to the Regional Library under clause 9.1 (a).
- 9.3 Each Council's financial contribution to the Regional Library shall be paid in quarterly instalments on the first day in July, October, January and April of each year.
- 9.4 All instalments shall be paid in equal instalments.

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- 9.5 All other Council contributions under clause 9.1 shall be paid within one month of receipt of a tax invoice from the Regional Library.
- 9.6 In addition to the contributions payable under this clause, a Council shall be responsible for the Regional Library's costs in providing any additional service or resources requested by the Council and such costs are to be paid within 30 days of the Council receiving an invoice from the Regional Library.
- 9.7 Interest shall be paid on any amount payable under clause 9 which is not received by the Chief Executive Officer within 14 days of the due date at the rate fixed by the Governor in Council for the purposes of section 172 of the Act and calculated monthly from the date the amount became due until the date it is received by the Chief Executive Officer.

10. ANNUAL REPORTING AND ACCOUNTS

- 10.1 The Chief Executive Officer shall, within three months of the end of the financial year, provide each Council with a copy of the Regional Library's Annual Report prepared in accordance with section 131 of the Act.
- 10.2 The books of accounts and all other financial records of the Regional Library shall be available for inspection at all reasonable times by any councillor, or person authorised by a Council, or, by any person authorised by the Secretary of the Department responsible for administering State Government library subsidies and grants from which the Regional Library or Councils receive funds.

11. ENTRY AND EXIT OF PARTIES

- 11.1 A Council which is not a party to this Agreement may, by supplementary agreement with the Councils, be admitted as a party to this Agreement and subject to the provisions of the supplementary agreement, shall have the same rights, duties and obligations of the Councils under this Agreement.
- 11.2 A Council may withdraw from this Agreement having given not less than one clear financial year's notice in writing to the Chief Executive Officer of its intention to do so.
- 11.3 A Council which has given notice under clause 11.2 must, unless otherwise agreed by the Councils, withdraw from this agreement on 30 June in any year.
- 11.4 A Council which withdraws from this Agreement shall be entitled to a portion of the net assets of the Regional Library as at the date of its withdrawal from the Agreement, less an amount which represents the full costs to the Regional Library of the withdrawal.
- 11.5 The portion of net assets to which a Council is entitled under clause 11.4 -

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- a. shall be calculated according to the value of the assets as disclosed by the relevant audited financial statements;
 - b. shall be in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of this Agreement;
 - c. may be taken in such combination of property and cash as agreed between the Council and the Board, and if it is agreed that a Council is entitled to library materials, the cost of removing them shall be paid for by the Council.
- 11.6 A Council which withdraws from this Agreement shall be liable for a portion of the liabilities, including contingent liabilities, of the Regional Library as at the date of its withdrawal from the Agreement.
- 11.7 The portion of the liabilities and contingent liabilities to which a Council is liable under clause 11.6 -
- a. shall be calculated according to the liabilities and contingent liabilities as disclosed by the relevant audited financial statements and reports, and any notes attached to them;
 - b. shall be in the same proportion as its financial contribution to the Regional Library bears to all the member Council's financial contributions to the Regional Library over the duration of this Agreement; and
 - c. in the event of the withdrawal resulting in staff redundancies the cost of such redundancies will be paid for by the withdrawing Council or Councils.

12. DISSOLUTION OF REGIONAL LIBRARY

- 12.1 Subject to section 197G of the Act, the Regional Library may be dissolved by agreement of at least three quarters of the parties to this Agreement including those admitted as a party by supplementary agreement.
- 12.2 If the Regional Library is dissolved under this clause -
- a. each Council shall be entitled to a portion of the Regional Library's assets in the same proportion as its financial contribution to the Regional Library bears to all the member Councils' financial contributions to the Regional Library over the duration of this Agreement; and
 - b. each Council shall be liable for a proportion of the liabilities and contingent liabilities of the Regional Library in the same proportion as

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its financial contribution to the Regional Library bears to all member Councils' financial contributions to the Regional Library over the duration of this agreement.

13. DISPUTE RESOLUTION

13.1 If there is any dispute or difference between a Council and the Regional Library or between any of the Councils which arises out of this Agreement or concerns the Regional Library; the matter shall be determined as a dispute under the *Commercial Arbitration Act 1984* and the arbitrator's decision shall be final and binding on the parties to the dispute.

13.2 The parties to the arbitration shall -

- a. be responsible for their own arbitration costs; and
- b. unless otherwise determined by the arbitrator, share the arbitrator's costs equally.

14. AGREEMENT AMENDMENT

An amendment to this Agreement has no effect unless it is -

- a. in writing and signed by all parties to the Agreement; and
- b. approved by the Minister by notice published in the Government Gazette.

15. AGREEMENT REVIEW

The parties shall, together with the Board, review the operation of this Agreement at least once every four years.

16. CONDITIONS PRECEDENT

This Agreement has no effect as between the parties unless it is approved by the Minister in accordance with section 196(2) of the Act.

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EXECUTED AS AN AGREEMENT

IN WITNESS WHEREOF

THE COMMON SEAL of the Greater Bendigo City Council

was hereunto affixed on this

.....day of in the presence of -

Councillor :

Councillor :

Chief Executive Officer:

Date:

In accordance with a resolution of the Council made on.....

THE COMMON SEAL of the Mount Alexander Shire Council

was hereunto affixed on this

.....day of in the presence of -

Councillor :

Councillor :

Chief Executive Officer:

Date:

In accordance with a resolution of the Council made on.....

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THE COMMON SEAL of the Macedon Ranges Shire Council

was hereunto affixed on this

.....day of in the presence of -

Councillor :

Councillor :

Chief Executive Officer:

Date:

In accordance with a resolution of the Council made on.....

THE COMMON SEAL of the Loddon Shire Council

was hereunto affixed on this

.....day of in the presence of -

Councillor :

Councillor :

Chief Executive Officer:

Date:

In accordance with a resolution of the Council made on.....

COM.2	DRAFT COMPLAINT AND UNREASONABLE BEHAVIOUR POLICY
Officer:	Amy Holmes, Manager Community Strengthening
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Complaint and Unreasonable Behaviour Policy - July 2023 ↓

Summary

The draft Complaint and Unreasonable Behaviour Policy outlines how Council will manage complaints and unreasonable behaviour. The draft policy details improvements in addressing, managing and implementing processes which provide clear guidance for both complainant and Council.

Recommendation

That Council endorses the release of the draft Complaint and Unreasonable Behaviour Policy for four weeks of community consultation.

Background

In reviewing the Customer Service Charter (the Charter), it was identified that the Charter and the existing Complaints Policy (the Policy) contained inconsistencies which required attention to ensure accuracy. With the adoption of the Charter, a review of the Complaints Policy commenced to align both. For example, the use of terminology; timeframes and definitions. The review of the Policy also identified the complaint process was not clear or well defined. The draft updated policy sets out to improve the process and has adopted a 4-tiered approach, in line with the Victorian Ombudsman's recommendation and best practice. This approach provides a pathway for a complaint, with each tier representing an escalation point.

The existing Policy looks at how we handle unreasonable complainant conduct, however, provides little detail on how to manage such conduct or behaviour. The draft Complaint and Unreasonable Behaviour Policy addresses in detail unreasonable behaviour; the types of unreasonable behaviour and the strategies that Council will implement if unreasonable behaviour is identified.

Discussion

The purpose and objective of the draft Complaint and Unreasonable Behaviour Policy is to outline how Council will manage complaints and the process Council will implement to address and manage unreasonable behaviour. The draft is detailed and provides an improved process in handling complaints for the complainant and Council, and clearly outlines the actions at each tier.

Council is committed to providing a safe and healthy workplace for all Council employees and expects officers to be treated with courtesy and respect and conversely, our customers should expect the same. The draft policy addresses how Council will manage such behaviour and provides customers with examples of unreasonable behaviour as defined by

the Victorian Ombudsman. The draft policy also outlines the strategies that will be implemented if unreasonable behaviour is identified.

Consultation and engagement

There has been internal consultation on the drafting of the policy. External community engagement is recommended.

Collaboration

The nature of this report does not require collaboration with other councils, governments or statutory bodies.

Innovation and continuous improvement

Council strives for continuous improvement, which the draft policy will deliver with clear processes and strategies in its implementation.

The draft policy is aligned with best practice guides developed by the Victorian Ombudsman and Commonwealth Ombudsman, including:

- Victorian Ombudsman 2021 – Councils and complaints: A good practice guide 2nd edition July 2021
- Victorian Ombudsman 2022 – A good practice: Managing complex complainant behaviour February 2022
- Victorian Government's Good Guide to Managing Complaints involving Human Rights, May 2017
- Victorian Ombudsman Good Practice Guide for Public Sector Agencies September 2016
- Commonwealth Ombudsman 2021 – Better Practice Complaint Handling Guide, February 2023 Guide

Relevant law

As noted within the draft document attached, the following legislation has relevance to the draft Complaint and Unreasonable Behaviour Policy:

- Local Government Act 2020 (Vic)
- Public Interest Disclosures Act 2012 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Information Privacy Act 2000
- Freedom of Information Act 1982
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Independent Broad-based Anti-corruption Commission Act 2011
- Equal Opportunity Act 2010
- Child Safe Standards

Additionally, in accordance with the *Gender Equality Act 2020* a Gender Impact Assessment will be undertaken by officers prior to Council receiving a final draft of this policy for recommended adoption. This will consider methods of contact, communication and intersectionality.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

The draft policy will enhance the customer experience through transformation of our services, to ensure they are easy to access, and provide seamless transactional and interventional experiences. The following policies are relevant:

- Council Plan - 2021 – 2031
- Customer Service Charter
- Public Interest Disclosures Policy
- Privacy Policy
- Councillor Code of Conduct
- Compliance and Enrolment Policy
- Risk Management Policy
- Occupational Violence and Aggression Policy
- Working alone or in Isolation Policy

Financial viability

There are no financial or resourcing implications to be considered in relation to this report.

Sustainability implications

There are no social, economic or environmental sustainability implications to be considered in relation to this report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Policy



Complaint and Unreasonable Behaviour Policy

Date of Adoption	TBC		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Community Strengthening		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (<i>every four years</i>)
Last Endorsement Date	15 December 2021 (Complaints Policy)		
Next Endorsement Date	TBC		

Macedon Ranges Shire Council acknowledges the Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft			
Second Draft			
Final Draft			
Approval			

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Overview

Council's Complaint and Unreasonable Behaviour Policy (the Policy) describes how we enable, respond to and learn from complaints, feedback and compliments from our customers.

The Policy describes how Council will handle and manage unreasonable behaviour, noting that unreasonable behaviour does not necessarily stem from a complaint, and that a complaint is not considered unreasonable behaviour.

The Policy reinforces our commitment to providing a high standard of customer service and developing a good relationship with our customers, whilst maintaining and delivering a great customer service experience across all interactions with our organisation.

The Policy is modelled on the Victorian Ombudsman best practice and complies with the *Local Government Act 2020*.

Purpose and objectives

The purpose of the Policy is to outline:

- How Council manages complaints from our customers. Whilst we always strive to meet our customer's expectations, sometimes we may not. When this happens, we want to use a consistent, fair, and equitable resolution process and work with our community to understand and improve; and
- Council's process to address and manage unreasonable behaviour by customers, including deliberate attempts to disrupt Council business and operations.

The Policy will:

- protect and promote the customer's right to provide feedback, a compliment or make a complaint;
- ensure that complaints are investigated and responded to in an appropriate, consistent, and effective manner;
- inform the customer of the internal and external procedures for managing feedback and complaints;
- commit to effective management of and learning from complaints;

- outline strategies to ensure the health, safety and wellbeing of all parties; and
- protect and promote the human rights of all people involved in complaints, and ensure that proper consideration of relevant human rights issues occurs throughout the complaint handling process.

The Policy shows how we will:

- define a complaint;
- enable complaints to be made;
- respond to complaints we receive;
- learn and improve from complaints; and
- handle and manage unreasonable behaviour.

The Policy helps us to:

- improve standards of service to our customers;
- raise standards of investigation and decision making through clear processes;
- ensure a fair and equitable approach and improve internal complaint handling; and
- reduce recurring complaints.

Scope

The Policy applies to all Council staff, Council contractors, agents and volunteers of Council.

The Policy does not apply to complaints from Council staff about another Council staff member (including the Chief Executive Officer).

The Policy relates to complaints made by customers in relation to Council operations other than those subject to separate statutory or other legislative appeal processes (**Appendix 1**). We recognise that complaints referred to in **Appendix 1** may still be valid, however, these are managed outside of this Policy.

Where a complaint is outside of Council responsibility, we will assist by providing guidance to the appropriate agency, authority or service provider.

Guiding principles

We will apply the following best practice principles to every complaint:

- **Accessibility**
We will make it easy for anyone in our community to lodge a complaint, including people of all genders, ages, abilities, cultural backgrounds, religions and people who are indigenous and/or LGBTIQ+. Our employees will actively assist everyone to navigate the complaint process.
- **Commitment**
We take complaints seriously. Council is committed to resolving complaints and view them as a valuable source of feedback that will help us to improve our services.
- **Accountability**
When a complaint is lodged, we will advise who will be taking ownership for reviewing the complaint.
- **Consistency**
We will ensure that complaints are reviewed, followed up and responded to. We will follow through on any agreed actions and provide explanations and reasons for decisions.
- **Objective and fair**
Our people value our customers. Complaints are handled with professionalism, empathy and impartiality.
- **Transparency**
We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
- **Privacy**
We are committed to fulfilling our obligations under the *Privacy and Data Collection Act 2014*, *Health Records Act 2001*, and Information Privacy Principles. We provide clear

information about how we handle personal information. Complaint data is de-identified if reported more widely. Please refer to our Privacy Policy for further information.

Complainants are entitled to access information necessary to resolve their complaint meaningfully, but are not entitled to information that breaches the privacy obligations Council owes to any other person.

- **Continuous improvement**

Acting on and learning from complaints helps us identify problems and improve services.


- **Child Focused Complaints Processes**

Council complies with the *Victorian Child Wellbeing and Safety Act 2015* and Victorian Child Safe Standards. Council is committed to ensuring “Processes for complaints and concerns are child focused” (Standard 7 - 2022). These processes include supporting children/young people to speak up and report inappropriate behaviour (related to abuse, harm, or neglect), by Council staff, volunteers, contractors and Councillors.

How to make a complaint, provide feedback or compliments

Complaints, feedback and compliments can be made via:

In person	<ul style="list-style-type: none"> ● Kyneton Administration Centre 129 Mollison Street, Kyneton ● Gisborne Administration Centre 40 Robertson Street, Gisborne ● Romsey Community Hub 96 – 100 Main Road, Romsey ● Woodend Community Centre Corner High and Forest Streets, Woodend <p>Opening hours are posted at all customer service centres and online at mrsc.vic.gov.au/contact</p>
Telephone (24 hours)	03 5422 0333 or 1300 656 577
Fax	03 5422 3623

Mail	PO Box 151, Kyneton Vic 3444
Email	mrsc@mrsc.vic.gov.au
Website	mrsc.vic.gov.au/Contact-Us/Report-an-issue
QR code	
National Relay Service	TTY users phone 133 677 then ask for 03 5422 0333 Speak and Listen (speech-to-speech relay) users phone 1300 565 727 then ask for 03 5422 0333 Internet relay users connect to the NRS (relayservice.com.au) and then ask for 03 5422 0333
Translating and Interpreting Service	Call TIS National on 131 450 or visit tisnational.gov.au

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers and Council will work with you to facilitate your complaint.

Information that will help to resolve a complaint

When lodging a complaint, the following information is required:

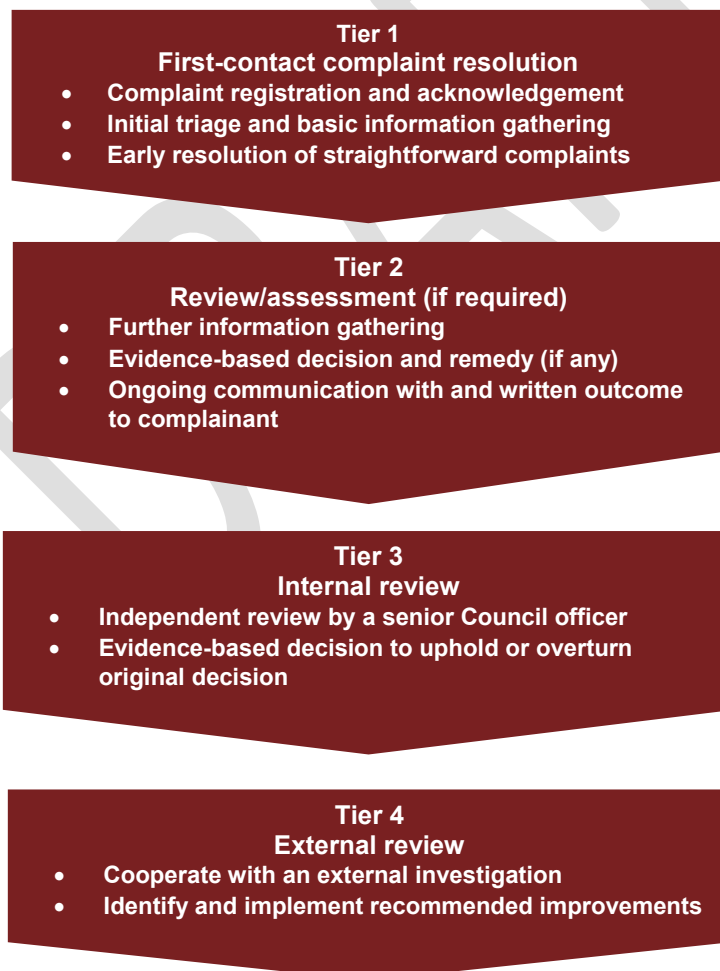
- Name and contact details. Complaints can be made anonymously, but this will limit our ability to respond, and may limit our ability to act;
- The action, decision, service or policy the complaint is relating to and the reason for the complaint;
- If the complaint relates to a health or safety issue and/or someone is at risk of harm or injury. Please note: Emergencies should be directed to 000.
- Relevant details, such as dates, times, location and reference numbers, and documents that support the complaint

- The outcome the customer is seeking from making the complaint;
- Whether the customer has any communication needs and preferences.

