

Agenda

Council Meeting
Wednesday 23 August 2023 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

Table of contents

1	Acknowledgement of Country	4
2	Recording of live streaming of this Council meeting	4
3	Present	4
4	Apologies	4
5	Conflicts of interest	4
6	Petitions	4
	Nil	
7	Deputations and presentations to Council	4
8	Adoption of minutes	4
9	Mayor’s report	5
	9.1 Mayor's Report - July-August 2023.....	5
10	Record of meetings of Councillors and Council staff	8
	10.1 Record of Meetings of Councillors and Council Staff - July-August 2023.....	8
11	Director Planning and Environment reports	15
	PE.1 Consideration of Planning Panel and adoption of Amendment C145macr – ESO4.....	15
	PE.2 Community Local Law 2023.....	36
	PE.3 Draft Gisborne Futures Structure Plan - For Consultation.....	43
12	Chief Executive Officer reports	56
	Nil	
13	Director Corporate reports	57
	COR.1 Quarterly Report for period ending 30 June 2023.....	57
	COR.2 Risk Management Framework.....	60
	COR.3 Contracts to be Awarded as at August 2023.....	72
	COR.4 Carry Forwards for year ended 30 June 2023.....	74
14	Director Community reports	78
	COM.1 Australia Day Events 2024.....	78

COM.2 Aged Care Transition update	82
15 Director Assets and Operations reports	88
AO.1 Consideration of a Special Charge Scheme for Noonan Grove Woodend	88
AO.2 Capital Works Monitoring.....	94
AO.3 Local Roads and Community Infrastructure Phase 4a and b.....	98
16 Notices of motion and rescission	101
Nil	
17 Urgent business	101
18 Confidential reports	101
Nil	

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, and present.

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 Meeting of Macedon Ranges Shire Council held on 26 July 2023, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - JULY-AUGUST 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

Youth in the Macedon Ranges have been in the spotlight over the past month. Their talent and diversity were on full display across a range of events.

Youth Awards

The 2023 Youth Awards were held in the Kyneton Town Hall on 10 August. Since 2006, the Awards have been dedicated to acknowledging and celebrating the achievements and success of young people in the Macedon Ranges Shire. The Awards focus on the significant contribution young people make to society aiming to encourage young people to strive for their best while doing what they love and enjoy. Congratulations to all nominees and award recipients and to the Macedon Ranges Youth team for organising and facilitating a fantastic evening.

Battle of the Bands

Our youth rocked it out at this annual event with many members of our community in attendance. Thanks to the bands that entered: The Tangents, Sack of Flour, Live Wire, Elysium and August. Congratulations to Sack of Flour for winning the grand prize. This event highlights just one way that our Youth Team generates a fun, safe and welcoming environment for everyone to enjoy and connect with each other.

Gisborne Secondary College School Production

Freaky Friday was a fantastic performance demonstrating the hard work and commitment of the cast and crew. Well done to all those involved in bringing this production together. After the production, we had the opportunity to talk with the cast and crew. Congratulations to everyone involved.

The Macedon Ranges is continuing our success with awards and recognition with another two announcements.

TAC Top Tourism Town Awards

It was pleasing that Woodend received bronze in the Top Small Tourism Town category at the 2023 TAC Victorian Top Tourism Town Awards. Congratulations to Sorrento announced as the winner at an event in Mornington Peninsula on 26 July. It is outstanding that one of our unique towns within the Shire was recognised in these awards.

Flagship Storm Waste Facility

Council's flagship storm waste facility has been shortlisted in the EPA Waste Prevention and Reduction category at the 2023 Keep Australia Beautiful Victoria Tidy Towns and Cities Sustainability Awards. It is so pleasing to see that Council's focus to reduce green waste to

zero by creating repurposed products for impacted Councils and communities be recognised once again. An awards night will be held in October whereby the winners will be announced.

Councillors have attended many important events across the Shire:

Under Cover – The Problem of Homelessness in the Macedon Ranges

Macedon Ranges Sustainability Group (MRSG), Rotary and Sunbury Cobaw Community Health (SCCH) partnered with Council for this event to raise awareness of homelessness in the Macedon Ranges. The documentary, 'Under Cover tonight', aired at Kyneton Town Hall on Tuesday 8 August. This documentary focuses on some of the hidden faces of homelessness from the fastest-growing demographic of homeless in Australia and across the developed world is women over the age of 50.

The screening was followed by a facilitated panel discussion, exploring the extent and nature of the problem of homelessness and solutions for the Macedon Ranges. Council recognises that access to housing is a fundamental human right. Being able to access affordable and appropriate housing assists people to secure and maintain a job, keep their families safe, raise happy and healthy children, enjoy a better standard of living and contribute to their community. Our recently adopted Affordable Housing Policy outlines the steps we are taking to ensure our most vulnerable people and communities have access to safe, secure and affordable housing. Thanks to everyone involved in this event and we look forward to continuing the conversations in our community to build awareness and generate action.

Stitch in Time

The Kyneton Museum has been closed due to renovations including replacing the roof of the main building, improving subfloor ventilation and general remediation. It was a great pleasure to officially reopen the Kyneton Museum and to launch the exhibition Stitch in Time. Stitch in Time includes a wide variety of folk art and craft materials, created and used by the people of the Macedon Ranges region. It was curated by our Museum staff, in collaboration with the Kyneton Historical Society, and features items from our own collection, items collected by the Kyneton Historical Society and personal items from the Friends of Kyneton Museum. The exhibition demonstrates the cultural ecology of the region, highlighting the artists, and their stories. Thanks to many volunteers and community members that have dedicated time to make this exhibition a reality.

Councillors were also pleased to be invited to the below events and meetings since the last Scheduled Council Meeting:

- National Tree Day planting events across the Shire on 30 July
- Victorian Greenhouse Alliance 2023 Conference on 4 August
- Workspace Australia Board meeting in Bendigo on 10 August
- Gisborne Secondary College's production of Freaky Friday Musical on 11 August
- Recognition events for Victory in the Pacific Day on 15 August and Vietnam Veterans Day on 18 August
- Kyneton Lion's Club 70th anniversary dinner and installation of 2023/24 office bearers on 19 August

Sport

While we've all been fascinated by the remarkable journey of the Matildas, I must congratulate Kyneton on winning the 2023 Riddell League Women's Football Grand Final on 5 August. The Kyneton Tigers team went through the season undefeated and won by 23 points against a highly competitive Macedon side. There was a big crowd at the grand final

played at Woodend's Gilbert Gordon Oval, and Riddell League's CEO Jordan Doyle said the match had been a fantastic advertisement for women's football. Congratulations to all involved, and good luck to Macedon Ranges teams competing in football and netball finals.

I would also like to take this opportunity to highlight two important submissions that Council have actively been involved with:

Victoria's Draft Bushfire Management Strategy

The Department of Energy, Environment and Climate Action has released the draft of Victoria's Bushfire Management Strategy, which will set the vision for bushfire management in Victoria for the next 10 years. The draft Strategy deals directly with the effects of bushfire on the community, including people, land, homes, businesses, infrastructure, and the environment. MRSC welcomed the opportunity to provide feedback on the strategy, especially considering our natural environment and emergency management experience across the decades.

Draft Ministerial Guidelines Relating to Payment of Rates and Charges

Local Government Victoria (LGV) has prepared the draft Ministerial Guidelines and has invited public feedback, as well as councils and other stakeholders. The objective is to provide a clear, consistent definition of 'financial' and other types of 'hardship' and issue guidelines regarding rates hardship relief. Council recognises the importance of this matter and will provide a submission through the Revenue Management Association. Feedback received will be collected and evaluated and inform the final draft Ministerial Guidelines for subsequent approval by the Minister for Local Government.