Our complaint process

Council will always try to resolve a complaint at the time of first contact. If a decision is made not to act on a complaint, we will explain why, and, where possible, inform the customer about other options.

In line with the Victorian Ombudsman's recommendation and best practice, Council has adopted a four-tiered approach to managing complaints. This approach provides a pathway for a complaint, with each tier representing an escalation point. For complaints outside of Council's jurisdiction, refer to **Appendix 1**.



Tier 1: First-contact complaint resolution

The aim of Tier 1 is to resolve most complaints at initial contact. These complaints are resolved by identifying quick and mutually acceptable solutions. It is important that we understand the complaint and any specific needs of the complainant, then identify the ability and approach to find a workable solution. If a solution cannot be immediately found, then the Council officer will explain what will happen next and why.

First contact resolution may include:

- raising a request for action;
- providing advice or information to the customer; and/or
- providing advice on why we may not be able to act on the complaint (e.g. another agency or police matter – **Appendix 1**).

It may not be possible to resolve the complaint when contact is first made. The complaint may require further investigation by a team or Council officer, or may need to follow a statutory process.

If the complaint cannot be immediately resolved, it will be referred to the relevant team or manager to review. Details of who to contact about the review will be provided.

Tier 2: Review/assessment (if required)

If a complaint needs further consideration, it moves to Tier 2.

A review is usually carried out by a Council officer with specialist expertise. Under Tier 2, additional information is gathered, and an evidence-based decision is made. These specialist Council officers will communicate with the customer throughout the review and provide a verbal and written outcome that explains our decision.

We aim to complete reviews within 28 working days and will let the customer know if we need more time. We will update the customer on the progress at least once per month until the investigation is completed. We will inform the customer of the outcome of the complaint and explain the reasons why.

As part of our review, we will:

- assess the information in the complaint against relevant legislation, policies, and procedures;

- refer to Council documents and records;
- speak with or meet affected parties to consider possible solutions; and
- advise the customer verbally and in writing of the outcome and our reasons.

A Tier 2 review does not necessarily constitute a detailed written report.

Tier 3: Internal review

If the customer believes Council officers have made the wrong decision in a complaint review or are dissatisfied with how we responded to the complaint, the customer can request an internal review. This review moves the complaint to Tier 3 and will be initially referred to a senior Council officer who has not had any prior involvement with the complaint.

The senior Council officer will review the request and seek further information if required and will consider whether the complaint should have been dealt with differently. The senior Council officer will make an evidence-based decision to uphold or overturn the original decision. Council may engage an external consultant at Tier 3.

We will inform the customer of the internal review outcome and explain our reasons within 28 working days of receiving the internal review request. If further time is required, the customer will be updated at least once per month about the progress of the internal review until it is completed.

To request an internal review please send a request to:

- **Mail:** PO Box 151, Kyneton Vic 3444
- **Email:** mrsc@mrsc.vic.gov.au

When requesting an internal review please:

- advise why the initial decision is considered to be incorrect; and
- supply any additional information or evidence (including images) considered to be important to the review.

A Tier 3 internal review does not necessarily constitute a detailed written report.

An internal review may involve Council engaging an external consultant to investigate and report on a complaint.

If this occurs:

- Professional external advice and suggestions will be sought on the engagement of an appropriately qualified external consultant; and
- The CEO may choose an external consultant; and
- The complainant and CEO will be advised of the external consultant.

Tier 4: External review

- If the customer remains dissatisfied with a decision made or processes followed via Tier 3 complaint, we will provide the customer with information on how to seek an external review.
- Tier 4 complaints are escalated to external bodies such as the Victorian Ombudsman. Council will contribute to Tier 4 complaints by participating in, and cooperating with, the external review process.

How to request an external review

There are external bodies that can deal with different types of complaints about councils (see **Appendix 2**).

Complaints about the Chief Executive Officer

Complaints about the Chief Executive Officer (CEO) are referred to the Director Corporate. The role of the Director Corporate is one of facilitation, not investigation.

- The Director Corporate will notify the Mayor and the CEO of the complaint.
- Where warranted, the Director Corporate may, upon discussion with the Mayor, refer the complaint to be dealt with via an internal investigation or may engage an external consultant to investigate and report on the complaint.
- The CEO will be able to make representations to the external consultant.

The report of the external consultant:

- The draft consultant's report (including any recommendations) will be provided to the Director Corporate for consideration.

- The final report and recommendations (if any) will then be submitted to the Director Corporate who will discuss the report, including recommendations with the Mayor. If the matter is resolved at this point and no further action required, the CEO and complainant will be advised accordingly.
- If the complaint is upheld and further action required, the Mayor may seek advice and guidance from the external consultant on implementing the report recommendations. The Director Corporate may also be requested to provide advice on process.
- The complainant and the CEO will be advised in writing of the outcome of the investigation and any further steps they can take if necessary.

If the Mayor and/or the Director Corporate have an actual or perceived conflict of interest in a complaint regarding the CEO, the person or persons with the conflict of interest will be removed from the process. They will be replaced with another person or persons, such as the Deputy Mayor and/or another Director, the Manager Community Strengthening or the Coordinator Governance.

Unreasonable complaints

A complaint is considered unreasonable when it:

- is considered frivolous or not made in good faith;
- involves a matter where an adequate remedy or right of appeal already exists (regardless of whether the complainant utilises that remedy or right of appeal);
- relates to a matter before a court or tribunal;
- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;
- relates to a matter awaiting determination to be made at a Council or Committee meeting;
- relates to a matter where a response has already been provided;
- is not possible to process due to insufficient information provided; or
- is made in an offensive, voluminous or otherwise unreasonable manner.

Such complaints will be dealt with in accordance with the **Unreasonable behaviour** section of this policy.

How we learn from complaints

Complaints from customers who use or who are affected by our services provide us with valuable feedback about how we are performing and where we can do better.

We regularly analyse our complaint and customer satisfaction survey data to understand trends and potential issues that deserve further attention. We use this information to identify solutions about how we can improve our services.

Where required under legislation, Council will report any information identified in a complaints process to external third parties for consideration.

Unreasonable behaviour

We are committed to providing a safe and healthy workplace for all Council employees. We expect our officers to treat people with courtesy and respect, and we expect the same in return. We do not tolerate occupational violence and aggression or behaviour which consumes disproportionate time or resources. This includes deliberate efforts to disrupt Council business/operations, including Council meetings, and unreasonable, offensive, or defamatory arguments with Council officers and Councillors.

The following information sets out how we deal with unreasonable and challenging complex behaviour in a way that is fair and balances the interest of customers, Council officers, Councillors, our organisation, and the community.

We recognise that people who demonstrate unreasonable and challenging complex behaviour may have a legitimate grievance. In line with the best practice outlined by the Victorian Ombudsman, we will manage unreasonable and complex behaviour in the following way:



Council officers who have determined a complainant's behaviour is unreasonable will refer the matter to a relevant senior officer.

Unreasonable behaviour as defined by the Victorian Ombudsman

Behaviour	Examples
<p>Unreasonable persistence</p>	<ul style="list-style-type: none"> ● Bombarding with calls, visits or information when not warranted. ● Contacting different Council officers seeking a different response. ● Reframing an old complaint so it looks like there are new issues. ● Refusing to accept the decision after the complaint has been thoroughly investigated, the outcome has been explained and any questions answered. ● Questioning the skills or competence of the complaint handler.
<p>Unreasonable Demands</p>	<ul style="list-style-type: none"> ● Insisting on an immediate response or priority that is not warranted. ● Insisting on a response to every point, no matter how minor. ● Demanding information they are not entitled to e.g. staff contact details. ● Insisting that the head of our organisation, or a senior officer, handle the complaint in preference to the officer responsible. ● Instructing Council officers how to investigate a complaint.
<p>Unreasonable lack of cooperation</p>	<ul style="list-style-type: none"> ● Sending voluminous amounts of information. ● Providing little or no information about the complaint. ● Presenting fragmented information. ● Refusing to comply with reasonable requests for information.

Behaviour	Examples
Unreasonable arguments	<ul style="list-style-type: none"> Insisting on the importance of minor issues. Making unsubstantiated allegations e.g. bias or corruption. Insisting on 'cause and effect' without evidence, i.e. insisting that one thing makes something else happen.
Unreasonable behaviour	<ul style="list-style-type: none"> Verbal abuse. Aggressive behaviour. Harassment. Making threats.

Managing unreasonable behaviour

If we consider that a customer’s behaviour is unreasonable, we will seek to apply appropriate and proportionate strategies for managing their behaviour. The strategies will depend on the behaviour and may include setting limits on how future interactions can occur. The actions chosen will be commensurate with our assessment of the behaviour and its impact upon:

- The health and safety of our staff and/or Councillors;
- The efficient use of our resources; and
- Our ability to maintain equitable levels of service for other members of the community.

Strategies available

Depending on the circumstances, the strategies may include, but are not limited to, one or more of the following:

Unreasonable persistence – asking for the behaviour to stop

We will:

- Ask that contact ceases regarding the matter(s) raised, to enable us a reasonable opportunity to respond; and/or

- Set time limits on any discussions; and/or
- Refer the matter back to the original staff member who was handling the matter or their manager; and/or
- Decline to consider new issues that are not supported with relevant information or evidence.

Unreasonable demands – setting limits on our involvement

We will:

- Advise when demands will not be met and explain why, and/or
- Explain how and to what extent the matters raised will be responded to and why, and then limit our response to that.

Unreasonable lack of cooperation and/or unreasonable arguments – declining or discontinuing our involvement

We will:

- Require appropriate evidence before engaging further on any matter; and/or
- Not continue or revisit matters where we consider there is no practical outcome or we believe the matters have been appropriately dealt with previously; and/or
- Provide the contact details of external parties who may perform an external review of how we handled the matter(s).

If the strategies outlined above have not worked and unreasonable conduct towards our staff and/or Councillors continues, the CEO may consider limiting the following:

- Contact by the customer to a specific staff member (or staff members).
- What issues we will respond to, e.g. not responding to issues that have already been the subject of an assessment and explanation unless legitimate new issues that warrant attention are raised.
- When contact can be made with us, e.g. times of the day or a day of the week.

- Where contact can be made with us, e.g. limiting locations of face-to-face meetings to secure areas.
- How contact can be made with us, e.g. confining contact to being in writing only.

When managing unreasonable behaviour, Council will use discretion to adapt to the customer's personal circumstances, level of competency, literacy skills, etc. In this regard, Council also recognises that more than one strategy may need to be used in individual cases to ensure appropriateness and efficiency.

Exceptional circumstances

Notwithstanding any other provisions of the Policy, where the unreasonable behaviour has included verbal abuse, aggressive behaviour, threats and/or harassment to an extent where the CEO deems it to be impacting the ongoing health and safety of any staff and/or Councillors, the CEO may intervene at any point and authorise the immediate implementation of any and all strategies deemed necessary to address this.

In such instances, the CEO will provide the reasons for doing so as soon as possible following written notice being issued to the relevant member of the public of the strategies so implemented.

Nothing in this provision is intended to prevent a customer from seeking a review of the CEO's decision by an external authority listed in **Appendix 2**.

Decision making authority (in non-exceptional circumstances)

In instances involving unreasonable persistence, unreasonable demands, lack of cooperation or unreasonable arguments, decisions regarding appropriate strategies will be made by the relevant Director of the department(s) involved.

If the strategies implemented by a Director in response to such behaviours are considered ineffective, the relevant Director may refer the matter to the CEO.

The CEO may decide to further limit the relevant member of the public's access to Council services in response to the continued unreasonable customer behaviour.

In coming to such a decision, the CEO will take into account all of the information provided about the matter and the strategies implemented to date.

Final opportunity to stop unreasonable behaviour

Except in circumstances deemed exceptional by the CEO, before a decision is made to limit access to Council's services, the CEO or relevant Director will provide a final written warning of the proposed action and give the customer an opportunity to stop the unreasonable behaviour.

In issuing such a warning, the CEO or Director must be satisfied that:

- The behaviour is unreasonable and poses a sufficient risk to the health and safety of staff and/or Councillors and/or unreasonably impacts on their resources of Council and/or unreasonably impacts on the ability to maintain equitable services to the whole community.
- All relevant factors have been considered including the customer's history in dealing with Council, the nature of the behaviour, their personal circumstances and the impact of limiting access on them.
- The limits are proportionate to the level of risk posed by the behaviour.
- There is sound evidence to support the decision.
- The limits are consistent with the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and *Equal Opportunity Act 2010* (Vic).

Legal recourse

If none of the strategies above are effective in managing the unreasonable behaviour, including the measures implemented by the CEO, legal recourse may be sought. Legal recourse may include, but is not limited to, intervention orders against the customer.

Informing the parties

The CEO, or Director, will inform:

- Affected staff and/or Councillors, and those staff or Councillors who are at risk of being affected, about decisions made under this Policy; and
- The customer.

Notification of decisions will be in writing and by another form of communication if appropriate and will include the reasons for the decision(s). It will set a timeframe for reviewing the decisions and explain options for the customer to seek an external review of the decision.

In addition, affected and potentially affected staff and Councillors will be advised that they are authorised to act in accordance with the decision as specified.

Reviewing decisions

The CEO will ensure that any imposed limits on access are reviewed at least once every 12 months to determine if the limits are effective and still warranted.

The outcome of the review will be provided to the customer in writing and an opportunity to respond offered before a final decision is made.

Should the customer wish to challenge this decision, they will be referred to external agencies such as the Victorian Ombudsman or, if the person claims discrimination, the Victorian Equal Opportunity and Human Rights Commission.

Security – general provisions

Council reserves the right to ensure that our staff are safe and will implement any security measures deemed necessary, including:

- Monitoring face-to-face meetings, implementing the use of duress alarms, use of secure meeting rooms, and third parties attending meetings.
- Implementing incident response processes.
- Monitoring harassment of staff and Councillors outside of the workplace through means such as social media, and taking action as deemed necessary.

Gender impact assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was undertaken in relation to the subject matter of this Policy.

The assessment found the Policy and Council's complaint handling process to be gender neutral, in that it seeks to ensure a fair and equitable approach to complaint handling and outlines strategies to ensure the health, safety and wellbeing of all parties to complaints.

Definitions

Term	Definition
Complex behaviour	Any behaviour that is complex and challenging. Behaviours where the reasons behind the behaviour are difficult to understand or that people find hard to accept. The behaviour can vary from person to person and from situation to situation.
Complainant	A customer who makes a complaint.
Complaint	For the purpose of this Policy, in accordance with the Local Government Act 2020, a complaint is defined as: “...the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with— a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or c) a policy or decision made by a Council or a member of Council staff or a contractor.”
Complaint handling process	The way individual complaints are dealt with by Council, including the policy, procedures, practices, and technology.
Compliment	An expression of satisfaction with the quality of action taken or service provided by Council.
Contractor	Any third-party engaged by Council to carry out functions on Council's behalf.
Council	Macedon Ranges Shire Council.
Councillors	Council's elected representatives.

Customer	Person(s) of any age, including children and young people, who access or utilise Council’s services, including someone who receives services from Council or communicates with Council in relation to Council services, policies or decisions.
Feedback	<p>Comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision.</p> <p>Feedback can also be an idea, suggestion or opinion on how Council could improve its services.</p> <p>For the purpose of performance reporting and data analysis, negative feedback about Council will be recorded as a complaint.</p>
Investigation	An act of examining something closely. It does not necessarily constitute a detailed written report.
Request for service	Contact with Council to seek assistance, to request access to a service, or to inform/make a report about something for which the Council has responsibility.
Senior officer	Includes department managers, directors and the CEO of Council.
Staff/Council officer	All employees, contractors and volunteers employed or engaged by Council. Does not include Councillors.
Unreasonable complainant conduct (UCC), also referred to as unreasonable behaviour	<p>Unreasonable complainant conduct (UCC), as defined by the Victorian Ombudsman, is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for:</p> <ul style="list-style-type: none"> ● Council; ● Councillors; ● Council officers; ● Contractors; or ● Agents or volunteers, and/or other service users.