Current Consultations

- Acquisition of Land – 51 Coop Drive, Gisborne: closing 5 September at 5:00pm
- Draft Macedon Ranges Skate and BMX Strategy: closing 28 August at 5:00pm
- Draft Mobility and Road Safety Strategy: closing 1 September at 5:00pm
- Potential Road Discontinuance and Transfer – Jackson Street, Macedon: closing 5 September at 5:00pm
- Proposed Closure of Raglan Street, Lancefield: closing 28 August at 5:00pm
- Draft Romsey Structure Plan: closing 25 September at 5:00pm

I encourage residents to have their say in these important community consultations.

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 - JULY-AUGUST 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 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	Council Briefing
Date and time	25 July 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Jennifer Anderson (Deputy Mayor) - Zoom • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Anne Moore
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 • Naomi Scrivener, Manager Community Wellbeing • Rob Ball, Manager Strategic Planning and Environment • Awais Sadiq, Acting Manager Statutory Planning • Sarah Annells, Manager Safer Communities

	<ul style="list-style-type: none"> • Lauren Wall, Manager Communications and Engagement • Patricia Clive, Coordinator Governance • Hayley Drummond, Coordinator Property and Valuations • Setina Rockliff, Coordinator Risk and OHS • Leanne Khan, Coordinator Strategic Planning • Leila Anstice, Coordinator Environmental Health • Krista Patterson-Majoor, Coordinator Environment • Damien Hodgkins, Acting Coordinator Statutory Planning • Lucy Olson, Senior Governance Officer (Council Business) • Rachel Urankar, Senior Risk and Insurance Advisor • Hayley Short, Service Delivery Team Leader • Jack Wiltshire, Strategic Planner • John Perry, Statutory Planning Officer
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> • Kirsty Henry, Greater Western Water – Zoom • Jaqueline Salic, Greater Western Water • Mark Langly, Greater Western Water • Martin Salvan, Greater Western Water
Items discussed	<ul style="list-style-type: none"> • Councillor & CEO Only Session • Property Matters Update • Risk Management Framework • Aged Care Transition Update • Greater Western Water Presentation • Planning Matters • Planning Delegated Committee Agenda Review • Council Meeting 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>Cr Anderson and Cr Pearce both declared a general conflict with 56 Howey Street Gisborne in Planning Matters.</p> <p>Did they leave the meeting? Yes – left 12:35pm returned 1:10pm</p>

	Cr Guthrie declared a material conflict with item 9.1 in the Planning Delegated Committee Agenda review due to living opposite the site. Did they leave the meeting? Yes – left 1:17pm returned 1:26pm
Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

Type of meeting	Council Briefing
Date and time	1 August 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Jennifer Anderson (Deputy Mayor) • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Anne Moore • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • 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 • Naomi Scrivener, Manager Community Wellbeing • Rob Ball, Manager Strategic Planning and Environment • Sarah Annells, Manager Safer Communities • Simon Finlay, Manager Open Space and Recreation • Amy Holmes, Manager Community Strengthening • Julius Peiker, Coordinator Community Development • Patricia Clive, Coordinator Governance • Leanne Khan, Coordinator Strategic Planning • Fiona Lang, Governance Officer
Apologies officers	NIL

Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • Councillor & CEO Only Session • Hanging Rock Sports Club Alternative sites • Botanic Gardens and high-profile park maintenance resources • Council position on 26 January 2024 (Australia Day) • Planning Matters • 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 development plan in Planning Matters.</p> <p>Did they leave the meeting? Yes – left 11:17am returned 11:35am</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Council Briefing
Date and time	8 August 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Jennifer Anderson (Deputy Mayor) • Cr Dominic Bonanno - Zoom • Cr Rob Guthrie • Cr Anne Moore • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • 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 • Naomi Scrivener, Manager Community Wellbeing

	<ul style="list-style-type: none"> • Rob Ball, Manager Strategic Planning and Environment • Awais Sadiq, Acting Manager Statutory Planning • Lauren Wall, Manager Communications and Engagement • Patricia Clive, Coordinator Governance • Leanne Khan, Coordinator Strategic Planning • Scott Gilchrist, Coordinator Open Space • Dean Frank, Coordinator Recreation • Bodey Dittloff, Coordinator Communications • Isobel Maginn, Senior Strategic Planner • Fiona Lang, Governance Officer
Apologies officers	<ul style="list-style-type: none"> • Eng Lim
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • Councillor & CEO Only Session • Ross Watt Reserve Master plan for endorsement • Draft 2022/2023 Annual Report • Planning Matters • Local Roads & Community Infrastructure (LRCl) • Gisborne Structure Plan • Planning Delegated Committee Agenda Review • Council Meeting 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>Cr Guthrie declared a material conflict with 89 Ross Watt Road in the Planning Delegated Committee Agenda review due to living opposite the site.</p> <p>Did they leave the meeting? Yes – left 12:18pm returned 12:25pm and left 12:26pm returned 12:28pm</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Council Briefing
Date and time	15 August 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Jennifer Anderson (Deputy Mayor)

	<ul style="list-style-type: none"> • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Anne Moore
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 • Naomi Scrivener, Manager Community Wellbeing • Rob Ball, Manager Strategic Planning and Environment • Awais Sadiq, Acting Manager Statutory Planning • Amy Holmes, Manager Community Strengthening • Stephen Pykett, Manager Economic Development and Visitor Economy • Julius Peiker, Coordinator Community Development - Zoom • Patricia Clive, Coordinator Governance • Setina Rockliff, Coordinator Risk and OHS • Krista Patterson-Majoor, Coordinator Environment • Christo Crafford, Coordinator Statutory Planning • Fiona Lang, Governance Officer • Silvana Predebon, Environment Policy and Sustainability Officer • Justin Walsh, Climate Change Engagement Officer • Daniel Hall, Strategic Planner • Jack Wiltshire, Strategic Planner
Apologies officers	<ul style="list-style-type: none"> • Jeet Dahal, Acting Manager Assets and Project Management • Leanne Khan, Coordinator Strategic Planning
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • Councillor & CEO Only Session

	<ul style="list-style-type: none"> • Monthly CAPEX Monitoring Report • Sale of East Paddock, Hanging Rock • Carry Forwards • Cultural Diversity & Inclusion Statement • Telecommunications Infrastructure on Council Property • Risk Appetite • Climate Emergency Response Plan • Planning Matters • Other Business
<p>Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed</p>	<p>Cr Bill West declared a material conflict with the Community Infrastructure Assessment for Romsey in Planning Matters. Did they leave the meeting? Yes – left 12:09pm returned 12:19pm</p>
<p>Conflicts of interest declared by officers</p>	<p>Nil Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C145MACR – ESO4
Officer:	Daniel Hall, Strategic Planner
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	<ol style="list-style-type: none"> 1. Independant Planning Panel Report Amendment C145macr (under separate cover) 2. Revised Amendment C145macr documents ↓ 3. Support Letter from Coliban Water ↓

Summary

Amendment C145macr (the Amendment) seeks to make changes to the Environmental Significance Overlay Schedule 4 - Special Water Supply Catchments (ESO4). The Amendment will assist in the implementation of the Upper Coliban Integrated Catchment Management Plan, 2019 (UCICMP) which has been prepared by the North Central Catchment Management Authority (NCCMA) and Coliban Water.

The Amendment was exhibited from 13 October to 24 November 2022. Over 12,000 residents/ratepayers were notified and the Amendment received (16) submissions. The matter progressed to an independent Planning Panel Hearing on 23 May 2023.

The Panel was in support of the Amendment subject to recommended minor changes. A review of the Panel recommendations has been completed and all of the recommendations are supported with the exception of recommendation 2b, as discussed in this report.

The report recommends adoption of the Amendment, which will more effectively balance the needs of development with the protection, enhancement and management of the catchment.

Recommendation**That Council:**

1. **Adopts Amendment C145macr with changes outlined in this report and shown in Attachment Two;**
2. **Submits Amendment C145macr to the Minister for Planning together with the prescribed information for approval, in accordance with Section 31 of the Planning and Environment Act 1987; and**
3. **Notifies all submitters of Council's decision.**

Background

On 2 March 2021, Coliban Water made an application to amend the Environmental Significance Overlay Schedule 4 - Special Water Supply Catchments (ESO4) via a proponent led planning scheme amendment.

On 10 March 2022, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C145macr on behalf of Coliban Water.

The Minister for Planning authorised Amendment C145macr on 22 July 2022 subject to five conditions.

Council satisfied the conditions of authorisation and exhibited Amendment C145macr for a period of six weeks from 13 October until 24 November 2022. A total of 16 submissions were received, which consisted of three submissions of support and 13 seeking changes to or opposing the amendment.

At the Planning Delegated Committee of 8 February 2023, submitters to the Amendment were provided an opportunity to outline their views on the Amendment to the Committee.

At the Planning Delegated Committee of 9 March 2023, Council resolved to request an independent Planning Panel be appointed. A full-day Panel Hearing took place on 23 May 2023.

Council officers received the Panel Report on 22 June 2023, and it was made available on Council's website from 6 July 2023. Council notified all submitters that the report was available via email on 10 July 2023 and by mail on 13 July 2023. The independent Planning Panel Report is provided at **Attachment One**.

Discussion

The independent Planning Panel concluded that the outcomes sought through the Amendment are strategically justified and are appropriate in balancing the protection of water quality with the reasonable use and development of land within the catchment. The Panel supports the Amendment subject to the recommended changes outlined in the Panel report. The recommendations reflect minor wording changes to the exhibited documents and the removal of the Upper Coliban Integrated Catchment Management Plan as a listed Background Document.

Officers have considered all of the Panel Report recommendations and recommends Council adopt the Amendment as exhibited with all recommended changes by the Panel, with the exception of recommendation 2b.

Recommendation 2b identifies a change to the Environmental Significance Overlay Schedule 4 at Clause 2.0 to delete the words '*restores and enhances*' from the 'environmental objective to be achieved'. The Panel Report (**Attachment One**) shows the recommended change in draft ordinance page 43. Council Officers and Coliban Water do not support this change for the reasons outlined below.

Consistent with the Macedon Ranges Statement of Planning Policy (MRSoPP)

The concept of 'restore and enhance' is consistent with the declaration of Macedon Ranges as a distinctive area and landscape through the *Planning and Environment Act 1987* (The Act). The Act identifies that when Responsible Public Entities (of which Council and Coliban Water are listed) develop or implement policy, *they should 'undertake continuous improvement to enhance the conservation of the environment in the declared area'*.

It is considered that keeping the wording 'restores and enhances' is consistent with the MRSoPP which not only seeks to protect, but to enhance and continually improve the environment within the declared area.

Consistent controls across the Eppalock Catchment

In 2021, Hepburn Shire introduced similar changes to its Environmental Significance Overlay Schedule 1 - Special Water Catchment Areas through Amendment C80hepb. The changes apply to the catchment (part of) shared with Amendment C145macr and includes the wording at Clause 2.0 "protects, restores and enhances". The Panel member presiding over Amendment C80hepb agreed that Coliban Water's intent to apply ESO provisions

consistently across the whole catchment, which included multiple council areas, was ideal (p. 59, Hepburn Planning Scheme Amendment C80hepb Planning Scheme Review Panel Report, 2021).

Consistent objectives across the Macedon Ranges Planning Scheme.

Officers also note that the phrase 'restore and enhance' (or words to that effect) are widely used throughout state and local policy in the Macedon Ranges Planning Scheme. Of particular relevance to the current amendment is Clause 14.02-1S – Catchment planning and management, which includes the objective "*To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment*". This is supported by the strategy "*Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses*" (emphasis added).

The notion that new development and the planning framework in general should not only protect but contribute to the restoration and enhancement of valued characteristics is represented in numerous planning scheme provisions relating to the environment, heritage, landscapes and amenity. Examples include (but are not limited to):

- Clause 12.05-2S Landscapes – "*To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments*"
- Clause 35.06 Rural Conservation Zone – "*To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes*".
- Clause 42.01-02 Environmental Significance Overlay, Schedule 5 – "*To maintain and enhance the quantity and quality of water produced within the catchment*".
- Clause 42.02 Vegetation Protection Overlay – "*To maintain and enhance habitat and habitat corridors for indigenous fauna*".
- Clause 42.03 – Significant Landscape Overlay – "*To conserve and enhance the character of significant landscapes*"
- Clause 43.01 Heritage Overlay – "*To conserve and enhance heritage places of natural or cultural significance*" and "*To conserve and enhance those elements which contribute to the significance of heritage places*".
- Clause 43.02 Design and Development Overlay, Schedule 23 – "*To ensure new development is designed to maintain and enhance the values of historic buildings*"
- Clause 45.05 Restructure Overlay – "*To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development*".

The inclusion of this wording in the objective for ESO4 will ensure outcomes sought through this provision are consistent with current State and Local Government policy, Catchment Management and Water Corporations objectives, and that policy is consistent across the Upper Coliban Catchment as a whole.

Further, Council officers do not view the inclusion of the wording '*restores and enhances*' as overreach of the application of the ESO, nor that it unfairly burdens the landholder to take unnecessary measures to manage the impacts of their proposed development on the catchment. Large portions of land within the catchment in question are privately owned, and as such, relevant water corporations and CMA's have limited capacity to restore or enhance catchments without landowner participation.

The Amendment documentation has been revised in accordance with the independent Planning Panel, with the exception of recommendation 2b as discussed above. The revised documentation is provided at **Attachment Two**. Coliban Water has written to Council to support the revised Amendment documentation (**Attachment Three**).

Consultation and engagement

Planning Scheme Amendment C145macr was publicly exhibited as required by the *Planning and Environment Act, 1987* for a period of six weeks. Submitters were provided an opportunity to present their concerns to Council at a Planning Delegated Committee Meeting held on 8 February 2023 as well as to the Independent Planning Panel.

The Panel report was received by officers on 22 June 2023. Council made the Panel Report available on Council's website on 6 July 2023 and notified all submitters.

Collaboration

Collaboration with other councils, governments and/or statutory bodies has occurred to prepare this amendment – namely Coliban Water and Goulburn-Murray Water.

Innovation and continuous improvement

This Amendment seeks to improve the Macedon Ranges Planning Scheme through reducing unnecessary planning and administrative load for the responsible authority, referral authorities and landholders whilst introducing a more targeted approach to catchment management.

Relevant law

The Amendment complies with the provisions of the *Planning and Environment Act 1987*. This proposal does not have any direct or indirect human rights implications.

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

Amendment C145macr gives effect to Objective 3 of the Macedon Ranges Statement of Planning Policy, which seeks to:

To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.

Relevant Council plans and policies

Amendment C145macr assists with the achievement of priorities set out in the Council Plan 2021-2031 *Strategic Objective 2*. - Healthy environment, healthy people and specifically the priority to improve the management of water, including flooding risk, water quality of creeks and waterways, and the efficient use of water.

Financial viability

The proponent – Coliban Water, funded Amendment C145macr. The Amendment will likely bring cost savings to Council through the reduction of officer hours due to the reduction of matters that trigger a planning permit.

Sustainability implications

The amendment relates directly to the environmental management and sustainability of the catchment. The purpose of the amendment is to ensure the ongoing viability of the catchment in terms of both its intrinsic environmental value and its vital role as a resource for human settlement in the catchment.

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.

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

AMENDMENT C145MACR

EXPLANATORY REPORT

Who is the planning authority?