	<p>UCC can be divided into five categories of conduct:</p> <ul style="list-style-type: none">● unreasonable persistence;● unreasonable demands;● unreasonable lack of cooperation;● unreasonable arguments; and● unreasonable behaviours. <p>Some types of behaviour are never acceptable. They include verbal abuse, offensive behaviour, threats, and violence.</p>
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References

- > Victorian Ombudsman 2021 – Councils and complaints: A good practice guide 2nd edition July 2021
- > Victorian Ombudsman 2022 – A good practice: Managing complex complainant behaviour February 2022
- > Victorian Government's Good Guide to Managing Complaints involving Human Rights, May 2017
- > Victorian Ombudsman Good Practice Guide for Public Sector Agencies September 2016
- > Commonwealth Ombudsman 2021 – Better Practice Complaint Handling Guide, February 2023 Guide
- > National Office of Child Safety

Related policies / procedures

- > Customer Service Charter
- > Public Interest Disclosures Policy
- > Privacy Policy

- > Councillor Code of Conduct
- > Compliance and Enrolment Policy
- > Risk Management Policy
- > Occupational Violence and Aggression Policy
- > Working alone or in Isolation Policy

Related legislation

- > Local Government Act 2020 (Vic)
- > Public Interest Disclosures Act 2012 (Vic)
- > Privacy and Data Protection Act 2014 (Vic)
- > Information Privacy Act 2000
- > Freedom of Information Act 1982
- > Charter of Human Rights and Responsibilities Act 2006 (Vic)
- > Independent Broad-based Anti-corruption Commission Act 2011
- > Equal Opportunity Act 2010
- > Child Safe Standards

Appendix 1

Examples of service areas in which there are separate legislative or statutory appeal processes include but are not limited to:
<ul style="list-style-type: none"> ● Complaints relating to a planning application decision.
<ul style="list-style-type: none"> ● Complaints already reviewed by an external agency.
<ul style="list-style-type: none"> ● Freedom of Information (FOI) requests.
<ul style="list-style-type: none"> ● Complaints relating to a Councillor outside their role as a Councillor.
<ul style="list-style-type: none"> ● Complaints relating to legal issues.
<ul style="list-style-type: none"> ● Work-related grievances from Council employees (i.e. complaints relating to their employment).
<ul style="list-style-type: none"> ● Complaints relating to infringements.
<ul style="list-style-type: none"> ● Complaints alleging fraud, corruption, or other criminal behaviour.
<ul style="list-style-type: none"> ● Complaints about Councillors. The definition of ‘complaint’ does not include complaints about Councillors. Councillor conduct is dealt with in the <i>Local Government Act 2020 – Part 6</i>.
<ul style="list-style-type: none"> ● Complaints, reports or allegations concerning abuse, harm or neglect of a child or young person by a Council employee, volunteer, contractor, or Councillor.
<ul style="list-style-type: none"> ● Public Interest Disclosure – complaint of corrupt or improper conduct made against a public officer or body.

Appendix 2

Complaint	Contact for external review
<p>Actions or decisions of a Council, Council staff and contractors</p> <p>This includes failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i></p>	<p>Victorian Ombudsman ombudsman.vic.gov.au</p>
Breaches of the Local Government Act	<p>Local Government Inspectorate lgi.vic.gov.au</p>
<p>Breach of privacy</p> <p>Complaint about a Freedom of Information application</p>	<p>Office of the Victorian Information Commission ovic.vic.gov.au</p>
Corruption or public interest disclosure ('whistleblower') complaints	<p>Independent Broad-based Anti-Corruption Commission ibac.vic.gov.au</p>
Discrimination	<p>Victorian Human Rights and Equal Opportunity Commission humanrights.vic.gov.au</p>
Council elections	<p>Victorian Electoral Commission vec.vic.gov.au</p>
<p>Breach of <i>Child Wellbeing and Safety Act 2005</i> Reportable Conduct</p> <p>Complaints reports or allegations concerning abuse, harm or neglect of a child or young person by a Council employee, volunteer, contractor, or Councillor</p>	<p>Commission for Children and Young People ccyp.vic.gov.au</p>

Appendix 3



COM.3	SMALL PROJECT GRANTS - DECEMBER 2023
Officer:	Melissa Telford, Community Project Officer
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Nil

Summary

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2023/24 is \$30,000 and not-for-profit groups can apply for a maximum of \$3,000 per application.

Applications are assessed against set criteria outlined in the Small Project Grants guidelines. Funding recommendations are presented monthly at a Scheduled Council meeting for review and/or approval.

Five applications have been received, seeking a total of \$12,150 in funding. The applications have been evaluated against the eligibility criteria and are deemed to be eligible.

Recommendation

That Council:

1. **Approves the awarding of a \$2,309 Small Project Grant to Discovery Science and Technology Centre, for their Curious Kids in the Library project;**
2. **Approves the awarding of a \$2,059 Small Project Grant to Gisborne Golf Club, for their Nesting Box Installation in trees on the golf course project;**
3. **Approves the awarding of a \$3,000 Small Project Grant to Kyneton Basketball Association, for their Victorian Junior Basketball League Standard basketballs for our junior teams project;**
4. **Approves the awarding of a \$1,500 Small Project Grant to Riddells Creek Cool Changes, for their Riddells Creek Enviro Expo project;**
5. **Approves the awarding of a \$2,000 Small Project Grant to Woodend RSL Sub-Branch, for their First Australians Flag project; and**
6. **Notifies prospective applicants on Council's Small Project Grants webpage that as all funding for the program has been expended, the current round is closed and a new round will open on 1 July 2024.**

Background

Detailed eligibility and scoring criteria are available in the Small Project Grants guidelines which is available on Council's website.

Assessment Process

All applications are assessed by a panel of Council officers that will additionally include Subject Matter Experts depending on the nature of the application and assessed in accordance with Council's Community Grants Policy.

Applications will be assessed on four broad criteria, which include:

- Evidence of Need
- Alignment to Council priorities
- Community Benefit
- Ability to Deliver to Project

Discussion

Five applications have been received, seeking a total of \$12,150 in funding. The applications have been evaluated against eligibility criteria and meet program requirements. These applications include:

Project 1

Title/Organisation: Curious Kids in the Library/Discovery Science and Technology Centre

Project Description/summary: To bring the Curious Kids program (a STEAM based story time) to children and families in Woodend and Gisborne through a partnership with Goldfields Library Corporation.

Consultation and Collaboration: Consultation with Council's Early Years team was sought to support the assessment of this application.

Gender Impact Assessment: Gender-transformative This application has been deemed gender-transformative, as it includes specific actions to challenge gender-stereotyping and to build the capacity of others to promote gender equity.

Officer Comments: \$2,950 has been requested, however officers are recommending \$2,309 be awarded, as the Small Projects Program is over-subscribed, the two lowest scoring applications have been offered reduced funding.

Project 2

Title/Organisation: Nesting Box Installation in trees on the golf course/Gisborne Golf Club

Project Description/summary: The installation of 20 nesting boxes suitable to attract Rosellas, Kookaburras, Brush Tail Possums and Boobook Owls back to the golf course environment. Species advised by Council's Biodiversity Officer.

Consultation and Collaboration: Consultation with Council's Environment team was sought, including input from the Biodiversity Officer and Climate Change Engagement Officer.

Gender Impact Assessment: Gender-neutral. The applicant has indicated support for gender equity and diversity practices, however no specific actions have been noted.

Officer Comments: \$2,700 has been requested, however officers are recommending \$2,059 be awarded, as the Small Projects Program is over-subscribed, the two lowest scoring applications have been offered reduced funding.

Project 3

Title/Organisation: Riddells Creek Enviro Expo/Riddells Creek Cool Changes (Riddells Creek Neighbourhood House)

Project Description/summary: A community event to build awareness and knowledge around how we can respond to climate change in practical applications and examples.

Consultation and Collaboration: Consultation with the Climate Change Engagement Officer was sought to assess this application.

Gender Impact Assessment: Gender-sensitive This application has been assessed as gender sensitive, as efforts have been made to ensure gender balance in planning and consider accessibility issues such as gender neutral toilets. Diversity and accessibility have also been considered more broadly in planning.

Officer Comments: \$1,500 has been requested and officers are recommending the full amount.

Project 4

Title/Organisation: Victorian Junior Basketball League standard basketballs for our junior teams/Kyneton Basketball Association

Project Description/summary: This project seeks to purchase 30 Official Victorian Junior Basketball League Game Balls for the junior teams, particularly for the female teams and all abilities members to train and play games with.

Consultation and Collaboration: Consultation with Council's Recreation team was sought to support the assessment of this application.

Gender Impact Assessment: Gender-specific This application has been assessed as gender specific, as it is actively targeting the needs of female players to support their participation in sports.

Officer Comments: \$3,000 has been requested and officers are recommending the full amount.

Project 5

Title/Organisation: First Australians Flag Project/ Woodend RSL Sub-branch

Project Description/summary: This project seeks to replace the current single flag pole at the front of the Woodend RSL building with a yardarm pole, which will allow the club to proudly fly three flags (Australian, Aboriginal and Torres Strait Islander Flags).

Consultation and Collaboration: Consultation with Council's Community Partnerships Officer and Governance was sought to support the assessment of this application.

Gender Impact Assessment: Gender-sensitive This application has been assessed as gender sensitive as a mix of genders have been included in the planning, and efforts to include diverse cultural representation has been noted also.

Officer Comments: \$2,000 has been requested and officers are recommending the full amount.

Innovation and continuous improvement

Council is committed to innovation and continuous improvement in relation to the Small Project Grants. Officers regularly review the promotion of the program and seek out new ways to encourage new and diverse community groups to access this small grants program.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. See comments under project descriptions. Relevant regional, state and national plans and policies

Not Applicable.

Relevant Council plans and policies

Council Plan 2021-2031

Community Grants Policy

Financial viability

The table below outlines a summary of the applications to date in the 2023/24 financial year.

Applications allocated to date	Funding available	Applications in this report	Amount requested in this report	Amount remaining if approved
8 (total \$19,132)	\$10,868	5	\$10,868	\$0

As indicated in the table above, if all projects recommended in this report are approved the Small Project Grant budget for the 2023/24 round will have been expended. As such, it is also recommended that a note be placed on the Small Project Grant webpage to notify applicants that the current round is closed and a new round will open on 1 July 2024.

Sustainability implications

Two of the projects submitted supports the natural environment, climate change awareness and action and has the potential to contribute positively to the local environment and sustainability.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	CAPITAL WORKS MONITORING
Officer:	Jeetendra Dahal, Manager Assets and Project Management Office
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides transparency on cost escalations on infrastructure projects and seeks further funding, cancellation or the scope reduction of the projects to manage the projects within the allocated annual capital works program budget.

Recommendation**That Council:**

- 1. Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:**
 - (a) Project 100141 - Romsey Recreation Reserve Clubrooms: Increase the budget by \$8,132.50;**
 - (b) Project 100829 - Major Culvert - Martins Road, Bayton: Increase the budget by \$106,078.08;**
 - (c) Project 100953 - Roads - Chanters Lane Reconstruction Trentham East: Increase the budget by \$79,113.93;**
 - (d) Project 100772 - Roads - Hamilton Road Reconstruction, New Gisborne: Increase the budget by \$62,385.48;**
 - (e) Project 100163 - Roads - Darraweit Valley Road and Bolinda-Darraweit Road Darraweit Guim: Increase the budget by \$55,719.63;**
 - (f) Project 100354 - Brooke and Templeton St, Woodend: Return \$59,701.60 to the consolidated capital works program budget; and**
- 2. Notes that the financial year 2023-2024 Capital Works program budget balance is a deficit of \$43,610.97.**

Background

The Council budget build process begins in October of the previous year. This means pricing may change during the nine months before the budget year starts.

Some infrastructure projects will not be tendered until over twelve months after the initial estimates were set. Officers allow a reasonable cost escalation on project costs; however, the cost increases experienced were outside this estimate. As projects are completed there will be unspent contingency funds that are returned to the consolidated Capital Works Program Budget.

During the year there may be emergency projects that need funding or grants that require contribution by Council. By transparently and regularly reporting to Council officers are ensuring the Capital Program is delivered with good governance and to best advantage.

Discussion

Each year in October officers create business cases for capital works projects. Budget estimates are built based on previous costings with a percentage added to indicate expected prices escalations prior to the project tender. The project management framework enables project change management up to the initial budget contingency. Any change in price or unexpected cost during construction above the full project budget requires further approval.

There are three reasons why a project may require more funds than budgeted:

- Cost escalations in materials and labour
- Unforeseen circumstances
- Scope irregularities

As each project is allocated a fixed budget, good governance means that any expenditure required above this budget figure needs oversight. The Capital Works Monitoring Report provides a transparent methodology for approving or refusing cost adjustments.

Prior to presentation for review for additional funding the project sponsor and project manager will have investigated methods to value manage the project by reducing the scope, without changing the project. The project scope items are identified as must, should, could and won't items to be included in the project. In value management the 'could' items would first be reviewed and removed if required. 'Should' items would be reviewed, however may need to stay in the scope to reap the full benefit of the project. 'Must' items are required usually for statutory or policy requirements.

Any projects where a decision is made not to proceed will be presented for consideration and prioritisation in the following financial year budget considerations.

This month, officers have identified the following infrastructure projects requiring changes to budget and/or scope:

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
Financial position following previous decisions	N/A	N/A	Bring forward a \$208,117.05 balance resulting from the resolution of the November 2023 Council meeting	\$208,117.05
100141 Romsey Recreation Reserve Clubrooms	Yes	\$50,000.00	Additional funds required due to insufficient budget allocation to allow for the actual cost of	(\$8,132.50)

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			demolition, including a contingency amount.	
100829 Major Culvert - Martins Road, Bayton	Yes	\$188,000.00	All tender prices have exceeded the budget. Additional funding is required to award the contract and utilise the current weather suitable for construction. This Project is funded under Local Road and Community infrastructure (LRCI) Program, Phase 4A. The additional funding requested will be a council contribution.	(\$106,078.08)
100953 Roads - Chanters Lane Reconstruction Trentham East	Yes	\$1,012,524.00	Chanters Lane from Ashbourne Road to Pearsons Road is failing at several locations and the road is beyond maintenance. All tender prices have exceeded the budget. Additional funding is required to award the contract.	(\$79,113.93)
100772 Roads - Hamilton Road Reconstruction, New Gisborne	Yes	\$1,312,340.00	Hamilton Road from Kilmore Road is failing at several locations and the road is beyond maintenance. The proposal is to reconstruct 1.8km of Hamilton Road starting from Riddell Road. All tender prices have exceeded the budget. Additional funding is	(\$62,385.48)

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			required to award the contract.	
100163 Roads - Darraweit Valley Road and Bolinda- Darraweit Road Darrweit Guim	Yes	\$224,594.50	Intersection upgrade All tender prices have exceeded the budget. Additional funding is required to award the contract and proceed with construction. This Project is funded under LRCI Phase 4A and the additional funding will be a council contribution.	(\$55,719.63)
100354 Brooke and Templeton Streets Woodend	Project Complete	\$654,000.00	The Project is complete and Unused Budget is returned to the Consolidated Capital Works Program budget.	\$59,701.60
			Net Total	(\$43,610.97)

This recommendation currently results in a **deficit of \$43,610.97** in the 2023/2024 Capital Works Program budget. Officers are confident the program can carry this deficit as low risk based on projects due for completion and the likelihood of returning unspent contingencies to the consolidated program budget.

Consultation and engagement

Within individual infrastructure projects, there will be identified stakeholders. Project Sponsors will liaise with stakeholders of projects that are the subject of this report.

This report is an initiative to ensure transparency in decision-making for infrastructure projects. By publicly providing this report in the Scheduled Council Meeting agenda, the community can understand the decisions being made promptly and without the need to await a quarterly, six monthly or annual report.

Collaboration

Council officers share initiatives across many neighbouring Councils – all report similar challenges and impacts from current economic conditions.

Innovation and continuous improvement

This is an innovative approach to the problem of unprecedented infrastructure project price increases. Council would typically address project budget issues via the mid-year budget

review. An agile response is required in response to the current economic environment. Preparing a report such as this, for presentation to Scheduled Council Meetings throughout this financial year, provides resolutions with minimal lost time.

Relevant law

There is not a specific law relating to the information provided within this report.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report. Officers have noted gender impact within each business case for infrastructure projects and referred to these regarding determining recommendations for infrastructure project tenders over budget.

Relevant regional, state and national plans and policies

The Council plan relevant to this report is delivering strong and reliable government. Transparently providing timely information for the community should provide confidence in how Council is adapting its infrastructure project delivery within budget.