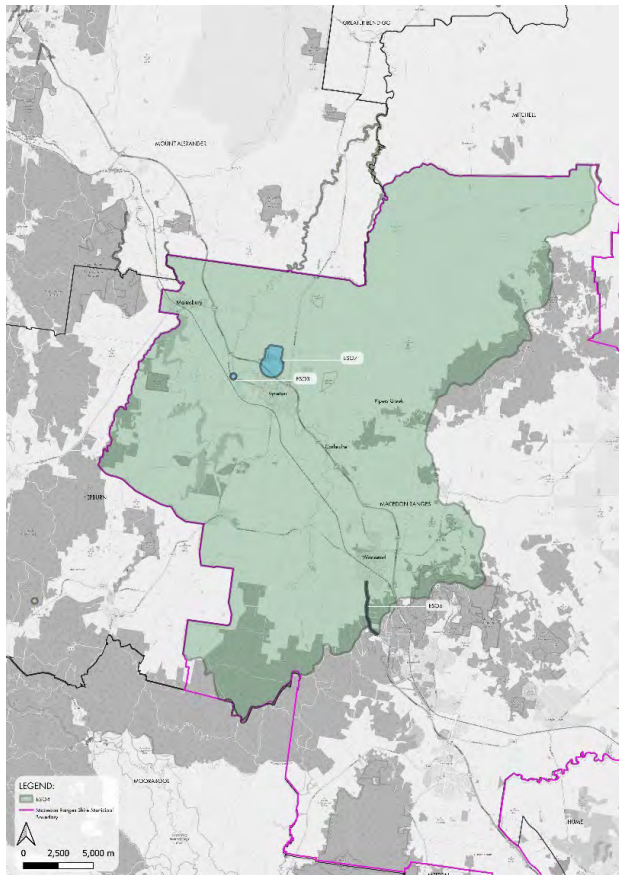
Amendment C145macr (the Amendment) has been prepared by the Macedon Ranges Shire Council, which is the planning authority for this Amendment.

The Amendment has been made at the request of Coliban Water Corporation.

Land affected by the amendment

The Amendment applies to all land affected by Schedule 4 to the Environmental Significance Overlay shown as ESO4 in the Macedon Ranges Planning Scheme mapping. The ESO4 applies to the extent of Eppalock Special Water Supply Catchment (ESWSC), including the Malmsbury, Lauriston and Upper Coliban Reservoirs within the Upper Coliban Catchment area, a designated open water supply catchment in the southwest portion of the Campaspe River basin in central Victoria and includes land within the Macedon and Hepburn Shires– Please see Figure 1 below. The ESWSC provides raw water for drinking water purposes for over 130,000 people.

Figure 1 –Extent of the ESO4 in Macedon Ranges



OFFICIAL

What the amendment does

The Amendment proposes to:

- Replace Schedule 4 to Clause 42.01 Environmental Significance Overlay – Eppalock Proclaimed Catchment with the proposed new Schedule 4 to Clause 42.01 Environmental Significance Overlay – Eppalock Special Water Supply Catchment to modify the number of matters that require planning permission, focussing development that has the potential to affect the health of the catchment
- Amend the Schedule to Clause 66.04 Referral of permit applications under local provisions to replace the existing referral requirements under Schedule 4 to the Environmental Significance Overlay with a requirement for all applications not exempt under the revised Schedule 4 to the Environmental Significance Overlay to be referred to the relevant water authorities.

Strategic assessment of the amendment**Why is the amendment required?**

The Amendment is required to balance the reasonable needs of development with the effective protection, enhancement and management of the catchment.

The ESWSC is an important source of potable water for the region as well as being of environmental and cultural significance. In response to the threats facing the catchment, Coliban Water and the North Central Catchment Management Authority undertook a comprehensive analysis of the benefits and costs of protecting and enhancing the Upper Coliban Catchment. As a result, the *Upper Coliban Integrated Catchment Management Plan* (North Central Catchment Management Authority and Coliban Region Water Corporation, 2019) was prepared. According to the Plan, Macedon Ranges Shire is experiencing growth in residential development increasing the density of unsewered dwellings existing in the catchment. The potential for further development, with associated impacts including disposal of domestic wastewater and the range of diffuse pollutants resulting from development, will put further pressure on the resources of the catchment.

The existing ESO4 only requires planning permission for accommodation uses (including dwellings) not connected to reticulated sewerage and buildings and works for Intensive animal husbandry (now known as Intensive animal production). While these requirements were likely appropriate at the time of gazettal, the increase in development and other pressures in the Catchment means that the provision is no longer fit for purpose.

The proposed schedule therefore increases the number of matters that require planning permission more broadly to applications for buildings and works in addition to dwellings. However, the schedule now also includes a number of exemptions that focusses requiring planning permission for development that has the potential to impact the health of the catchment. Matters that are exempt include:

- All fences
- Buildings and works associated with dwellings located more than 30 metres from a waterway and connected to reticulated sewerage.
- Buildings and works (general) that are located more than 30 metres from a waterway and meet other specific conditions.
- Subdivide land into lots of 40 hectares or greater
- Subdivide an existing building connected to reticulated water and sewerage.
- Remove, destroy or lop vegetation unless it is native vegetation within 30 metres of a waterway. Please note that the ability to remove of vegetation for fire protection purposes is not affected by this.

Please refer to the proposed Schedule for more detail.

Referral authorities under the Schedule to Clause 66.04 for the Catchment are Coliban Water and Goulbourn-Murray Water. They are both determining referral authorities and that is not proposed to change with the Amendment.

OFFICIAL

The matters that are referred to the authorities in the existing schedule include subdivision of lots under 40 hectares not connected to reticulated sewerage, applications to use land for Intensive animal husbandry (Intensive animal production) and applications for use or development of land within 100m of Lake Eppalock.

The amended schedule to 66.04 intends for any application that requires planning permission under the ESO4 to be referred to the authorities. Special Water Supply Catchments typically form part of drinking water supply systems. Therefore, it is important that development that has the potential to impact on the health of the catchment be referred to the relevant water authorities and that those authorities be determining referral authorities.

The Amendment does not seek to alter the land affected by the current Schedule 4 to the Environmental Significance Overlay as it is considered necessary in maintaining the health of the catchment. The proposed changes to the Schedule are intended to better balance the needs of the catchment with the needs to landowners.

How does the amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of planning in Victoria, contained in Section 4 of the *Planning and Environment Act 1987*, in the following ways:

- Objective A: the Amendment provides for the fair, orderly, economic and sustainable use and development of land. The Amendment seeks to better protect the Catchment which is a vital water asset for the region. It also seeks to balance that with the reasonable needs for development in the area.
- Objective B: the Amendment will assist in the protection of the natural resource that is the Catchment. The catchment is a significant natural resource that provides raw water for drinking water purposes for over 130,000 people and must be protected. Protecting the health of the riparian environments in the Catchment also aids in the maintenance of ecological processes and genetic diversity (biodiversity).
- Objective C: the Amendment will assist to secure and provide a pleasant, amenable, and safe living environment by protecting the Catchment so that it can continue to provide safe drinking water.
- Objective D: the Catchment is not considered to be a place of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value that would be protected under the planning scheme.
- Objective E: the Amendment will assist in protecting the Catchment enabling the provision of drinking water for the benefit of the community. Protection of the riparian environments within the Catchment also provides for ecological and environmental benefits that ultimately benefit the community.
- Objective F: the application of the ESO will facilitate development that does not compromise the objectives set out above.
- Objective Fa: the Amendment does not affect the provision of affordable housing.
- Objective G: the Amendment seeks to balance the present and future interests of all Victorians by protecting water quality and the environmental qualities of the catchment.

How does the amendment address any environmental, social and economic effects?

The Amendment positively addresses environmental effects by:

- Prioritising human health and wellbeing, and
- Protecting environmental and cultural values of the catchment.

The Amendment positively addresses social effects by:

- Prioritising human health through the application of the ESO, in order to manage development with the potential to adversely affect water quality.

- Protecting the environmental values of the catchment will also protect its cultural values and contribute to social wellbeing. As the catchment is an open catchment it has recreational as well as environmental and cultural value.

With respect to economic effects, the Amendment is expected to:

- Reduce the potential costs to the region by protecting water quality in the catchment rather than having to spend additional resources in treating water that has been contaminated.
- In a broader sense, reduce health costs associated with treating preventable water-borne illnesses through the provision of clean drinking water.
- Not place significant financial burden on landowners beyond that which is expected in developing land in an environmentally sensitive area. The permit exemptions in the ESO4 have been targeted so that only matters that are directly relevant to waterway health and enhancement are considered. Many of the requirements relating to drainage and land capability are already a requirement under other planning scheme provisions and legislation when developing land in rural areas. Any additional cost in relation to the protection or enhancement of the waterway and riparian areas are offset against the overall benefit to the wider community (that includes landowners).

Does the amendment address relevant bushfire risk?

Clause 71.02-3 (Integrated decision making) states that the role of planning and responsible authorities is to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. It then goes on to state that in bushfire affected areas the protection of human life must be prioritised over all other policy considerations.

The objective of Clause 13.02-1S (Bushfire planning) relates (rightly) to the protection of human life, however, one of the underpinning strategies also seeks to: *Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts...*

The protection and regeneration of riparian areas is significant in protecting both the health of waterways and as habitat. Riparian land is often the only area of remnant vegetation in predominantly cleared agricultural landscapes (*Riparian Land and Bushfire Resource Document* page 6). In a Special Water Supply Catchment the protection of waterway/body health is vital in maintaining a clean water supply which protects human health.

The *Riparian Land and Bushfire Resource Document* states that given the nature of riparian areas fire is less likely to start in those areas as they tend to have higher moisture levels and are sheltered from wind and sun (Page 26). However, it is noted that this may not apply in extreme bushfire events, as in those events, all vegetation can burn.

While the ESO4 affects a significant area of the Shire the provisions within Schedule 4 exempts most buildings and works other than where they are within 30 metres of a waterway (buildings). Therefore, the ESO has been specifically targeted to the locations that need protection and guidance. This greatly minimises the area where riparian and waterway health need to be considered in relation to bushfire risk.

In addition, Clause 42.01 (ESO) specifically exempts the removal of vegetation for fire protection purposes and the decision guidelines in the revised ESO4 specifically ask the decision maker to consider:

The need to retain and increase native vegetation to prevent or limit adverse effects on waterways, drainage lines and water supply reservoirs other than where works are necessary for fire protection.

On balance, given the clear priority placed on the protection of human life in the provisions of the planning scheme (that this Amendment will not alter), the importance of maintaining and enhancing riparian areas to protect waterway health and the targeted nature of the revised control with specific exemptions and considerations in relation to fire protection measures this Amendment has adequately addressed bushfire risk.

OFFICIAL

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The proposed ESO4 is consistent with the Ministerial Direction - The Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987* and meets the requirements of other relevant Ministerial Directions as follows:

- Ministerial Direction No. 11 – Strategic Assessment Guidelines

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment upholds the principles and objectives of the Planning Policy Framework (PPF).

In particular, the Amendment implements following relevant strategies contained in the PPF:

Clause 11.03-5S (Identified distinctive areas and landscapes)

- *Protect the identified key values and activities of these areas.*
- *Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.*

The *Macedon Ranges Statement of Planning Policy* (Victorian Government, 2019) contains the following objective that is most relevant to the Amendment:

- *To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.*

The revision of the ESO4 implements the relevant objective of the Macedon Ranges Localised Planning Statement (Statement of Planning Policy), by seeking to better protect water quality and the environmental values of the catchment.

Clauses 12.01-1S (Biodiversity)

- *Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.*

Clause 13.02-1S (Bushfire planning)

- *Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.*

Clause 14.02-1S (Catchment management and planning)

- *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
 - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
 - *Minimise erosion of stream banks and verges, and*
 - *Reduce polluted surface runoff from adjacent land uses.*
- *Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.*
- *Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.*
- *Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.*
- *Ensure planning is coordinated with the activities of catchment management authorities.*

OFFICIAL

Clause 14.02-2S (Water quality)

- *Protect reservoirs, water mains and local storage facilities from potential contamination.*
- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*

Clause 19.03-1S (Integrated water management)

- *Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.*

The Amendment also implements the *Loddon Mallee South Regional Growth Plan 2014* (the Plan) as follows:

The Plan generally looks to support the economic and lifestyle needs of the Loddon Mallee South Region (the Region) with the protection of the natural environment from both a visual heritage and environmental asset perspective. In addition, the careful management of catchments to protect both water quality and water supply is acknowledged as being of great importance to the Region.

The Plan outlines a number of principles to direct the future use and development of the Region.

Principle 7 is to: *Ensure our food, water and energy security.*

Two of the future directions that underpin this principle are (among others):

- *Support the sustainable use of rural land, including the development of regional catchment strategies and other suitable tools.*
- *Protect water quality and quantity.*

The Amendment implements directions from the PPF and the *Loddon Mallee South Regional Growth Plan 2014* through creating a strategy and proposed planning scheme provisions that protect water quality and quantity while balancing the reasonable needs of land owners. Protecting the health of waterways also has benefits for protecting biodiversity through the careful management of riparian areas.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment implements the objectives and strategies of the Macedon Ranges Local Planning Policy Framework.

Local policy in the Macedon Ranges Planning Scheme places a strong emphasis on protecting the environmental and ecological qualities of the catchment and well as water quality. It further contains strategies that relate to the regulation of use and development and support the regeneration of riparian areas all for the protection of catchment and waterway health.

In particular Clause 21.07-3 Water has the following objective:

To retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater.

Does the amendment make proper use of the Victoria Planning Provisions?

The Upper Coliban Integrated Catchment Management Plan (North Central Catchment Management Authority & Coliban Water, 2017 p 7) notes that activities that pose the greatest risk to the catchment are:

- Agriculture - in particular, uncontrolled livestock access.
- Unmanaged development that includes the disposal of domestic wastewater and other pollutants associated with development.

OFFICIAL

Where a permit is required for use, existing policy emphasises the need for the protection of both water quality and the catchment itself. However, the majority of the catchment is contained within the Farming Zone where the use of land for agriculture is as-of-right. The most prevalent zones in the catchment that allow residential uses are the Rural Living Zone and Low Density Residential Zone. In those zones dwellings are also as-of-right (subject to conditions).

Therefore, the introduction of a control tailored to the specific requirements of the catchment is the most appropriate mechanism. It allows for the control of relevant buildings and works regardless of whether the use itself is as-of-right.

In addition to existing policy, targeted drafting of the objective, statement of significance and decision guidelines in the proposed ESO4 will direct decision makers to consider the most relevant matters for the protection of the catchment.

PPN55 Planning in Open Drinking Water Catchments recommends the introduction of the Environmental Significance Overlay to tailor environmental objectives, permit requirements referrals and decision guidelines in open drinking water catchments.

How does the amendment address the views of any relevant agency?

This Amendment has originated from the Agencies most affected by the proposed ESO being North Central Catchment Management Authority and Coliban Water. The work underpinning the Amendment, however, (such as the *Upper Coliban Integrated Catchment Management Plan* (North Central Catchment Management Authority and Coliban Region Water Corporation, 2019)) was undertaken in consultation with key stakeholders such as the Hepburn and Macedon Ranges Shire Councils, Victorian Government agencies, Goulburn-Murray Water, local land owners and community groups all of whom understand the importance of the nature of the work.

The ICMP recognises that:

'Working in collaboration with other catchment stakeholders is crucial to protecting the catchments values into the future. Collaborative partnerships with landholders and community groups such as local Landcare networks are critical to achieve integrated catchment management outcomes.'

Goulburn Murray Water is considered one of the most affected authorities as they are the other referral authority under the Schedule to Clause 66.04. As such, their views are important in the management of the Catchment. In addition to being consulted as part of the preparation of the *Upper Coliban Integrated Catchment Management Plan* (North Central Catchment Management Authority and Coliban Region Water Corporation, 2019) Goulburn Murray Water has also been directly consulted on the proposed ESO4.

Other relevant agencies will be engaged during the exhibition period of the Amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment does not have any significant impact on the transport system and does not trigger any requirements of the *Transport Integration Act 2010*.

Resource and administrative costs

The implementation of the Amendment is not anticipated to give rise to any unreasonable resource or administrative costs for the relevant responsible authority.

The catchment area is already affected by ESO4 in the Macedon Ranges Planning Scheme.