Relevant Council plans and policies

The Council plan relevant to this report is delivering strong and reliable government. Transparently providing timely information for the community should provide confidence in how Council is adapting its infrastructure project delivery within budget.

Financial viability

The processes described in this report detail how Council is adapting its infrastructure project delivery to ensure it is within budget.

Sustainability implications

There are no direct sustainability impacts resulting from this report.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

AO.2	DRAFT SPECIAL CHARGE SCHEME POLICY
Officer:	Benup Neupane, Coordinator Engineering Services
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Special Charge Scheme Policy ↓

Summary

This report aims to provide Councillors with an update on the review and changes proposed to the draft revised Special Charge Scheme Policy.

Recommendation

That Council endorses the release of the draft Special Charge Scheme Policy for four weeks of community consultation.

Background

Macedon Ranges Shire Council adopted the current version of the Special Charge Scheme Policy in 2018 to ensure an equitable and consistent approach is used to initiate, implement, administer, and deliver a Special Charge Scheme (SCS) under Section 163 of the Local Government Act 1989. This policy applies to Special Charge Scheme infrastructure projects such as upgrading roads, drainage installation, new footpath construction etc.

The policy outlines the decision-making process and criteria for SCS where providing these services or infrastructure items is deemed to provide a special benefit to property owners or certain community members. It also outlines cost apportionment principles in addition to the calculation of the maximum total levy for a SCS under Sections 163(2), (2A) and (2B) of the Act and the Guidelines made by the Minister for Local Government according to Section 163(2C) of the Act.

Discussion

Council predominantly maintains gifted assets. The developers pay for new and upgraded roads/infrastructure for new estates and recoup their costs through the land sale price – i.e., the benefiting resident pays. The SCS allows for this same process. One of the challenges with the SCS is that whereas the infrastructure costs in new developments are hidden in a land purchase price, the cost in a SCS is paid separately from any previous property purchase.

Council officers received increasing requests to initiate SCS to upgrade roads over the last few years.

During the scheme initiation process, officers identified various opportunities for improvement that prompted this review. As part of this process, Council confirmed the definition of 'Benefiting Residents' who can be included in the Scheme for 'Benefitting Property Owners Contributions'. Issues officers uncovered during the assessment were:

- (a) Repeat surveying of residents to gauge interest causes frustration and potentially leads to a sense that their request was supported when it is only reaching the next stage of consideration.
- (b) There was no transparent funding model for Council's contribution to a Scheme;

- (c) Council's contribution, on behalf of non-benefiting community members, is disproportionately high compared to the 'Benefitting Property Owners' contribution;
- (d) The current policy does not provide an opportunity for Council to determine the empiric need for the infrastructure upgrade before surveying residents, which comes at a construction cost and has a lasting increased operational cost;
- (e) The apportionment of costs between individuals benefiting property owners is calculated based on the property dimension and the number of access points, which may not work for units and townhouses; and
- (f) The maximum contribution from any single property is limited to \$11,000 (plus CPI indexation from 2018 or approximately \$13,500 currently), increasing Council contribution significantly.

During the review process, officers have attempted to balance the greater community's needs with the interests of the benefiting residents. Central to this, is ensuring that Council applies a fair and equitable process for providing infrastructure assets. This means that Council should not be 'over embellishing' or 'over-servicing' one community cohort. In ensuring this, the new policy articulates that an early step is identifying whether the infrastructure upgrade is in keeping with Council's policies, strategies, the Asset Plan and the Long-Term Financial Plan.

Officers also reviewed similar policies or procedures from other municipalities to examine how they have formulated the process and how we can improve or fill the gaps. Officers have reviewed ten SCS policies from other councils as part of this process. The summary of the review is presented in the table below.

Council	Policy	Cost Apportionment defined [Yes/No]	Cost Apportionment Principle in Scheme	How the Special Charge Scheme is funded								
Macedon Ranges Shire Council	Yes	Yes	<p>a. In the case of a typical new easement drain installation, the cost will be shared on a half-cost basis between Council and benefiting property owners. 50/50 cost apportion between Council and Property owner.</p> <p>b. For the Road, the cost will be shared between Council and benefiting property owners based on the percentage of through traffic on the subject road.</p> <table border="1" data-bbox="779 687 1688 970"> <thead> <tr> <th data-bbox="779 687 1252 794">Percentage of Through Traffic on Subject Road</th> <th data-bbox="1252 687 1688 794">Benefitting Property Owners Contribution</th> </tr> </thead> <tbody> <tr> <td data-bbox="779 794 1252 852">Nil (Ie Courts, Non Through Roads)</td> <td data-bbox="1252 794 1688 852">90% of cost</td> </tr> <tr> <td data-bbox="779 852 1252 909">Up to 50% of traffic volume</td> <td data-bbox="1252 852 1688 909">50% of cost</td> </tr> <tr> <td data-bbox="779 909 1252 970">51% - 100% of traffic volume</td> <td data-bbox="1252 909 1688 970">25% of cost</td> </tr> </tbody> </table>	Percentage of Through Traffic on Subject Road	Benefitting Property Owners Contribution	Nil (Ie Courts, Non Through Roads)	90% of cost	Up to 50% of traffic volume	50% of cost	51% - 100% of traffic volume	25% of cost	<p>No - CAPEX/OPEX Budget to support special charge scheme.</p> <p><i>* If Council is required to contribute to the Special Charge Scheme, then the project's timing will depend on sufficient funds being available in Council's current or future capital works budget.</i></p>
Percentage of Through Traffic on Subject Road	Benefitting Property Owners Contribution											
Nil (Ie Courts, Non Through Roads)	90% of cost											
Up to 50% of traffic volume	50% of cost											
51% - 100% of traffic volume	25% of cost											
Hume City Council	Yes	No	<p>5.3.1 The maximum total levy that can be apportioned to property owners must be calculated in accordance with the Special Rates and Charges, Ministerial Guidelines, September 2004.</p> <p>5.3.2 If a property will receive a special benefit but is not included in the scheme Council will pay the share of costs related to the special benefit for those properties.</p>	<p><i>Any Council costs to the special rate or charge scheme shall be included in Council's Capital Works Program.</i></p>								

Council	Policy	Cost Apportionment defined [Yes/No]	Cost Apportionment Principle in Scheme	How the Special Charge Scheme is funded
			5.3.3 Where there is a use or amenity value to the broader community other than the affected property owners Council will pay the costs attributed to a community benefit.	
Mitchell Shire Council (MSC)	Yes	No	MRSC Policy doesn't have specific cost apportionment and states, "As each Scheme is developed, an equitable and appropriate apportionment will be developed. It should be recognised that each proposal may have its own unique set of circumstances that have to be taken into account when calculating an apportionment."	<i>Council will make provision within its annual budget for projects proposed to be constructed by way of a special charge scheme.</i>
Surf Coast Shire (SCS)	No - Web Page and FAQs about Special Charge Schemes	No	There are no specific criteria and states that scheme cost apportionment shall be prepared for individual schemes.	The document does not talk about how Council funds special charge scheme contributions.
Murrindindi Shire Council	Yes	Yes	100% Cost Contribution by the benefiting residents with a note: "Council Contribution Council may consider a contribution where the works or services will provide tangible and direct benefits to the broader community (community benefit), other than those landowners determined as being liable for the special rate or charge.	The document does not discuss how Council funds special charge scheme contributions.

Council	Policy	Cost Apportionment defined [Yes/No]	Cost Apportionment Principle in Scheme	How the Special Charge Scheme is funded
La Trobe City Council	Yes	No	<i>There are no definitive guidelines for the calculation of the cost apportionment.</i>	<i>The timing of the project will be dependent on sufficient funds being available in the Capital Works Program.</i>
Mornington Peninsula Shire	Yes	Yes	<p><i>Council may contribute to the project costs of schemes as categorised below:</i></p> <p>50% Council contribution <i>Infrastructure that generally provides equivalent benefits for both the broader community and local properties. These schemes would be implemented on the basis of property owners contributing 50% of the total scheme cost.</i></p> <p>35% Council contribution <i>Infrastructure that has some broader community benefit but predominately provides a benefit to properties within the Scheme. These schemes would be implemented on the basis of property owners contributing 65% of the total scheme cost.</i></p> <p>0% Council contribution <i>Infrastructure that has little or no broader community benefit. Zero Council contribution is typically limited to Community Initiated special charge schemes and is subject to the support criteria outlined.</i></p>	<i>The timing of the project will be dependent on sufficient funds being available in the Capital Works Program.</i>

Council	Policy	Cost Apportionment defined [Yes/No]	Cost Apportionment Principle in Scheme	How the Special Charge Scheme is funded
Yarra Ranges Shire Council	Yes	Yes	<p>4.5.5 Council incentive contribution Council may contribute an incentive to landowners and recognise the benefit to the Council of the Scheme. As an incentive to landowners to participate in scheme proposals for the improvement of infrastructure throughout the municipality, a minimum 20 per cent contribution is provided by Council towards proposed projects. This contribution is in recognition of annual rates paid by landowners and the benefit to Council of the reduction in recurrent maintenance costs.</p> <p>4.5.6 Council contribution to broader community benefit The level of Council contribution defined in this section recognises the benefit to Council and the broader community of the project. 20% Council contribution (through traffic less than 20%) and Council contribution increased by 2% for every 3% increase in through traffic volume above 20%.</p>	The document does not discuss how Council funds special charge scheme contributions.
Moorabool Shire Council	Yes	No	There are no definitive guidelines for the calculation of the cost apportionment between Council and the benefiting property owner, however, they provide criteria to determine the degree of special benefit.	The document does not discuss how Council funds special charge scheme contributions.
Nillumbik Shire Council	Yes	No	<i>6.3.3 Community Benefit In addition to the special benefit derived by those properties with direct abuttal or sole access from a road, Council will contribute for 'community benefit' in cases where the construction standard needs to be increased beyond that of a typical residential street, to cater for through traffic. The level of Council's contribution will be based on the cost differential between</i>	The document does not discuss how Council funds special charge scheme contributions.

Council	Policy	Cost Apportionment defined [Yes/No]	Cost Apportionment Principle in Scheme	How the Special Charge Scheme is funded
			<p><i>the required standard and the standard that would be required solely for local traffic.</i></p> <p><i>6.3.4 Direct Financial Contribution Council may consider a financial contribution if it wishes to upgrade or replace existing infrastructure within the scheme area, at the same time as the works. Council may also consider a financial contribution, where it has been determined that the Scheme will provide benefit to those not included in the Scheme.</i></p>	

**Text in Italic are extracted from the relevant document*

Based on the identified opportunities for improvement, officers during the past SCS initiation and review of other Councils' documents, officers recommend making changes to the policy. This will ensure that the revised policy is equitable and financially sustainable for Council and that Council's cost contribution funding arrangements are clear and easily understandable to the community members.

<p>Initiation</p> <p>Two new sections (refer to Sections 5.1 and 5.2) have been added to assess the requests from residents before initiating a scheme.</p> <ol style="list-style-type: none"> a. Confirm the initial request to initiate the Scheme has more than majority support (>33.3% or 10 residents from different properties, whichever is greater) by benefiting property owners to the Special Charge Scheme via petition or joint letter; b. Upon receiving a petition from residents for a new or upgraded infrastructure facility, officers will assess various Council policies and strategies. 	<p>The intent is to reduce the need for an initial survey before officers invest in property-based cost estimation.</p> <p>The intent is to proceed if there is a policy or strategic reason why Council would upgrade the infrastructure.</p>
<p>For example, in the case of a request to seal an unsealed road, officers will undertake traffic counts on that road and compare them with the road categories described in the Council's Road Management Plan (RMP), referenced in Table 1 below.</p> <p>Note that a traffic survey may indicate that the road falls within the typical average daily traffic (ADT) range of up to 450 vehicles per day. In these cases, the road will remain as an unsealed road.</p> <p>For example, if a road is classified as a Category 5 unsealed, it is expected to carry 50 to 200 vehicles per day (VPD). Following the traffic survey, there may be three outcomes when applying Table 1:</p> <ul style="list-style-type: none"> • If less than 175 VPD, it would remain in its current category *e.g. Category 5) with the same maintenance regime. • If greater than 200 VPD, it may be upgraded to a higher category (e.g. category 4), which will benefit from a more regular maintenance regime. • If more than 450 VPD, then officers will consider it eligible for consideration under the Special Charge Scheme. 	

Figure 1 Initial Assessment Criteria for Road and associated infrastructure

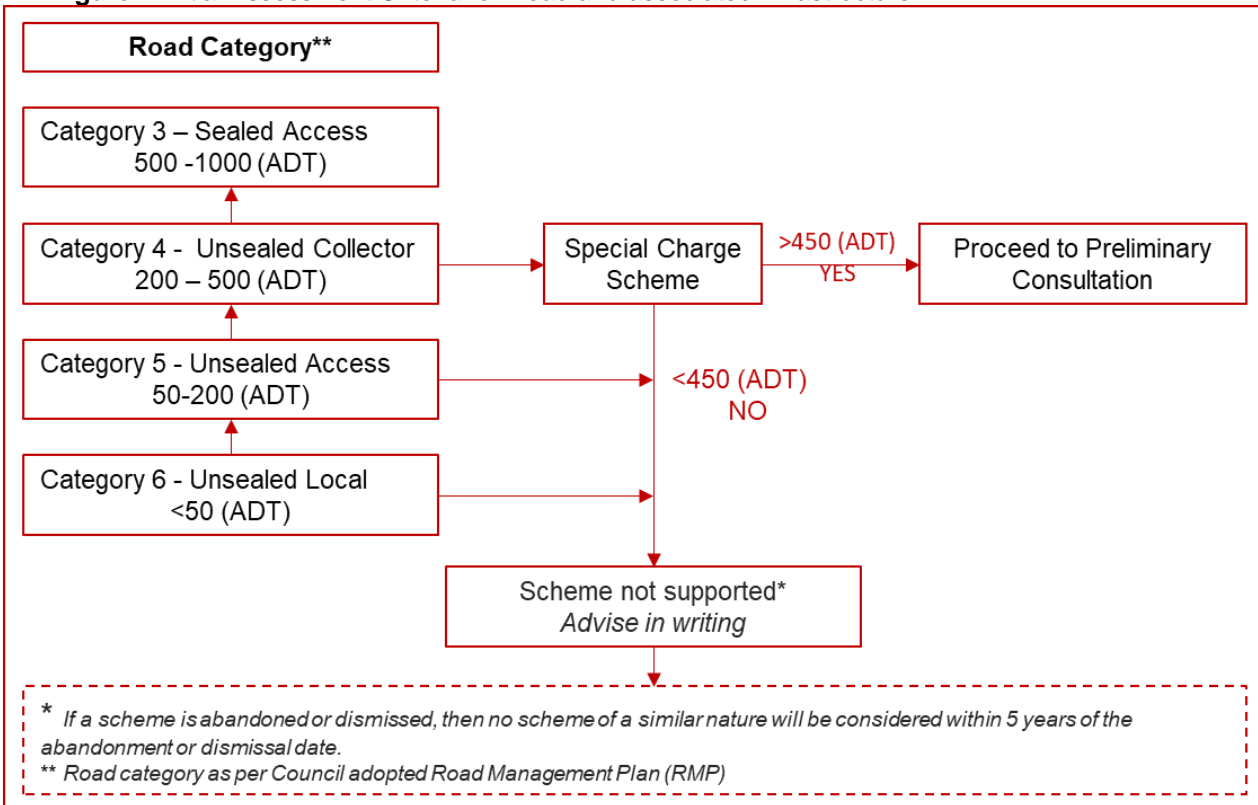


Table 1: Council Local Road Network Classification as per RMP

Category	Type	General Description	Typical ADT
1	Sealed Link	Sealed roads carrying high traffic volumes	>2000
2	Sealed Collector	Sealed roads carrying low traffic volumes are generally of a local nature. Provides access to properties on that road and adjoining roads.	1000-2000
3	Sealed Access	Sealed roads provide access to properties on that road.	500-1000
4	Unsealed Collector	Unsealed roads carrying low traffic volumes are generally of a local nature. Provides access to properties on that road and adjoining roads.	200-500
5	Unsealed Access	Unsealed roads provide access to properties on that road. Generally dead-end roads	50-200
6	Unsealed Local	Roads deemed to be of reasonable public benefit that do not meet Category 5 standards	<50

For drainage assets and other infrastructure, existing conditions, the need for the project and matters of health, safety and amenity are the key factors to be considered when assessing the request.

<p>Resident's percentage contribution</p> <p>The resident's percentage contribution for sealing an unsealed 'non-through road' (i.e. courts) remains 90%. However, the percentage contribution for 'through road' is now simplified to a single number at 65%. The logic behind this proposal is as follows:</p> <p>A lower resident contribution on sealing through the road is not financially sustainable with other competing council's requirements. There are 75.5 kilometres of unsealed roads within township boundaries, and at a rate of \$2 million per kilometre to seal an unsealed road to urban standards, the total cost to seal them is around \$150 million.</p>	<p>There have been technical challenges to determining the exact through traffic on a particular road and comparing it to the benefitting resident's share based on the current technology of traffic surveys, which lead to disputes over the percentage of payment by residents.</p> <p>The proportion of the proposed sealing used by through traffic is significantly less compared to their overall trip length; through traffic only benefits a very small percentage.</p>
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Road and associated infrastructure

Even at 65% resident contribution, Council will be required to finance \$52.5 million, which is around an additional annual funding requirement of \$1.75 million over 30 years. Refer to Table 2 below for the unseal road length breakdown to individual townships.

Table 2: Unsealed Road Length by Town

Town	Ward	Length (Km)
Lancefield	East	4.8
Riddells Creek	East	2.7
Romsey	East	2.6
Darraweit Guim	East	0.9
Monegeetta	East	0.3
Macedon	South	15.9
Mount Macedon	South	8.3
Gisborne	South	2.0
New Gisborne	South	1.3
Woodend	West	16.5
Malmsbury	West	10.6
Tylden	West	4.8
Carlsruhe	West	3.4
Kyneton	West	1.3

	Total	75.4	
<p>Drainage</p> <p>Cost contribution will be based on the percentage of contributing catchment areas to the requested scheme drainage asset.</p>		<p>For example, residents must contribute 100% of the scheme cost if the drainage network serves only private properties in the drainage easement. At the same time, the council is to contribute to the % of the road reserve catchment area if the drainage asset is proposed within the road reserve or caters for Council land/reserve.</p>	
<p>Resident's cap/cost apportionment</p> <p>Legally, there is no requirement for a cost cap. Most Councils do not have defined cost apportionment criteria/methods between Council and benefiting residents and refer to the Act and Ministerial Guidelines, September 2004.</p> <p>The current MRSC cap of \$11,000 (as of 1 July 2018) is being adjusted by applying the Building Price Index, published in the latest edition of Rawlinson's Australian Construction handbook on 1 July each year. With the proposed increase in residential contribution % and the cost escalation since the inception of the current policy, this cap amount will be triggered for most of the property, increasing the Council's contribution component.</p> <p>Based on the review of other councils' policies, it is proposed that a cap of 7.5% of the overall construction cost should be adopted for the maximum contribution per property. This approach is more financially sustainable for Council and equitable for all benefiting residents.</p> <p>The benefit of declaring a cap is that it provides certainty and should reduce objections to a special charge scheme.</p>			
<p>Reconsideration timeframe</p> <p>The draft includes a change to the reconsideration timeframe from 3 to 5 years, noting that some schemes require more than a year to conclude whether or not they will proceed. The repetitive requests in a short timeframe detract from officers undertaking planned work and delivering to agreed service levels.</p>			
<p>Design Standards</p> <p>Council's current Engineering Requirements for Infrastructure Construction (2010) shall be used to design roads and other civil infrastructures. The design for the special charge scheme shall consider neighbourhood character while providing a suitable solution to the issues of safety, drainage, and dust that an unsealed road generates. Other widely accepted design documents, such as the Infrastructure Design Manual (IDM), will be reference documents for the design process.</p>			
<p>Additional sections on decision-making</p> <p>Section 5.4, ' Council Meeting to Consider a Special Charge Scheme', is added to the policy to clarify the decision-making process.</p>			

Council contribution funding mechanisms and funding commitment before a Declaration Notice for the Scheme are also added to the section. The 2008 amendment to the Act limits Council's ability to vary a special rate or charge after completing the works. This means if the difference between the actual and estimated costs is equal or greater than 10%, Council will pay the difference between the actual and the estimated costs. If the difference between the actual and estimated costs communicated to the benefitting owners is less than 10%, the difference will be apportioned to the benefitting owners.

This presents a risk for Council due to CPI increases over the potential 5-year period the Special Charge Scheme will remain valid and exceed 10%. When Council first surveys the residents, it provides an estimated cost with the +/- 20% tolerance factor. Before presenting a report to the Scheduled Council Meeting officers will have a firm price that includes potential escalations. This will de-risk Council's exposure, noting that if the Scheme is constructed for less, Council can only charge the residents their percentage of the project, protecting them from overpaying.

Financial arrangement / Payment plan

The financial payment options are refined. The draft proposes to extend payments to 10 years to provide an affordable payment plan.

An interest rate will be changed on outstanding amounts (during the 10 years) using the current Reserve Bank of Australia (RBA) cash rate plus 1%.

Consultation and engagement

Officers are seeking to undertake a four week community consultation for this draft policy, in the first quarter of 2024, during February and March.

Collaboration

While reviewing this policy, Council officers referred to similar policies from ten Victorian Councils as part of the benchmarking exercise. Key components of their policies are presented in this report.

Innovation and continuous improvement

The review and proposed changes in this policy are part of the continuous improvement to achieve a more efficient process and enable a more financially sustainable outcome for Council.

Relevant law

This review is guided by Section 163 of the Local Government Act 1989.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this report.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

- Council Plan 2021-2031
- Community Engagement Policy
- Road Management Plan 2021

Financial viability

Any supported Special Charge Scheme will require officers to submit a business case for the project through the normal annual budgeting.

Sustainability implications

Any project developed from a supported Special Charge Scheme will consider any social and/or environmental impact specific to each project and the affected community members will be consulted before its implementation.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Policy



Special Charge Scheme for Infrastructure Works

Date of Adoption			
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Engineering and Resource Recovery		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other
Last Endorsement Date	24 April 2018		
Next Endorsement Date	TBC		

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	20 Oct 2023	E Lim
Second Draft	2	22 Nov 2023	E Lim
Final Draft			
Approval			

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1. PURPOSE/OBJECTIVE

The purpose of this policy is to ensure that Council has a transparent and equitable methodology for:

- ensuring a prompt response, based on sound engineering considerations, to community requests for upgrading a road, drain or kerb and channel;
- transparently responding to requests by the community for the upgrade of a road, drain or kerb and channel that may result in a Special Charge Scheme;
- seeking to introduce a Special Charge Scheme as a result of identifying the need for a road, drain or kerb and channel upgrade;
- determining the cost-share ratio between Council and benefiting ratepayers; and

2. BACKGROUND

Council receives requests from the community to upgrade roads. Most frequently, this is upgrading unsealed roads to sealed roads. Before progressing to a Special Charge Scheme, Council needs to determine whether or not it may support the road upgrade. If initial sound engineering investigations do not support the upgrading of a road, the process should cease.

If the engineering investigation supports the consideration of upgrading the road, then it may declare a special rate to assist in paying for the upgrade. The *Local Government Act 1989* (the Act) enables Councils to declare a special rate, charge or a combination of both in order to recover the partial cost of capital works and economic development projects from property owners with an identified special benefit.

This policy provides guidance and processes for developing and implementing a special rate (if one is needed) in accordance with Section 163(1)(a) of the Act.

3. SCOPE

This policy applies to Special Charge Scheme infrastructure projects, which are primarily, but not limited to, the following the:

- construction of new road;
- upgrading of existing roads;
- installation of drainage systems; and
- installation of kerb and channel.

Once the works are constructed, they become Council's responsibility to maintain to appropriate standards.

4. DEFINITION

A Special Charge Scheme is defined by section 163 of the *Local Government Act 1989* as follows:

'A Council may declare a special rate, a special charge or a combination of both, only for the purposes of:

- Defraying any expenses; or
- Repaying (with interest) any advance made to or debt incurred or loan raised by the Council.'

5. INITIATION

5.1. INITIATION OF SCHEME

The initiation into the investigation of a Special Charge Scheme can occur as a result of:

- a. the receipt of a petition from property owners (support >33.3% or 10 residents, whichever is greater) who would be required to contribute to the scheme.
- b. an officer responding to community interest, road or drainage management requirements, or an identified risk as authorised by the Director Assets and Operations.

5.2. INITIAL ASSESSMENT

Upon receiving a petition from residents for a new or upgraded infrastructure officers will undertake an initial assessment with reference to various Council policies and strategies (refer to Section 12). Additionally, officers will consider any prior scheme outcomes that are relevant to the request made in the petition.

a. Road and associated infrastructure:

For the request to seal the road and upgrade associated infrastructure, the following process will be used for an initial assessment.

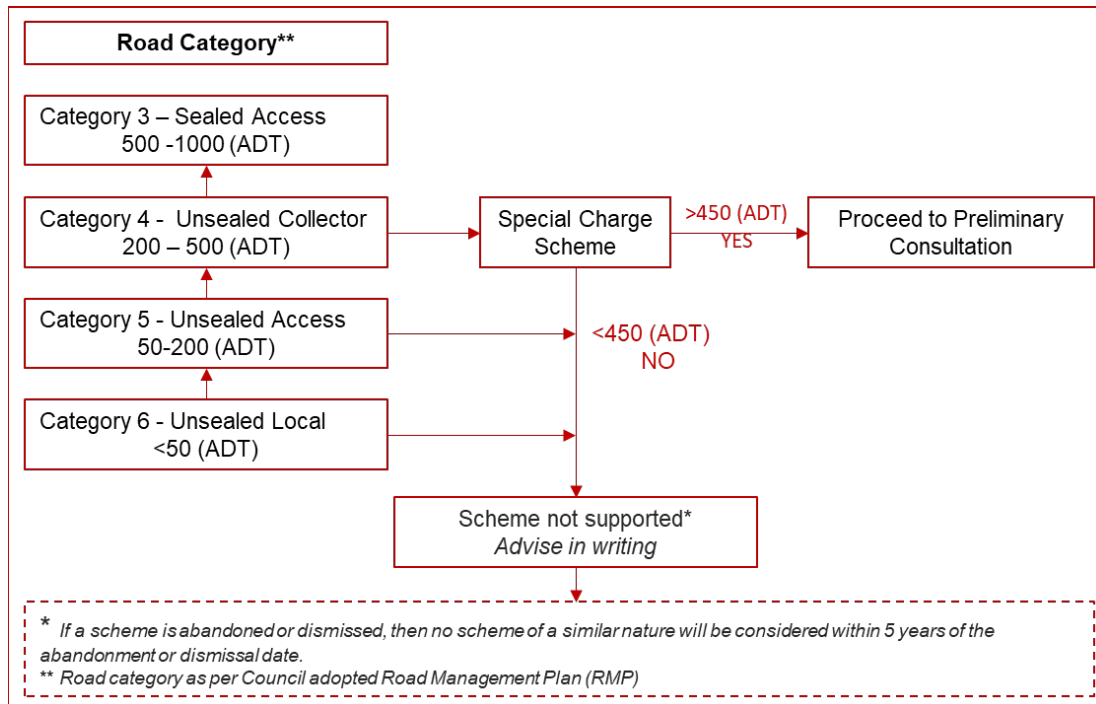


Figure 1: Initial Assessment Criteria for Road and associated infrastructure

For example, in the case of a request to seal an unsealed road, officers will undertake traffic counts on that road and compare them with the road categories described in the Council's Road Management Plan (RMP), referenced in Table 1 below.

Note that a traffic survey may indicate that the road falls within the typical average daily traffic (ADT) range of up to 450 vehicles per day. In these cases the road will remain as an unsealed road.

For example, if a road is currently classified as a Category 5 unsealed road, it is expected to carry 50 to 200 vehicles per day (VPD). Following the traffic survey, there may be three outcomes when applying Table 1:

- If less than 175 VPD, it would remain at its current category (e.g. Category 5) with the same maintenance regime.
- If greater than 200 VPD, it may be upgraded to a higher category (e.g. category 4), which will benefit from a more regular maintenance regime.
- If more than 450 VPD, then officers will consider it as eligible for consideration under the Special Charge Scheme.

Table 1: Council Local Road Network Classification as per Road Management Plan

Category	Type	General Description	Typical ADT
1	Sealed Link	Sealed roads carrying high traffic volumes	>2000
2	Sealed Collector	Sealed roads carrying low traffic volumes are generally of a local nature. Provides access to properties on that road and adjoining roads.	1000-2000
3	Sealed Access	Sealed roads provide access to properties on that particular road.	500-1000
4	Unsealed Collector	Unsealed roads carrying low traffic volumes are generally of a local nature. Provides access to properties on that road and adjoining roads.	200-500
5	Unsealed Access	Unsealed roads provide access to properties on that road. Generally dead-end roads	50-200
6	Unsealed Local	Roads deemed to be of reasonable public benefit that do not meet Category 5 standards	<50

b. Drainage and other infrastructure

The following factors are to be considered when assessing the need for a Special Charge Scheme for drainage and other infrastructures:

- Existing conditions, the need for the project, matters of health, safety and amenity;
- Community and Special Benefits;
- Infrastructure provision priorities based on adopted strategic and asset management plans;
- Cost/benefit ratio;
- Level of funding required.

5.3. PRELIMINARY CONSULTATION AND ASSESSMENT

After the initial assessment (as described in Sections 5.1 and 5.2) and initiation of the Special Charge Scheme, a survey letter will be sent to all property owners, outlining:

- a.** The reason for a Special Charge Scheme and the opportunity for benefiting property owners to contribute comment to this process before Council proceeds any further;
- b.** An explanation of the basic principles of the Special Charge Scheme and the future steps leading to its finalisation;
- c.** The name of the council officer for contact in relation to individual enquiries;
- d.** A property specific indicative estimated cost and construction layout plan, including relevant information about the design standards and method of apportionment of the costs. Refer to *Section 8* for cost apportionment principles.
- e.** A questionnaire seeking their opinion on Council formally giving notice of its intention to declare the Special Charge Scheme.

It should be noted that the property specific estimate is based on annual unit rates and may vary plus or minus 20% once finalised.

The letter includes the questionnaire requesting property owners vote on whether they support the special charge scheme.

A failure to respond to the survey is treated as a 'no' vote. Results from individual property owners will remain confidential.

Council will only proceed further with investigating a proposed Special Charge Scheme if it receives written support from a clear majority (more than 66.6 %) of benefiting property owners.

Council may decide to proceed with a Special Charge Scheme with less than a majority support in accordance with section 163B of the Act if:

- A Special Charge Scheme is required for reasons of public health.

If there is not majority support of 66.6% or greater, the benefiting property will be advised that the survey did not meet the minimum survey result to proceed and that no similar scheme can be initiated or considered within five years of the abandonment date.

5.4. COUNCIL MEETING TO CONSIDER A SPECIAL CHARGE SCHEME

Should there be more than one scheme during the same financial year, the projects will be prioritised based on the higher community benefit subject to the budget available.

Results of the formal questionnaire resulting in over 66.6% will result in a report being presented to a Scheduled Council Meeting. In certain circumstances, linked to public health, officers might present a report to a Special Council Meeting for a special charge scheme where the results were less than 66.6%. The report will present a summary of the comments that were made on the questionnaires. If Council proceeds with the intention to declare a Special Charge Scheme, it will do so in accordance with the requirements of Section 163 of the Local Government Act 1989 (the Act), as described in Section 6.

Council contribution funding mechanisms, including commitment, shall be finalised before declaring a special charge scheme where Council is required to make a contribution.

If Council resolves not to proceed with a scheme, there will be a moratorium of five years on instigating another proposal for the same scheme. Council officers may recommend prematurely ending the moratorium where there has been a substantive change in property ownership (at least 50 per cent) within the proposed scheme area.

Following a resolution of Council, officers will prepare report for Council, recommending that Council give notice of its intention to declare a scheme.

6. STATUTORY PROCESS

6.1. RESOLUTION TO GIVE NOTICE OF INTENTION TO DECLARE A SPECIAL CHARGE

Should Council resolve its intention to declare a Special Charge, public notice, and separate notices to benefiting property owners who will be liable to pay the Special Charge must be given in accordance with the requirements of Sections 163(1A), (1B), (1C), 163A, 163B and 223 of the Act. Council must give public notice of its intention to declare a scheme at least 28 days before making the formal declaration.

The report must also indicate the manner in which Council proposes to deal with any submissions or objections it receives under Section 223 of the Act, including the hearing of persons or their representatives who wish to speak in support of the submission.

Written submissions and objections lodged in support of or in opposition to a Special Charge Scheme may request that the submitter be heard in support of their written submission. Persons wishing to be heard may appear before the Section 223 Committee of Council.

6.2. COUNCIL RESOLUTION FOLLOWING CONSIDERATION OF SUBMISSIONS AND OBJECTIONS

Following consideration of submissions and objections, Council may resolve to:

- Abandon the proposed Special Charge Scheme by not giving effect to the proposed declaration to levy the Special Charge; or
- Proceed, with or without minor variation to the original scheme and declare the implementation of the proposed Special Charge: or
- Prepare a new Special Charge Scheme, due to the need to significantly modify the original scheme, thereby requiring the process to be recommenced.

All persons making submissions, objections and all persons benefiting from the Special Charge Scheme must be advised of Council's resolution and the reasons for the decision.