The proposed modifications to the ESO4 may result in some additional permit applications being assessed by the responsible authority. However, the risk to human health and potential costs to the community from the consequences of not approving the Amendment outweigh any potential, minor, additional cost to the responsible authority.

The ESO has been drafted so that matters that will not significantly affect the health of the catchment are exempt, minimising any potential burden. Additionally, the ICMP that underpins this Amendment

OFFICIAL

was prepared in consultation with the Macedon Ranges Shire Council (as well as other relevant stakeholders).

Where you may inspect this amendment

The Amendment can be inspected free of charge at the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/Build-Plan/Planning-For-Our-Future/Planning-Scheme-and-Amendments>

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Gisborne Administration Centre 40 Robertson Street, Gisborne (opposite the police station)
- Kyneton Administration Centre 129 Mollison Street, Kyneton
- Woodend Service Centre Corner Forest and High Streets, Woodend

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

•

OFFICIAL

MACEDON RANGES PLANNING SCHEME

C145macr

SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO4**

EPPALOCK SPECIAL WATER SUPPLY CATCHMENT

Interpretation

In this Schedule, 'waterway' has the same meaning as in section 3 of the Water Act 1989, as updated from time to time.

Additional guidance is provided in the Waterway Identification Guidelines 2022, Department of Environment, Land, Water and Planning, as updated from time to time.

1.0 Statement of environmental significance

C145macr

The cumulative impacts of development in declared special water supply catchments has the potential to gradually diminish the quality and quantity of water in the catchments. Diminished water quality also increases the risk to human health and the health of all communities that rely on water from the catchment.

The protection, restoration and enhancement of all waterways within the catchment is an essential component in ensuring the continued availability of water quantity and quality, while also protecting and restoring the health of the natural resources and environmental systems within the catchment.

The management of land in the catchment must:

- Focus on the long-term protection of the natural resources and environmental systems.
- Encourage the implementation of measures to minimise detrimental impacts on the quality and quantity water within the catchment.

2.0 Environmental objective to be achieved

C145macr

To ensure development protects, restores and enhances natural resources and environmental systems and minimises detrimental impacts on the quality and quantity of water in the catchment.

3.0 Permit requirement

C145macr

A permit is not required to:

- Construct a building or construct or carry out works that is connected to a reticulated sewerage system and located more than 30 metres from a waterway for:
 - A dwelling.
 - An extension to an existing dwelling.
- Construct a building or construct or carry out works that are located more than 30 metres from a waterway, if all of the following are met:
 - The building and works do not generate any additional wastewater unless it is connected to a reticulated sewerage system,
 - Any site cut required is less than one metre in depth.
 - Any site cut required is less than 300 square metres in area.
 - No stormwater is discharged within 100 metres from a waterway unless it is discharged into the street drainage system or into a legal point of discharge.

MACEDON RANGES PLANNING SCHEME

- The buildings and works are an extension to an existing building and the extension does not encroach on the capacity of the existing effluent disposal field.
- Remove, destroy, or lop vegetation including dead vegetation unless the removal, destruction or lopping involves native vegetation on land within 30 metres of a waterway.
- Subdivide land for either:
 - An existing building or into two lots connected to a reticulated water and reticulated sewerage system.
 - A lot of 40 hectares or greater.
- Construct a building, construct or carry out works, remove, lop or destroy any vegetation, or to subdivide land that is undertaken by or on behalf of a Minister, government department, public authority or municipal council.
- Construct a building or construct or carry out of works associated with any activities conducted on public land by or on behalf of the public land manager under the relevant provisions of the Crown Land (Reserves) Act 1978, Fisheries Act 1995, Forests Act 1958, Land Act 1958, Local Government Act 1989, National Parks Act 1975, Reference Areas Act 1978, Water Act 1989 or Wildlife Act 1975.

4.0 Application requirements

C145macr

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A scaled and dimensioned site context plan showing the site and surrounding land including the location of
 - all waterways,
 - any drainage lines, water bodies, or springs that feed into a waterway,
 - all vegetation within 30 metres of a waterway.
- A scaled and dimensioned plan showing the location and use of existing and proposed buildings and works, including proposed or existing wastewater disposal areas and vehicle access.
- A land capability assessment prepared by a suitably qualified person(s) demonstrating:
 - Details of degree and direction of slope, soil type, vegetation and drainage systems on the site.
 - That the land is capable of absorbing effluent generated on the lot.
 - The likely impact of any on-site wastewater treatment system on surface and ground water resources and how such impact is to be mitigated.
- A plan to be implemented as part of the development outlining measures to protect and enhance the natural environment of the area, including:
 - Stormwater treatment and management including how the development plans reduce the volume and velocity of storm water exiting the property.

Proposed vegetation retention and any revegetation proposed within 30 metres of a waterway.

5.0 Decision guidelines

C145macr

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The potential impact of the development on the quantity and quality of water in waterways, and water supply reservoirs.

MACEDON RANGES PLANNING SCHEME

- Whether the development provides buffers to and from waterways, any drainage lines, gullies, or water bodies or springs that feed directly into a waterway or water supply reservoir.
- Whether the development has the potential to impact on the efficient functioning of any existing or new effluent disposal areas or systems.
- Whether the development minimises the detrimental impacts of nutrient loads, turbidity and siltation in waterways, and water supply reservoirs through improving the filtration and infiltration of water.
- How the development decreases or reduces the velocity of stormwater into waterways and water supply reservoirs.
- Whether the development provides measures to prevent erosion of including banks, streambeds and adjoining land within 30 metres of a waterway.
- Whether sewage, sullage, stormwater and other wastes can be treated on site without polluting waterways or ground water.
- The impacts of the proposed development on the natural environment and on the quality and quantity of water in the catchment.

MACEDON RANGES PLANNING SCHEME

24/11/2017
GC49**SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS****1.0**-/-/-/-/
C145macr**Referral of permit applications under local provisions**

Clause	Kind of application	Referral authority	Referral authority type
Schedule 4 to Clause 42.01	All applications that are not exempt under clause 3.0 of Schedule 4 to Clause 42.01	Relevant water authorities	Determining referral authority
Clause 3.0 of Schedule 5 to Clause 42.01 (ESO)	An application to subdivide land to create lots smaller than 40 hectares, which are not connected to reticulated sewerage An application to use land for Intensive animal husbandry An application to use or develop land within 100 metres from Pipers Creek, Coliban River, Campaspe River, Lauriston Reservoir, Malmsbury Reservoir and Upper Coliban Reservoir	Relevant water authorities	Determining referral authority
Clause 3.0 of Schedule 7 to Clause 42.01 (ESO)	Any application to subdivide land, or construct a building or construct or carry out works associated with Accommodation	Relevant water authority	Determining referral authority
Clause 4.0 of Schedule 8 to Clause 42.02 (VPO)	Any application to remove, destroy or lop native vegetation	Secretary to the Department of Environment, Land, Water and Planning	Recommending referral authority
Clause 4.0 of Schedule 9 to Clause 42.02 (VPO)	Any application to remove, destroy or lop vegetation	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 2.0 of Schedule 14 to Clause 43.02 (DDO)	Any application to construct a building or to construct or carry out works.	Secretary to the Department of Health	Determining referral authority
Clause 2.0 of Schedule 15 to Clause 43.02 (DDO)	Any application to construct a building or to construct or carry out works.	Secretary to the Department of Health	Determining referral authority

MACEDON RANGES PLANNING SCHEME

Clause	Kind of application		Referral authority
Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017	carry out works.		
Schedule 2 to Clause 45.02 (AEO)	Uses listed in Schedule 2 to clause	Airport owner	Determining referral authority

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

AMENDMENT C145MACR

INSTRUCTION SHEET

The planning authority for this amendment is the Macedon Ranges Shire Council.