Should the final report, which is to be provided to Council, provide a recommendation to proceed with the declaration of a Special Charge Scheme, it must include:

- The objectives of the proposal, specifying why the works are considered necessary and who the beneficiaries will be;
- A plan defining the scope of the works;
- Details of Consultation with benefiting property owners undertaken to date;
- Council contribution funding mechanisms with funding commitment for Council contribution; and
- A recommendation for the use of a Special Charge Scheme.

6.3. DECLARATION NOTICE FOR SCHEME

Once the scheme has been declared, a Notice of Levy with estimated costings will be sent to benefitting property owners. This cost will also be placed on the benefiting properties as a charge and will be recoverable should any sale occur.

6.4. DECISION REVIEW

A person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of a Council decision to impose a Special Charge on that person within 30 days from the date of issue of the Notice of Levy.

Section 185 of the Act sets out the grounds that a person may apply for the decision to be reviewed and the process of the Tribunal review. Section 185AA of the Act also permits a person to apply to VCAT for a declaration of invalidity.

Council will inform all residents if there is a VCAT appeal to Council's declaration of the scheme.

Where VCAT dismisses a Special Charge Scheme application for review and confirms the Special Charge, a letter is to be sent to all relevant benefitting property owners advising of the decision.

Where VCAT upholds the application for review of the Special Charge and quashes the scheme, a report must be prepared for Council in which future options are considered.

Where VCAT upholds the Special Charge Scheme but finds one or more of the applicants for review will not receive a special benefit or whose contributions should otherwise be reduced, a report must be prepared for Council to consider how the resultant financial shortfall in the Special Charge Scheme will be addressed.

6.5. IMPLEMENTATION PROCESS

The implementation of the construction works for the Special Charge Scheme must proceed in accordance with Council's Procurement Policy.

If following completion of works it is ascertained that the actual costs are less than the estimated costs, a reduction which is proportionate to the contributions that will be received by Council must be made to the benefitting property owners included in the scheme.

If following completion of the works the actual costs are more than the estimated costs, then:

- If the difference is not a material variation, the additional actual costs may in accordance with Section 166(1)(b)(i) of the Act be apportioned amongst the persons who are liable to pay the Special Charge rates in the same proportions in which the estimated amounts were apportioned; or
- If there is an increase equal to or greater than 10%, Council will pay the difference between the actual and the estimated costs.

6.6. FINAL RECONCILIATION AND REPORT TO COUNCIL

A final report is to be prepared for Council immediately upon scheme reconciliation advising:

- That the works are complete and the costs are finalised;
- That the final apportioned costs are reconciled and presented for Council to consider; and
- The details of any variation between the original estimate and the final apportioned cost.

Following the calculation of final costings in relation to the Special Charge Scheme, a Final Notice of Levy will be sent to benefiting property owners in accordance with Section 163(4) of the Act. This Notice must comply with the requirements of Section 163(5) of the Act and the Local Government (General) Regulations 2004.

Notice of Special Charge Levy must be served on all contributors, indicating all the relevant scheme details and costs. This will be accompanied by an invoice which is to be issued within 30 days of the final reconciliation report to Council.

7. DESIGN STANDARDS

Council's current Engineering Standards shall be used to design roads and other civil infrastructures. The design for the special charge scheme shall consider neighbourhood character while providing a suitable solution. Other widely accepted design documents such as the Infrastructure Design Manual (IDM) will serve as reference documents as part of the design process.

7.1. ROADS NETWORK

Council's Engineering Standards provide designs for each land use zone, including Township and Rural Roads design standards. Macedon Planning Scheme zoning boundaries shall be used to define the road design standards. Any road within the township shall follow Urban Road standards, and the rest shall follow Rural Road standards.

The most commonly used standard of road design for category 3 and above roads in urban areas consists of asphalt pavement, concrete footpath (one side minimum), kerb and channel, street trees, and underground drainage network. Existing properties will be connected to the underground stormwater drainage network where appropriate.

In rural areas, the most common standard of road design consists of a spray seal with open table drains. Stormwater connections to properties are not provided. Most rural roads are

constructed using a sprayed seal. This takes the form of two coats of bitumen and aggregate.

7.2. DRAINAGE, KERB AND CHANNEL NETWORK

All the underground drainage and open channels shall be designed in accordance with the Council's Engineering Standards.

7.3. EXTENT OF WORKS

The extent of work for a special charge scheme must be acceptable to Council. To avoid maintenance and safety issues, the scheme must continue to and/or from an existing equivalent section of infrastructure.

As a minimum, a road is expected to extend to the nearest intersection or the end of the road. For road safety reasons, Council will not end a sealed section of the road immediately prior to a bend or intersection. Therefore, as part of the scheme, it may be necessary to extend the seal a short distance beyond the properties involved.

8. GUIDELINES FOR APPORTIONMENT OF COSTS

8.1. APPORTIONMENT PRINCIPLES

The calculation of the maximum total levy for a Special Charge Scheme must comply with Section 163(2), (2A) and (2B) of the Act and the Guidelines made by the Minister for Local Government pursuant to Section 163(2C) of the Act.

In addition, the following requirements must also be considered in determining the basis on which apportionment of the Special Charge Scheme amongst benefiting property owners will be determined:

8.1.1. ROAD AND ASSOCIATED INFRASTRUCTURE

In the case of typical road construction, the cost will be shared between Council and benefiting property owners. The table below identifies this breakdown.

Table 2: Cost Apportionment between Council and Benefiting Residents for Road Upgrade

Percentage of Through Traffic on Subject Road	Benefiting Property Owners' Contribution
Nil (i.e. Courts, Non-Through Roads)	90% of cost
Through Road	65% of cost

The apportionment of costs between individual benefiting property owners will be calculated on the following principles:

- 70% of the overall cost apportionment to the subject property is calculated on the length of frontage of the property for the road that is proposed to be upgraded and the remaining 30% is calculated on the number of accesses from the subject property onto the proposed road for upgrade;
- That the contribution from any single property shall be limited to 7.5% of the total project cost per property which is deemed to generate up to 10 vehicle movements per day; and
- Where Council determines that special circumstances exist, such as property owned by community or not-for-profit organisations, Council reserves the right to amend the apportionment to reflect the significance of the special circumstances.

BPOC - Benefitting Property Owners' Contribution

F – Frontage

A – number of Accesses

CP – Council's Mandatory Portion

\$T – Total Cost of Special Charge Scheme

X = Benefitting Property Owners' Contribution % based on Table 2

$$BPOC = X\% * ((F(res)/F(tot)) * \$T * 70\% + A(res)/A(tot) * \$T * 30\%)$$

Cost appointments for the townhouse and units are to be calculated based on Appendix 2. This will provide clarity and equitable cost distribution where the frontage are shared between multiple dwellings compare to single dwelling on single lot. All units/townhouses are to contribute equal amount for access number.

8.1.2. DRAINAGE NETWORK

In the case of other schemes to which this policy applies, Council will determine the most reasonable method of distribution of the Special Charge amongst benefiting property owners and then follow the same process in all other respects.

For drainage the table below details the standard approach.

Type of Works	Description	Benefitting Property Owners' Contribution
Easement Drains	<p>The cost is to be equally shared between the benefitting properties on the high side of the drain, where the legal point of discharge is to the new drain, and the benefitting properties on the low side that receive protection from the drain.</p> <p>This is consistent with the principle that upper and lower property owners receive equal benefits.</p> <p>Where Council considers that the size of the drain should be increased to provide for stormwater other than for the benefitting properties, Council shall contribute the additional cost associated with the provision of such drainage.</p>	100% to benefitting properties.
Drains	<p>In the case of new drain installation or any drainage-related work within the road reserve or public land, the total cost of the work is to be apportioned based on the catchment area between Council (road and public reserve) and the private property owner. Apportionment of benefitting property owner's contribution shall be based on the catchment area.</p>	% of catchment Area

Council rarely receives requests for kerb and channel upgrades separate from road upgrades or drainage upgrades. If a request for kerb and channel is received, officers will follow the guidance included in this document to determine cost apportionment.

8.1.3. FINANCIAL ARRANGEMENTS

Benefitting property owners must be given the opportunity to pay the Special Charge in instalments over a period. Any property owner may make pay a lump sum if they wish.

Council can facilitate the following payment options:

- Pay in four instalments over one year with no interest: or

- If the Special Charge for a property is over \$5,000 the payment may be made quarterly over a ten (10) year period. This is a total of 40 instalments. Interest will be charged from the second instalment onwards at the interest rate applied to the principal amount. Interest will be calculated at a fixed rate for the term of the special charge. The interest rate to be charged will be equivalent to the RBA Cash Rate, plus a 1 per cent administration fee that Council charges to administer the loan over the 10-year period.

Interest on late payments will be charged under the Penalty Interest Act 1983.

Any outstanding Special Charge Payment at the time of property must be made in full at settlement.

Ratepayers experiencing difficult financial circumstances may seek assistance in accordance with Council's Financial Hardship Policy.

9. GENDER IMPACT ASSESSMENT

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required in relation to the subject matter of this report.

10. DEFINITIONS

Term	Definition
The Act	Local Government Act 1989
MRSC	Macedon Ranges Shire Council
MERR	Manager Engineering and Resource Recovery
Council	The Macedon Ranges Shire Council is comprised of elected councillors led by the Mayor.
Policy	Special Charge Scheme for Infrastructure Works
Scheme	Refers to a special rate or special charge scheme
Special Charge Scheme	A Special Charge Scheme is defined by section 163 of the <i>Local Government Act 1989</i> as follows: A Council may declare a special rate, a special charge or a combination of both only for the purposes of: <ul style="list-style-type: none"> ● Defraying any expenses; or

Term	Definition
	<ul style="list-style-type: none"> ● Repaying (with interest) any advance made to or debt incurred or loan raised by the Council.
Works or Services	Refers to the functions or powers being exercised by Council for which it is proposed to levy a special charge or rate
Property	Refers to property in the form of land
RMA	Road Management Act 2004
Type of benefit	<p>Special benefit - Benefit received by those property owners included in the scheme. Benefitting property owners pay the special benefit.</p> <p>Community benefit - The wider community that is not receiving a Special Benefit in the proposed scheme. The community benefit is paid by Council.</p> <p>Total benefit – Special Benefit plus Community Benefit.</p>

11. REFERENCES

- > Special Rates and Charges Ministerial Guidelines September 2004

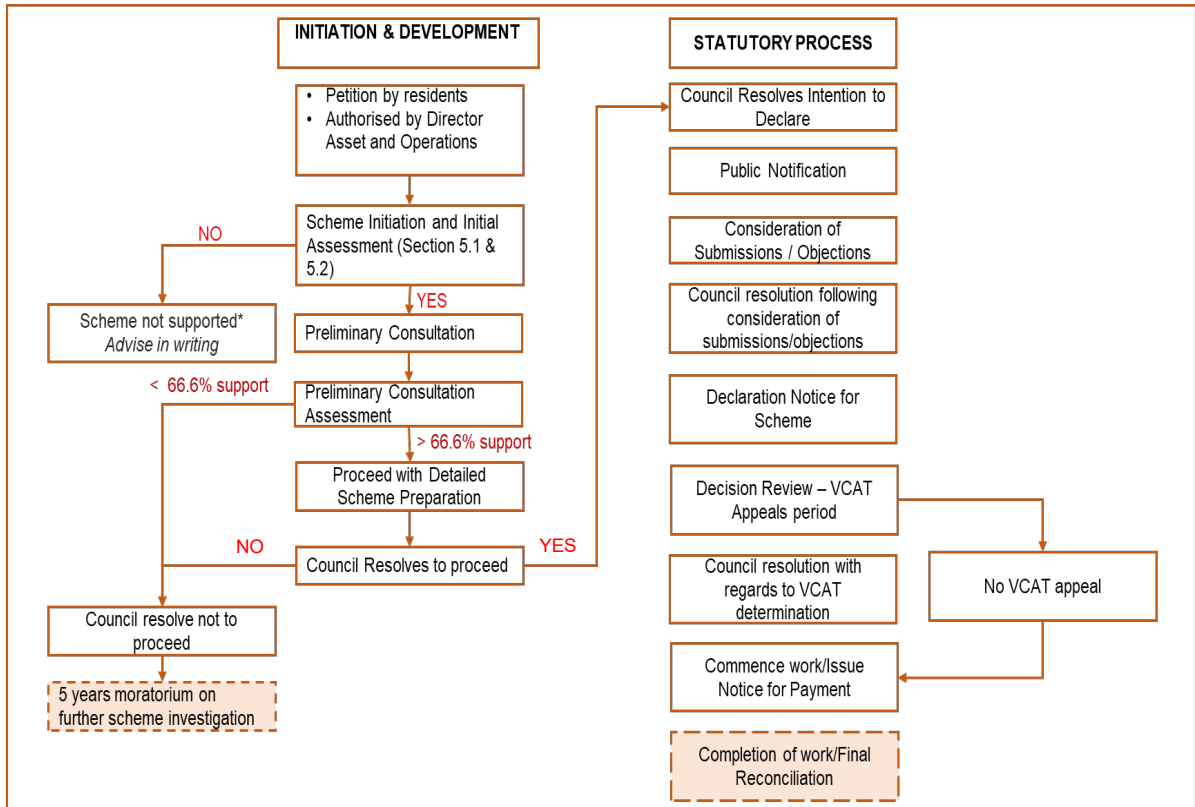
12. RELATED POLICIES

- > Road Management Plan
- > Asset Plan
- > Shire-Wide Footpath Plan
- > Capital Works Planning
- > Engineering Requirements for Infrastructure Construction
- > Infrastructure Design Manual

13. RELATED LEGISLATION

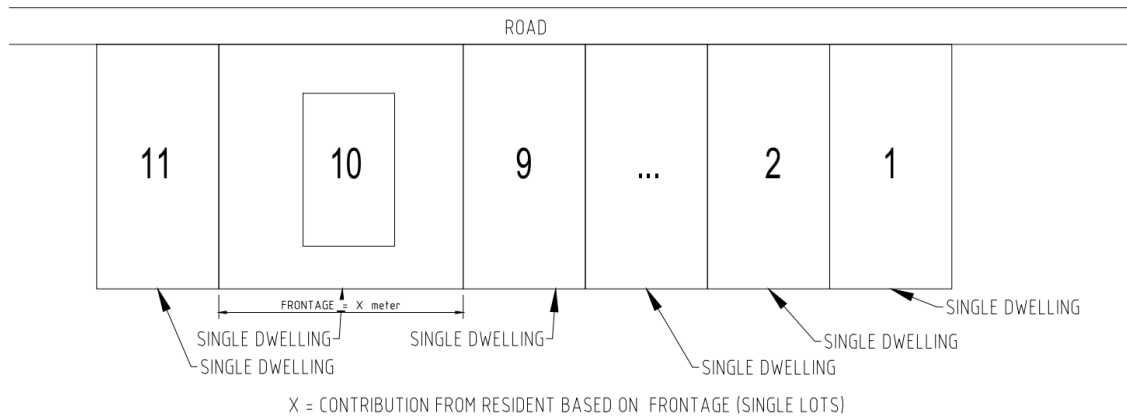
- > *Local Government Act 1989*
- > *Road Management Act 2007*

Appendix 1 - Special Charge Scheme Flow Chat

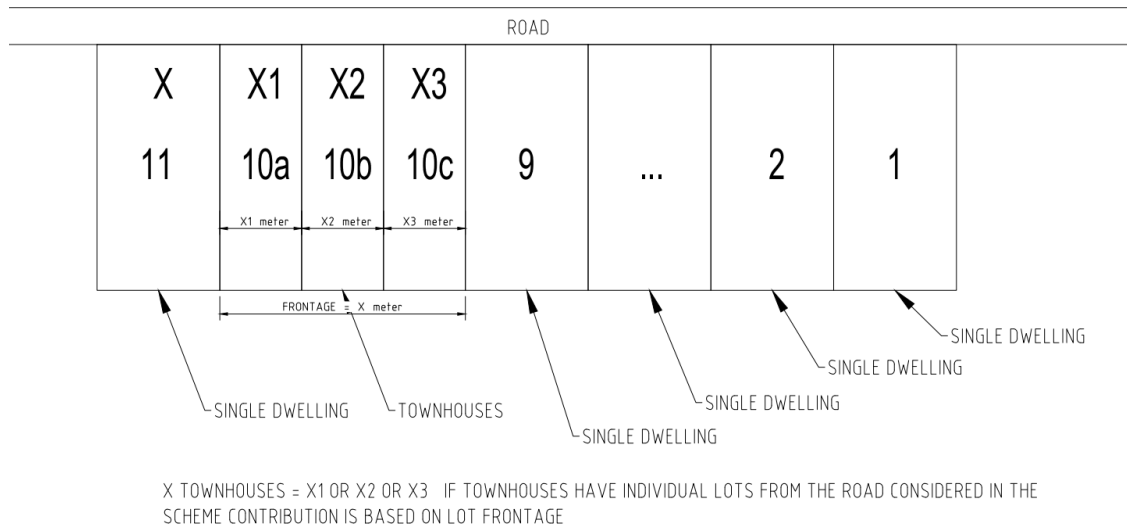


Appendix 2 – Scenarios of Road Cost Apportionment

SCENARIO 1: SINGLE DWELLING

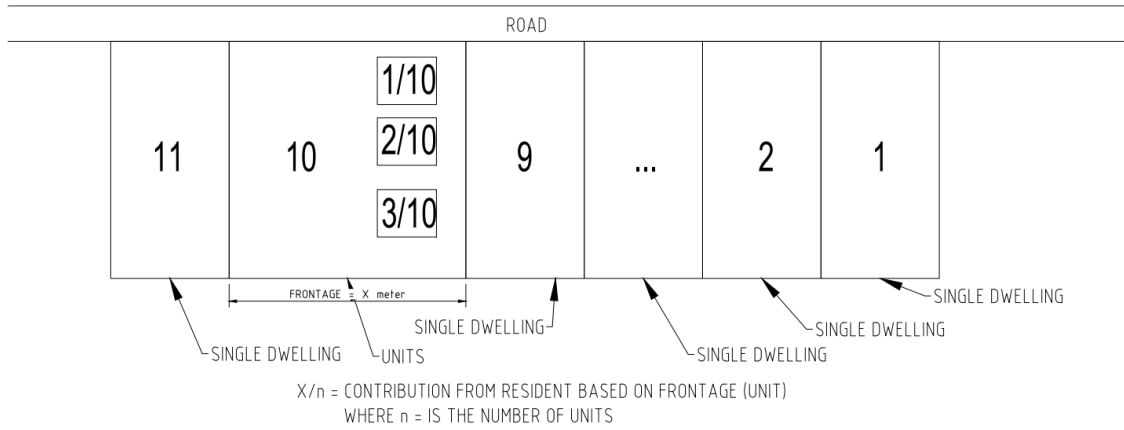


SCENARIO 2 - TOWNHOUSES ON LOT 10





SCENARIO 3 : UNITS



AO.3	MOBILITY AND ROAD SAFETY STRATEGY 2023-2032
Officer:	Benup Neupane, Coordinator Engineering Services
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	1. Draft Mobility and Road Safety Strategy 2023-2032 (under separate cover) 2. Summary of responses to community consultation (under separate cover)

Summary

This report presents the Mobility and Road Safety Strategy 2023-2032 (Attachment 1) for Council consideration and adoption.

The draft Mobility and Road Safety Strategy 2023-2032 has completed the community consultation stage, with feedback considered and incorporated into the final version where appropriate.

Recommendation

That Council adopts the Draft Mobility and Road Safety Strategy 2023-2032, effective 14 December 2023.

Background

Macedon Ranges Shire Council spans 1750 square kilometres - comprising rural, suburban and township areas. The region has experienced steady population growth over the years, with projections indicating that this trend will continue. These population growth and travel pattern changes have increased pressure on the road network.

In 2019, Council committed to developing a *Mobility and Road Safety Strategy 2021-2031* (Strategy) to define how it would enhance safety on our road network for all road users. A consultant assisted Council in developing its draft *Mobility and Road Safety Strategy* and action plan for the next ten years to identify key road safety issues and implement proactive initiatives.

The Strategy is based on the Safe System principles and supports the Victorian Government's road safety campaign. The Victorian Government has incorporated the same approach to promoting safer roads, people, speeds and vehicles, as stipulated in the *Victorian Road Safety Strategy 2021 – 2030*.

Discussion

The *Mobility and Road Safety Strategy 2023 – 2032* and its Action Plan will support the Macedon Ranges and Victorian Government's vision of working towards reducing road fatalities and crash injuries within the Macedon Ranges Shire Council by 2032. It also describes how we will use the *Safe System* approach, committing to a *Vision Zero* road trauma goal.

There is a focus on four *Safe System* key principles:

- Safer Roads, through engineering and infrastructure, to make roads, paths, tracks, and other transport infrastructure as safe as possible

- Safer Speeds, by encouraging people to travel at safe speeds and creating a safety culture where the community regards speeding as unacceptable as drunk driving
- Safer People, through a shared responsibility for the safety of all road users (pedestrians, cyclists, motorcyclists, and drivers) by encouraging safe travel behaviour to minimise personal risks and risks to others
- Safer Vehicles, by promoting safer vehicles for drivers, passengers, and other people.

At the same time, this Strategy recognises how important it is to:

- Support active transport, such as walking and cycling, which is extremely important for a healthy and sustainable community and requires special consideration of the vulnerability of pedestrians and cyclists
- Work with our road safety partners, such as the police and health services, to achieve more than we would if we worked in isolation
- Listen to and engage with our community so that the community can contribute to the success of road safety initiatives
- Consideration of wildlife safety

Officers extensively analysed five years of road crash data (2015-19). This provided insight into crash types, incident time, location and conditions, and the type of road users involved.

Based on our crash data analysis, community engagement, consultations with experts, and application of best practices in road safety management, we have identified the three strategic themes to guide our road safety and mobility response over the next 10 years.

The Strategy document is based on the three guiding principles and the five strategic themes.

Guiding Principles

- Vision Zero – Supports Victorian’s vision of reducing fatalities and serious injuries on the road
- Road Safety - The Safe System
- Mobility - Movement and Place Framework

Strategic Themes

- Improving safety on high-risk rural roads
- Improving safety and mobility in and around towns
- Implement Movement and Place
- Improving road user preference
- Improving wildlife safety and outcomes

Based on the above five strategic themes, 15 actions have been developed to help us achieve *Vision Zero* – aiming for no deaths on Macedon Ranges Shire Council roads. Along with specific council actions, there is also a suite of advocacy items to facilitate positive change and ultimately create a safer environment for our community and road users; the Strategy details these actions.

The recent consultation was predominantly supporting the strategy and provided suggestions on further actions. Officers will consider these suggested actions in operationalising the Strategy’s action plan

Consultation and engagement

Initial consultation with the community to assist in developing the draft Strategy occurred over five weeks, ending on 30 November 2021. It included advertising through Council's website, social media, local newspapers, and workshops with external and internal stakeholders to seek input to help develop this Strategy. An online public survey was undertaken to obtain a snapshot of community views and received excellent responses from over 500 people, mainly Macedon Ranges residents.

Officers completed the second round of consultation on the draft Strategy in September 2023. Officers conducted community consultation as per Council's Community Engagement Policy, as follows:

- Published a public notice in the Midland Express newspaper on 1 August 2023;
- Created a project webpage on Council's "Have Your Say" website to seek feedback for 28 days from 1 August 2023 to 1 September 2023;
- Sent email notifications to all residents and the organisations who provided their feedback via email during the initial community consultation for this Strategy in 2021; and
- Published a social media post on the Council's social media channels (Facebook, Twitter and Instagram).

Council received a total of ten submissions.

Summary of submissions

From the ten submissions received, Council officers noted positive and supportive feedback from the community.

The feedback aligns predominantly with four of the five strategic themes, where most respondents focused on Strategic Theme 5 concerning wildlife safety.

The feedback prominently highlighted the following strategic themes:

- Strategic Theme 1: Improving safety on high-risk rural roads;
- Strategic Theme 2: Improving safety and mobility in and around towns;
- Strategic Theme 3: Implementing movement and place;
- Strategic Theme 5: Improving wildlife safety and outcomes.

Key supporting feedback received by Council is as follows:

- Enhance path connectivity to ensure safe, reliable access to bus stops;
- Promote walking to bus stops by offering shelters that protect students and bus users from the elements and UV exposure;
- Promote cycling by ensuring safe access routes to bus stops and providing secure parking/storage amenities such as bike hoops;
- Enhance public transportation within regional townships;
- Establish safe pedestrian crossings at high-traffic points, for example, the water fountain feature at the intersection of Aitken and Hamilton Street, Gisborne;
- Design safe walking and cycling routes for school children and other Malmsbury residents;
- Explore innovative solutions aimed at road safety for wildlife;

- Macedon Ranges should prioritise innovative infrastructure solutions, like culverts and bridges, to prevent fragmentation and enhance existing roads rather than relying on signs and educational campaigns for wildlife protection;
- Encourage Council to allocate funds for a continuous infrastructure/capital works program focused on wildlife safety;
- For local streets within a 3km zone outside town boundaries, propose a speed limit reduction to 40km/hr;
- Introduce refuge islands throughout the town centre in Woodend, except where right-turn lanes are necessary;
- Consider implementing a 40km/h speed limit and designated bike lanes on High Street, Woodend;
- Integrate the Roadside Conservation Management Plan to lower the risk of animal-related accidents;
- Initiate roadside signage and public awareness campaigns advocating for reduced speed limits in high-risk zones and introducing new wildlife protection technologies;
- Push for a reduction in the default 100 km/h speed limit to 80 km/h on unsealed roads to lessen wildlife injuries, vehicular damage, and personal harm;
- Applauded Council's mission to "mitigate the loss of iconic native Australian marsupials" and encourage further dedication to this cause. Wildlife Victoria is eager to collaborate with Macedon Ranges Shire Council on implementing the Mobility and Road Safety Strategy, focusing on road signage, community education and using Wildlife Victoria's data for informed decision-making.

Officers will hold further discussions with other government agencies on issues that are beyond this Strategy's scope, including proposed speed limit adjustments, which do not fall entirely within Council's jurisdiction or areas of responsibility.

The summary table in Attachment 2 records community feedback received and provides an officer response.

Collaboration

This Strategy has been developed through collaborative efforts involving various internal and external stakeholders. These key participants include the Department of Transport and Planning, local schools, neighbouring councils, and the local community. Council's internal teams played a crucial role in shaping the strategy by providing valuable insights and feedback.

The final action plan was meticulously developed in alignment with all parties inputs and expertise.

Innovation and continuous improvement

Council officers undertake regular reviews of any engineering and road safety innovation and any emerging technologies and assess their applicability and feasibility for a field trial.

Officers are also discussing with their counterparts in other local government areas their experience promoting road safety improvements for people and wildlife.

Relevant law

- Local Government Act 1989

- Road Management Act 2007
- Disability Discrimination Act 1992

Following the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. This Strategy applies to all road users of all ages and abilities. It also endeavours to provide equity of safe access and opportunity for all, including gender considerations

Relevant regional, state and national plans and policies

Officers prepared the Macedon Ranges Shire Council's *Mobility and Road Safety Strategy 2023-2032* to address the ongoing and emerging road safety issues for the Shire over the next 10 years. The Strategy aligns with the *Council Plan 2021-2031* and the State Government's *Victorian Road Safety Strategy 2021-2030* to reduce the road toll to zero.

Relevant Council plans and policies

The Council Plan has identified four main strategic objectives that align perfectly with our vision for municipal road safety and mobility.

Strategic Objectives	
Council Plan 2021-2031	Road Safety and Mobility Strategy 2023-32
Connecting Communities	Mobility - improving mobility so people can easily access and travel to places important to them.
Healthy environment, healthy people	Road Safety - reducing road trauma and creating a safe road environment

Officers referenced the following Council plans and policies:

- Policies Council Plan 2021 – 2031
- Community Vision 2021 – 2031
- Road Management Plan 2021
- Walking and Cycling Strategy 2014 – 2024
- Environment Strategy 2021
- Economic Development Strategy 2021 – 2031
- Loddon Campaspe Integrated Transport Strategy 2015

Financial viability

The Strategy does not immediately commit the Council to any expenditure other than the officer's time in further reviews and detailed investigations. Officers will seek additional funding through the normal budgeting process to carry out specific actions nominated within the 10-year Action Plan.

At the same time, officers will be exploring opportunities as multiple sources of funding to fund some of these actions through external State and Federal grants such as TAC, the Department of Transport and any other applicable grants based on the grant selection criteria specific to each funding source.

Sustainability implications

Any project to be developed from this study's recommendations will consider any social and/or environmental impact specific to each project and the affected community members will be consulted before its implementation.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest relating to the subject matter.

AO.4	DRAFT FAIR ACCESS POLICY
Officer:	Steven Williams, Coordinator Recreation
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	Draft Fair Access Policy ↓

Summary

This report seeks Council endorsement of the draft Fair Access Policy to undertake a four-week consultation period in February 2024.

The draft policy aims to progressively build the capacity and capabilities of Council to identify and address systemic factors contributing to gender inequality within its policies, programs, communications, and the provision of community sports infrastructure services.

Recommendation

That Council endorses the release of the draft Fair Access Policy for four weeks of public consultation.

Background

In December 2015, the Victorian Government released a report by the independent Inquiry into *Women and Girls in Sport and Active Recreation*. The report highlighted gender inequality in Victorian sports and recreation and outlined a way forward to help change and improve sport and recreation for all involved.

The *Women and Girls in Sport and Active Recreation* report included state-wide consultation and workshops with coach and administrator representatives from all levels of sport and recreation to assess the current state of female representation in the sport sector, especially in leadership roles. The overwhelming finding was that the sports sector is still predominantly male-centric, with women under-represented in leadership roles. The report also found that while a growing movement of women and girls is keen to showcase their talent and contribute to the sport and active recreation sector, opportunities for participation and leadership are often elusive or not readily apparent.

The Inquiry into Women and Girls in Sport and Active Recreation outlined the following nine recommendations to increase leadership and participation by women and girls.

- (1) Drive commitment through an Ambassadors of Change program.
- (2) Engage and empower by connecting Ambassadors to women and girls.
- (3) Mandate gender balance and good governance principles.
- (4) Reform recruitment practices and processes for leadership positions.
- (5) Enhance participation choice and improve how opportunities are marketed.
- (6) Deliver female-friendly built environments and equitable facility usage policies.
- (7) Build an enabling environment through education and training.
- (8) Showcase the pathways and opportunities through role models.

(9) Increase the profile of women in sports media.

Discussion

Fair Access Roadmap

The Fair Access Policy Roadmap addresses recommendation six from the Inquiry into Women and Girls in Sport and Active Recreation.

The *Fair Access Policy Roadmap* aims to develop a state-wide foundation to improve women and girls' access to and use of community sports infrastructure. From July 2024, all Victorian councils will need to ensure fair access to sporting facilities for people of all genders to be considered eligible to receive Victorian Government community sport infrastructure funding.

The Fair Access Policy Roadmap links the requirements of the Gender Equality Act 2020 with steps shaped by extensive consultation to support local governments, other public land managers and sport and recreation bodies to work together to progress gender equitable access and use of community sports infrastructure across Victoria through procedural and cultural levers for change.

The following milestones and targets will apply to Council as local government and land managers work towards creating a foundation of gender-equitable access and use of community sports and infrastructure across Victoria. A change process is required to achieve state-wide progress to dismantle the gender barriers hindering equitable access and use of community sports infrastructure.

	Phase 1. Education August 2022 – 2023	Phase 2. Readiness 2023 – 30 June 2024	Phase 3. Progress 1 July 2024 onwards
Local governments and other public land management groups	<ul style="list-style-type: none"> Participate in education and community of practice initiatives Commence review of current sport and recreation strategies and policies in place Undertake Gender Impact Assessment (GIA) on community sports infrastructure access and use policies and/or processes 	<ul style="list-style-type: none"> As required by the Gender Equality Act 2020, submit the first Progress Report by 31 October 2023 that includes any GIAs undertaken on community sports infrastructure access and use policies and/or processes If not already in place, develop and adopt a locally relevant gender equitable access and use policy and action plan 	<ul style="list-style-type: none"> Progress locally relevant gender equitable access and use policies and action plans Support a review of the Fair Access Policy Roadmap Accessing Victorian Government community sport infrastructure funding programs will require evidence of gender equitable access and use policies and action plans being in place and advancing from 1 July 2024 As required by the Gender Equality Act 2020, submit a second Progress

	Phase 1. Education August 2022 – 2023	Phase 2. Readiness 2023 – 30 June 2024	Phase 3. Progress 1 July 2024 onwards
			Report that includes GIAs undertaken
Sport and recreation organisations	<ul style="list-style-type: none"> • Participate in education and community of practice initiatives • Raise awareness of the Fair Access Policy Roadmap and its targets with clubs, leagues and associations 	<ul style="list-style-type: none"> • Review processes and/or policies of clubs, associations and leagues that may impact gender-equitable access and usage of community sports infrastructure in your sport • Commence education of clubs, associations and leagues to advance gender-equitable access and usage of community sports infrastructure 	<ul style="list-style-type: none"> • Support a review of the Fair Access Policy Roadmap • Clubs, leagues and associations seeking to access Victorian Government community sport infrastructure funding programs will be asked to demonstrate how it is supporting the gender equitable access and use policy of the relevant local government authority from 1 October 2024
Office for Women in Sport and Recreation	<ul style="list-style-type: none"> • Provide education seminars, including how to undertake Gender Impact Assessments • Facilitate community of practice initiatives 	<ul style="list-style-type: none"> • Support the development and implementation of locally relevant gender equitable access and use policies and action plans • Continue education seminars and community of practice initiatives • Monitor and report on gender equitable access and use status across Victoria 	<ul style="list-style-type: none"> • Embed into the eligibility criteria of Victorian Government community sports infrastructure funding programs the requirement of gender equitable access and use policies • Lead the review of the Fair Access Policy Roadmap • Lead the ongoing monitoring and reporting of gender equitable access and use outcomes across Victoria

Fair Access Principles

The Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector, developed the Fair Access Principles. The draft Fair Access Policy and action plans are based on the six inclusivity principles: full participation, equal representation, encouraging and supporting user groups, and prioritising user groups committed to equality.