The Macedon Ranges Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In **Overlays** – Clause 42.01, replace Schedule 4 with a new Schedule 4 in the form of the attached document.
2. In **General Provisions**– Clause 66.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document



Our ref:

Contact: David Sheehan 0417 3776 685

Your ref: Panel Report for C145

14 July 2023

Daniel Hall
Graduate Strategic Planner
Macedon Ranges Shire Council
PO Box 151
KYNETON VIC 3444

Dear Daniel

Feedback on Panel Report for amendment C145

Thank you for the opportunity to provide feedback on the Panel Report for amendment C145.

Coliban Water would like to raise a concern about the proposed edit to the environmental objective, as shown below:

Environmental objective to be achieved

To ensure development protects, ~~restores and enhances~~ natural resources and environmental systems and minimises detrimental impacts on the quality and quantity of water in the catchment.

With the Panel Member stating, as the basis for the proposed deletion:

That said, the Panel has some concern that the references to 'restoring and enhancing' in Clause 2.0 may imply an obligation on private landowners to take active steps toward restoring and enhancing the catchment, beyond measures necessary to manage the impacts of their proposed development. Broader restoration and enhancement of the catchment is the responsibility of the water authorities and catchment management authorities under the Water Act 1989 and the Catchment and Land Protection Act 1994. It is not the responsibility of landowners.

It is Coliban Water's view that this statement by the Panel Member does not adequately consider the fact that the catchment area in question is an open catchment, and, as such, the relevant water corporations and CMA are not able to restore or enhance catchments without landowner participation (i.e. most of the land in question is privately owned).

Further, the concepts of "restore and enhance" appear in State Planning Policy as stated objective (see 14-02-1S):



**14.02-1S
Catchment planning and management**

Objective

To assist the protection and restoration of catchments,
Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Therefore, based on the wording in State Planning Policy, Coliban Water's position is that the wording "restores and enhances" is retained in the Objective.

Yours faithfully

A handwritten signature in black ink, appearing to read "David Sheehan", written in a cursive style.

**David Sheehan
Principal Specialist Water Quality**

PE.2	COMMUNITY LOCAL LAW 2023
Officer:	Sarah Annells, Manager Safer Communities
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	1. Local Law Review Community Engagement Summary (under separate cover)
	2. Community Local Law 2023 - Post consultation draft (under separate cover)
	3. Amended Local Laws Fees and Charges 2023-24 (under separate cover)
	4. Legal Certification ↓

Summary

Council's current General Purposes and Amenity (Local Law no.10&13) is due to sunset on 25 September 2023. The Safer Communities team have drafted the Community Local Law 2023 to replace it. Consultation on the draft was held in April 2023. This report discusses the outcomes of the consultation and how it has been incorporated into the final draft of the Community Local Law 2023 (attachment 1) which is presented for adoption by Council.

Recommendation

That Council:

- 1. Notes the legal certification for the draft Community Local Law at Attachment 4.**
- 2. Adopts the draft community Local Law at Attachment 2 to commence on 25 September 2023.**
- 3. Authorises the CEO to publish the required statutory notices under the Local Government Act 2020.**
- 4. Adopts the fee schedule at Attachment 3 to commence on 25 September 2023.**
- 5. Notes the Community Engagement Summary for the Draft Community Local Law at Attachment 1.**

Background

Local laws are designed to respond to issues and community needs within a municipality. Any Local Laws passed by Council must be designed to ensure that the actions of an individual or group do not have an adverse impact on the rest of the community.

A Local Law, once adopted, has a maximum life span of 10 years. This ensures Local Laws remain current and suitable to the purpose for which they were originally made for, and that they are reviewed at a time when new issues may be expected to emerge or community expectations may shift.

Discussion

In August 2022 the project team was convened which consisted of representatives from Local Laws, Governance, Statutory Planning and Communications. The team met regularly, drafted the project plan and participated in the workshops and feedback process.

Internal consultation sessions with staff and Councillors were carried out. These sessions included workshops, small group meetings and one on one sessions as required.

Council appointed a lawyer to draft the proposed new local law - Georgie Ward from Macquarie Lawyers. A communication consultant was also appointed to facilitate all communications about the project.

A Communication Plan was developed which included a risk management plan and consultation plan. A draft of the Community Local Law 2023 was endorsed for consultation by Council in March 2023. Consultation commenced on 28 March 2023 and closed on 30 April 2023. The Consultation and Engagement process and outcomes are outlined below and expanded on in attachment 1, Community Engagement Summary for the Community Local Law 2023.

Once the consultation period closed all the feedback was collated, reviewed and incorporated as required into the final draft. Attachment 1 also outlines the changes made to the consultation draft to create the final draft Community Local Law 2023 – Attachment 2.

Key Changes from previous Local Law

- Name change to Community Local Law 2023
- Simplification and update of language
- Modernised objectives
- Modernised and updated Definitions and Terms
- Removal of clauses no longer needed (eg Septic Tanks)
- Updating specifics such as planning zones
- Changes/updates to strengthen existing clauses including:
 - Building sites
 - Heavy vehicle parking
 - Unsightly and dangerous land and buildings, including the ability to better deal with dilapidated buildings
 - Powered recreational vehicles
 - Collection of firewood from Council land and roads now prohibited and is now a standalone clause
 - Shopping trolleys
 - Toy vehicles and bicycles now renamed Recreational devices and bicycles
 - Dog waste provisions expanded so they can't defecate on private property without owner's permission
 - Additional animal types for animal keeping limits
 - Broadening of accountability to include land owners, not just perpetrators
 - Permits for up to 24 months
 - Burning in the open air – now prohibited on land less than 2,000 square metres
 - Waste provisions updated and renamed to Waste and Resource Recovery
 - Aligned infringements review process with state legislation

- Extension of time clause for Notices to Comply
- Bonds now stand alone clause
- New emerging issues included
 - Fireworks – New provision added to allow fireworks with strict conditions
 - Smoke Free areas (including vapes and e cigs)
 - Gambling advertisements
 - Events, Filming and Busking – now its own new clause
 - Corporate penalties for infringements
 - All offence types will have 20 penalty units in accordance to LG Act 2020
 - Summary clause for offences and continuing offences

Attachment 2 has a new provision for permits issued under the local law to be issued for up to 2 years. An amended fee schedule (Attachment 3) is presented as part of this report to allow for implementation of this change.

As required by the Local Government Act 2020 Council's lawyers have provided a legal certification of Attachment 2 as per Attachment 4.

The officer's recommendations are listed in accordance with the requirements of the Local Government Act 2020. The Draft local laws must be certified by a legal practitioner, hence recommendation 1 to Note the legal Certification. Recommendation 2 will adopt the draft Local Law. Recommendation 3 authorises the CEO to publish the notices required under the Local Government Act 2020. Notices will be placed on our website and in the Government Gazette. Recommendation 4 will adopt a new fee structure which incorporates the new 24 month permit and any new fees required by the draft local law. Recommendation 5 is for Council to note the contents of the Community Engagement Summary which will be published on Council's website and sent to all submitters and everyone on our mailing list.

Consultation and engagement

The consultation process included:

- Online survey, email submissions, and phone submissions
- Newspaper advertisements in community newsletters, coverage on our website and social media, within school newsletters, ShireLife, various Council initiated E-newsletters, posters at various locations, and Flyers given out at local markets and train stations
- Presentation to Liquor Act group and Leaders in the Loop
- Created a direct email database where community members can sign up to receive project updates

The consultation process results included:

- Council's received close to 200 submissions
 - 179 Survey responses
 - 20 separate submissions from individuals or groups
 - Of these 20 individual submissions received, one represents the views of the Macedon Ranges Residents Association and one was a letter of multiple

signatures (referencing a petition of 4,630 signatures in support of a fireworks ban)

A detailed summary of the Consultation and Engagement process can be found in Attachment 1 Community Engagement Summary.

Collaboration

In preparing Attachment 2 several other Councils were consulted to better understand how they carried out their local law review, including:

- Mitchell Shire Council
- Hume City Council
- Wyndham Shire Council
- Bayside City Council
- Mornington Peninsula Shire

Innovation and continuous improvement

Attachment 2 makes many changes and improvements to the existing local law, including simplifying and updating language, and including clauses to address new and emerging issues, such as fireworks.