Council officers consider that these principles provide clear direction while also enabling adaption to the specific environment of our municipality.



Image 1 – Fair Access Principles

Implementation

The Fair Access Policy's scope is to support Council to take proactive action towards achieving gender equity in the access and usage of community sports infrastructure. The policy's design:

- builds capacity and capabilities of Council in the identification and elimination of the systemic causes of gender inequality in policy, programs, communications, and service delivery relating to community sport and recreation;
- ensures an effective place-based response for the gender-equitable use and access of community sports infrastructure; and
- promotes gender equality in policies, programs, communications, and services related to community sports infrastructure.

For Macedon Ranges Shire Council, the policy applies to the following community sports facilities where Council is owner, land manager and/or operator of the facility.

Facility	Location	Landowner
The Stadium	Gisborne	DEECA
Gisborne Aquatic Centre	Gisborne	DEECA
Gisborne Fitness Centre	Gisborne	MRSC
Kyneton Toyota Sports & Aquatics Centre	Kyneton	MRSC
Lancefield Outdoor Pool	Lancefield	DEECA
Macedon Community Centre	Macedon	MRSC
Riddells Creek Leisure Centre	Riddells Creek	DEECA
Romsey Recreation Centre	Romsey	DEECA
Buffalo Stadium	Woodend	DEECA
Woodend Outdoor Pool	Woodend	DEECA

The Policy also applies to the following community sports reserves where the Council is the land owner or manager.

Reserve / Club	Location	Landowner
Bullengarook Recreation Reserve	Bullengarook	MRSC
Clarkefield Recreation Reserve	Clarkefield	MRSC
Darraweit Guim Tennis Club	Darraweit Guim	DEECA
Dixon Field	Gisborne	MRSC
Gardiner Reserve	Gisborne	DEECA
Gisborne & District Bowling Club	Gisborne	DEECA
IR Robertson Reserve	Gisborne	MRSC
Mt Macedon Petanque Club	Gisborne	MRSC
Sankey Reserve	Gisborne	DEECA
Hanging Rock Reserve	Hanging Rock	DEECA
Barkly Square	Kyneton	DEECA

Reserve / Club	Location	Landowner
Kyneton & District Tennis Club	Kyneton	MRSC
Kyneton Bowling Club	Kyneton	DEECA
Kyneton Riffle Range	Kyneton	MRSC
Kyneton Showgrounds	Kyneton	MRSC
Rollinson Reserve	Kyneton	MRSC
Lancefield Golf Club	Lancefield	MRSC
JD Clifford Reserve	Macedon	DEECA
Tony Clarke Reserve	Macedon	MRSC
Malmsbury Sports Ground	Malmsbury	DEECA
Barringo Reserve	New Gisborne	MRSC
Macedon Ranges Sports Precinct	New Gisborne	MRSC
Ross Watt Reserve	New Gisborne	MRSC
Riddells Creek Recreation Reserve	Riddells Creek	DEECA
Romsey Park	Romsey	DEECA
Romsey Park Oval 2	Romsey	Dept of Education
Gilligan Reserve	South Gisborne	MRSC
Tylden Recreation Reserve	Tylden	MRSC
Gilbert Gordon Oval	Woodend	DEECA
Woodend Bowling Club	Woodend	DEECA
Woodend Golf Club	Woodend	DEECA
Woodend Racecourse Reserve	Woodend	DEECA
Woodend Tennis Club	Woodend	DEECA

Consultation and engagement

Following Council's consultation framework, officers propose to undertake a four-week consultation period beginning February 2024 for the public to provide written submissions.

Once the consultation period is complete, a report will be provided to Council at a future Council meeting, for review of the submissions and feedback, and consideration of the adoption of the Fair Access Policy.

Collaboration

The draft policy was developed in collaboration with the Victorian State Government Office for Women in Sport, which provided a basic template for all Councils. Additionally, officers engaged with other Councils to exchange ideas and timeframes, contributing to the shaping of the action plan. This process was further supported by the Office for Women in Sport.

Innovation and continuous improvement

The draft Fair Access Policy represents continuous improvement as it identifies a long-term planned approach to fair and equitable use of council-owned and managed facilities. This

demonstrates the Council's commitment to sustained progress in addressing gender inequality within the community sports infrastructure.

Relevant law

The draft policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020*, the *Public Health and Wellbeing Act 2008*, and other legislative frameworks.

The scope of the Policy is to support Council in taking positive action towards achieving gender equity in the access and usage of community sports infrastructure. This outcome complies with the *Gender Equality Act 2020* and aligns with Council Plans and Strategies.

Relevant regional, state and national plans and policies

In accordance with the *Gender Equality Act 2020*, Council has conducted Gender Impact Assessments (GIA), as defined in the *Gender Equality Act 2020*. The purpose of a GIA is to create better and fairer outcomes and ensure all people have equal access to opportunities and resources.

Additionally, under the *Gender Equality Act 2020* local councils and public sporting bodies are obliged to apply a gender lens and conduct GIA to understand how policies, programs and services can impact people of different genders differently, and ensure inequalities aren't being reinforced. This draft policy includes guidelines to ensure action is taken to implement inclusive and equitable sport and recreation practices.

Relevant Council plans and policies

The draft Fair Access Policy relates to the following strategic objectives of the Council Plan 2021-2031.

Connecting Communities: Council will continue to maintain all the roads, paths, buildings and open spaces in our built environment in a financially, environmentally and socially sustainable way.

Healthy environment, healthy people: to promote a healthy environment, healthy people Council aims to support mental health, prevent violence against women, and improve healthy lifestyles, social connection and inclusion, community safety, and arts and culture.

Other relevant Council plans and strategies that relate to the draft Fair Access Policy include:

- Municipal Public Health and Wellbeing Plan 2021-25;
- Sport and Active Recreation Strategy 2018-28;
- Open Space Strategy 2013;
- Gender Equality Action Plan 2022-25
- Events Strategy 2021-25

Financial viability

As outlined in the Fair Access Policy Roadmap; accessing Victorian Government community sport infrastructure funding programs will require evidence of gender equitable access and use policies and action plans being in place and advancing from 1 July 2024.

Sustainability implications

While the draft Fair Access Policy primarily focuses on gender equality and fair access to community sports infrastructure, it indirectly supports several sustainability goals, including

social sustainability through the promotion of inclusivity, community resilience, and improved health and well-being. Furthermore, the policy is aligned with legislative frameworks that support sustainability goals.

Officer declaration of conflicts of interest

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in relation to the subject matter.

Policy



ATTACHMENT 1

Draft Fair Access Policy

Date of Adoption			
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other <i>(please specify)</i>
CEO Signature			Date
Responsible Officer and Unit	Manager Open Space and Recreation		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other <i>(please specify)</i>
Last Endorsement Date			
Next Endorsement Date			

Macedon Ranges Shire Council acknowledges the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples as the Traditional Owners and Custodians of this land and waterways. Council recognises their living cultures and ongoing connection to Country and pays respect to their Elders past, present and emerging. Council also acknowledges local Aboriginal and/or Torres Strait Islander residents of Macedon Ranges for their ongoing contribution to the diverse culture of our community.

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	01/10/2023	SGilchrist
Second Draft			
Final Draft			
Approval			

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Purpose

The *Fair Access Policy* (the Policy) addresses known barriers experienced by women and girls in accessing and using community sports infrastructure. The Policy aims to progressively build the capacity and capabilities of Macedon Ranges Shire in identifying and eliminating systemic causes of gender inequality in policy, programs, communications, and delivery of services relating to community sports infrastructure.

Council will take the necessary and proportionate steps towards implementing the Fair Access Policy.

Background

Council acknowledges the need to design and implement action plans that progress gender equality in community sports. Council currently provides and/or facilitates access to various sports and active recreation opportunities across the municipality. These add to the region's culture, lifestyle and character whilst enhancing the liveability of the shire and are therefore recognised as an important part of a well-balanced lifestyle.

The benefits associated with participating in physical activity through active recreation or sport and leisure activities include:

- personal enjoyment,
- social interaction,
- physical and mental health,
- personal achievement,
- community involvement ('social capital'),
- community resilience and
- opportunities for expressing community pride.

The Victorian Government is committed to developing an environment for all Victorians to:

- live in a safe and equal society,
- access equal power, resources, and opportunities, and
- be treated with dignity, respect, and fairness.

The reform agenda aims to change the systems that have perpetuated gender inequality by designing an enduring structure that requires implementation and tracking of progress over time.

This reform agenda includes addressing the traditional structures and way community sport and recreation organisations operate by implementing all nine (9) recommendations from the 2015 Inquiry into Women and Girls in Sport and Active Recreation. This includes recommendation six (6) that requires Council to have this policy:

"...encourage facility owners and managers to review access and usage policies to ensure women and girls have a fair share of access to the highest quality facilities at the best and most popular times"

and

"facilitating a universal adoption of [policies, strategies and audit tools] will drive change further"

Council has conducted Gender Impact Assessments (GIA), as defined in the Gender Equality Act 2020, since 31 March 2021 for all new and reviewed public-facing policies, programs, communications, and services.

Statement of Intent

This Statement of Intent establishes the expectation that gender equality is considered and prioritised in all current and future Macedon Ranges Shire Council's planning, policy, service delivery and practice related to community sports infrastructure.

- a) Council recognises that gender equality is attaining equal rights, responsibilities, and opportunities for women, men, trans and gender diverse people. Equality does not mean that women, men, trans and gender-diverse people will become the same but that their rights, responsibilities, and opportunities will not be gender-dependent.
- b) Council recognises that gender equity means treating everyone fairly and justly, regardless of their gender. This includes recognising that people may have different needs and power based on their gender, and working to address these differences in a way that corrects gender imbalances.

Scope

The Policy enables effective and efficient integration of the requirements of the *Gender Equality Act 2020*, the *Local Government Act 2020*, the *Public Health and Wellbeing Act 2008*, and other legislative frameworks.

The scope of the Policy is to support Council in taking positive action towards achieving gender equity in the access and usage of community sports infrastructure. This outcome complies with the *Gender Equality Act 2020* and aligns with Municipal Public Health and Wellbeing Plans and Council Strategies:

Gender Reform Agenda	Objectives
To support Council to take positive action towards achieving gender equity in the access and use of community sports infrastructure	To build the capacity and capabilities of Macedon Ranges Shire Council in the identification and elimination of systemic causes of gender inequality in policy, programs, communications, and delivery of services in relation to community sport and recreation. To ensure an effective place-based response for the gender equitable use and access of community sports infrastructure. To promote gender equality in policies, programs, communications, and services as they relate to community sports infrastructure.

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Kyneton Riffle Range	Kyneton	MRSC
Kyneton Showgrounds	Kyneton	MRSC
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Romsey Park Oval 2	Romsey	Dept of Education
Gilligan Reserve	South Gisborne	MRSC
Tylden Recreation Reserve	Tylden	MRSC
Gilbert Gordon Oval	Woodend	DEECA
Woodend Bowling Club	Woodend	DEECA
Woodend Golf Club	Woodend	DEECA
Woodend Racecourse Reserve	Woodend	DEECA
Woodend Tennis Club	Woodend	DEECA

Policy Framework

The Policy is designed to comply with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

Macedon Ranges Shire Council acknowledges:

- a) the disadvantaged position some individuals have had in the sport and recreation sector because of their gender; and
- b) that achieving gender equality will require diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes for people of all genders.

Macedon Ranges Shire Council will:

1. engage fairly and equitably with all staff, governance working groups, state sporting organisations, regional sport assemblies (where applicable) and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner; and
2. engage in the process of gender impact assessments to assess the implications for women, men, trans and gender diverse people of any planned action, including policies and communications. This is a strategy for making all voices, concerns and experiences, an integral dimension of the design, implementation, monitoring of policies and programs.

3. apply diverse approaches for women, men, trans and gender diverse people to achieve similar outcomes.

Resources for conducting Gender Impact Assessments can be found on the intranet:
<https://www.mrsc.vic.gov.au/workplace/Working-here/Gender-Equality>.

Fair Access Principles

The six (6) Fair Access Principles have been developed by the Office for Women in Sport and Recreation, Sport and Recreation Victoria and VicHealth, in consultation with representatives from local government and the state sport and recreation sector. These principles are as follows:



Council is committed to addressing the Fair Action Principles as outlined in [Addendum 1](#).

Definitions

Term	Definition
Community Sports Infrastructure	Publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.
Gender	How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.
Gender diverse	An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.
Gender equality	The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
Gender equity	The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances.
Gender Impact Assessment, or GIA	A requirement under the <i>Gender Equality Act 2020</i> to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.
Transgender, or trans	Someone whose gender does not only align with the one assigned at birth. Not all trans people will use this term to describe themselves.
The Act	<i>Gender Equality Act 2020 (Vic)</i> , <i>Local Government Act 2020 (Vic)</i> and <i>Equal Opportunity Act 2010 (Vic)</i>

References

- > MRSC Gender Equality Action Plan 2022-25
- > MRSC Open Space Strategy 2013
- > MRSC Sport & Active Recreation Strategy 2018-2028
- > Sport and Recreation Victoria Female Friendly Sport Infrastructure Guidelines
- > Sport and Recreation Victoria Access For All Abilities

Related Policies

- > Bullying Prevention Policy
- > Employee Code of Conduct
- > Equal Opportunity Policy
- > Sexual Harassment Policy

Related Legislation

- > *Gender Equality Act 2020 (Vic)*
- > *Local Government Act 2020 (Vic)*
- > *Equal Opportunity Act 2010 (Vic)*

Addendum 1

OUR ACTION PLAN

Strategic objective	Action	Outcome	Timeline
Objective 1 Ensure that Macedon Ranges venue usage aligns to the Fair Access Principles in relation to the scheduling of competition in "peak" time slots	Provide guidance and information for clubs and associations on the Fair Access Principles.	Clubs and associations will apply the principles in their decision making.	Early 2025
	Survey MRSC clubs to determine preferred venue usage times for each of male, female, senior and junior competition, across all sports covered, ensuring Fair Access during peak periods.	Council will help to inform need for change, based upon the outcome of usage survey and application of Fair Access during peak periods.	Mid 2025
	Work with venue user groups & relevant State Sporting Association bodies to obtain usage data, covering each of male, female, senior and junior.	In conjunction with the previous action, format action plans with clubs, associations and venues to report on usage data and intervene in accordance with this policy to implement change	By end of 2025
	Champion scheduling of female games on main courts and grounds at MRSC venues	Assist clubs to lift the profile of female sport, and grow overall participation levels across the Shire	Mid 2026
Objective 2 Ensure that Macedon Ranges venues are safe, inclusive, accessible and catering for the needs of male and female	Liaise with Associations, Clubs and Participants to ensure an understanding of what constitutes female friendly infrastructure.	Enables an audit of facilities using an informed description.	Mid 2025
	Audit of all venues to identify those with/without female friendly infrastructure	Help to inform future year budget funding priorities based on venue usage and participation levels	Mid 2025

Strategic objective	Action	Outcome	Timeline
participants and visitors	Audit of all venues to identify all abilities access and facilities	Promote and grow all abilities participation at applicable MRSC venues.	Mid 2025
	Audit of venue for Crime Prevention Through Environmental Design (CPTED) element including consideration of lighting inclusive of both playing areas and surrounding areas / walkways	Inform a strategy to carry out CPTED upgrades which will improve overall safety of MRSC venues, whilst enabling increased venue usage during the evening.	Mid 2025 and then ongoing for required upgrades
Objective 3 Promote and encourage gender equity at club committee level to achieve a minimum split of 40% by gender	Prepare a gender equality checklist which includes questions relating to committee/board positions	Identify and work with under-represented clubs.	2026
	Update grant and leasing/licencing documentation to include a requirement for gender equity at club committee level	Grants and leasing/licencing will be linked to gender equity at club committee level	Phased approach with 2028 as target deadline
	Review club constitution & action plans to identify any language in relation to committee/board positions	Set minimum standards for MRSC clubs to adhere to, outlining sanctions for clubs who are unwilling to cooperate.	Phased approach with 2028 as target deadline
	Review club recruitment and retention strategies and policies	Set minimum standards at which MRSC clubs shall be required to operate. This may include having MRSC base policies and strategies that clubs can adopt.	Phased approach with 2028 as target deadline

16 NOTICES OF MOTION AND RESCISSION

Nil

17 URGENT BUSINESS**18 CONFIDENTIAL REPORTS****Recommendation**

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

18.1 2024 Community Awards

Confidential reasons**18.1 2024 Community Awards**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.