Relevant law

Pursuant to the Local Government Act 2020, section 71, Councils can create Local Laws with respect to any Act, matter or thing in respect of which the Council has a function or power under the Local Government Act 2020 or any other Act.

Other relevant legislation includes:

- *Local Government Act 1989 (Victoria)*
- *Local Government Act 2020 (Victoria)*
- *Macedon Ranges Shire Council General Purposes and Amenity Local Law No 10 & Local Law No 13*
- *Liquor Control Reform Act 1998 (Victoria)*
- *Road Management Act 2004 (Victoria)*
- *Road Safety Act 1986 (Victoria)*
- *Equal Opportunity Act 2010 (Victoria)*
- *Tobacco Act 1987 (Victoria)*
- *Food Act 1984 (Victoria)*
- *Environmental Protection Act 2017 (Victoria)*
- *Macedon Ranges Planning Scheme*

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The purpose of attachment 2 is to promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general

expectations of the community. This document will have a positive impact on the local municipality irrespective of gender, religion, age, disability or cultural identity.

Relevant regional, state and national plans and policies

None applicable.

Relevant Council plans and policies

The following Council policies and plans were used in the preparation of attachment 2:

- Council Plan 2021-2031
- Municipal Public Health and Wellbeing Plan 2021 – 2025

Financial viability

The review, consultation and implementation of the draft local law is covered under the current operational budget.

Sustainability implications

None 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.



**MACEDON RANGES SHIRE COUNCIL
Community Local Law 2023**

Solicitor's Certificate - s.74(1) of the *Local Government Act 2020*

Pursuant to sub-section 74(1) of the *Local Government Act 2020 (Act)*, I, Georgie Ward of Macquarie Local Government Lawyers, certify that the proposed Community Local Law 2023, to be presented to the Council, is consistent with the Local Law requirements of section 72 of the Act which requires the following:

- A Local Law must not be inconsistent with any Act (including the *Charter of Human Rights and Responsibilities Act 2006*) or Regulations;
- A Local Law must not duplicate or be inconsistent with a Planning Scheme that is in force in the municipal district;
- A Local Law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles;
- A Local Law must not exceed the power to make Local Laws conferred by the Act or any other authorising Act;
- A Local Law must be consistent with the objectives of the Act or any other authorising Act;
- A Local Law must be expressed as clearly and unambiguously as is reasonably possible;
- Unless there is clear and express power to do so under the Act or any other authorising Act, a Local Law must not –
 - seek to have a retrospective effect;
 - impose any tax, fee, fine, imprisonment or other penalty; or
 - authorise the sub-delegation of powers delegated under the Local Law; and

Level 6, 30 Collins St, Melbourne, VIC 3000 Ph: 03 9650-6700
solutions@macquarielawyers.com.au www.macquarielawyers.com.au
Liability limited by a scheme approved under Professional Standards Legislation

Macquarie Local Government Lawyers

2

- A Local Law must comply with any details prescribed in the regulations relating to the preparation and content of Local Laws, of which at the time of providing this certification, no Regulations have been made.

In providing this certification, I confirm that I am an Australian lawyer who has been admitted to the legal profession for at least 5 years and that I am not a Councillor of the Council.

This certificate must be tabled at the Council meeting at which the proposed Local Law is to be made in compliance with sub-section 74(3) of the Act.

Yours faithfully

MACQUARIE LOCAL GOVERNMENT LAWYERS

Per:



Signed by Georgie Ward
In Victoria on 21 July 2023

PE.3	DRAFT GISBORNE FUTURES STRUCTURE PLAN - FOR CONSULTATION
Officer:	Isobel Maginn, Senior Strategic Planner
Council Plan relationship:	1. Connecting communities
Attachments:	Draft Gisborne Futures Structure Plan (under separate cover)

Summary

The draft Gisborne Futures Structure Plan (draft Structure Plan) provides a vision for Gisborne and New Gisborne to grow as 'twin villages' within a protected settlement boundary, and identifies future land uses for retail, employment, housing, open space and community services.

The revised draft Structure Plan included in this report (**Attachment 1**) has been developed in response to the significant amount of community feedback received in response to the 2020 draft Structure Plan and the actions that were identified as a result of the community consultation process associated with the 2020 draft Structure Plan.

This revised draft Structure Plan is underpinned by principles of sustainable community development and proposes a new town centre for New Gisborne, to reduce the dependency on the existing Gisborne town centre to access basic daily necessities.

Increased residential densities are proposed to minimise outward sprawl, protecting the environment and surrounding landscape, while planning for housing is affordable and accessible to a diverse range of people within the community. An expanded business park is proposed to provide opportunities for local jobs and business growth.

Some existing residential areas are proposed to be rezoned to Neighbourhood Residential Zone to ensure that new development makes a positive contribution to Gisborne's sense of place and responds to the preferred future character.

The draft Structure Plan has been prepared with significant input from the community, Councillors, internal departments and service agencies, and expert consultant advice.

This report presents the draft Structure Plan to be endorsed for consultation. The Gisborne Urban Design Framework and Neighbourhood Character Study are to be completed following adoption of the high-level direction contained in the draft Structure Plan.

Recommendation

That Council endorses the release of the draft Gisborne Futures Structure Plan for six weeks of community consultation.

Background

On 16 August 2018, the Macedon Ranges Shire became the first area to be declared under the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*.

The Gisborne Futures project commenced in 2018 after the State government identified the need for long-term protected settlement boundaries for all of the key townships within the Macedon Ranges Shire with capacity for growth. The Macedon Ranges Statement of Planning Policy 2019 identified that a protected settlement boundary for Gisborne would

need to be established through a structure planning process. The draft Structure Plan builds on the current Gisborne/New Gisborne Outline Development Plan which was adopted in 2009 to set a long-term strategic vision for Gisborne as well as identified a protected settlement boundary for the town.

The project has been shaped by a number of Council decisions which are outlined below:

At the Ordinary Council Meeting of 18 December 2019 Council determined to:

- 1. Resolve to further consider the Gisborne Business Park Development Plan as part of the Gisborne Futures project.**
- 2. Resolve to inform submitters to the Gisborne Business Park Development Plan of this decision.**

At the Ordinary Council Meeting of 24 June 2020 Council resolved to:

- 1. Endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation subject to the following changes:**
 - a. The land located at 284 Kilmore Road, Gisborne, known as Glen Junor, be included in the proposed settlement boundary and identified to be included in the Urban Growth Zone in the draft Gisborne Structure Plan.**
 - b. A neighbourhood activity centre be identified on the land at 284 Kilmore Road, Gisborne in the draft Gisborne Structure Plan.**
 - c. Update the draft Gisborne Structure Plan and draft Gisborne Neighbourhood Character Study to reflect the changes outlined above.**
 - d. Make the changes as outlined in the amended officer recommendation**
- 2. Note the officers advice that incorporation of Glen Junor in accordance with Item 1(a) and 1(b) above will preclude the provision of a detailed analysis and associated update of the documents referred to in Item 1, and supporting background documents.**
- 3. Note that following consultation, and prior to Council reaching a final decision and adopting the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study, significant strategic assessment to support Glen Junor's inclusion in the Gisborne settlement boundary would be required.**
- 4. Council officers will prepare a detailed schedule of strategic work that would be required pursuant to Item 3 above, including timeframes and costs for Council to consider as part of their post consultation deliberations.**
- 5. After considering the results of the forthcoming community consultation, Council will provide a revised version of the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for a further period of community consultation.**

Consultation Phase 3 occurred over a seven-week period from 27 July to 14 September 2020. Consultation was widely promoted through social media posts, postcard mail-outs, summary booklets in newspapers and community newsletters.

The consultation period coincided with a COVID-19 lockdown period and the consultation plan focussed on online activities including a series of public webinars and online survey to gather feedback.

The process attracted over 220 written submissions and 647 survey responses. The most common themes and feedback included:

- township growth, including concern with the level of growth and opposition to further township expansion
- requests for inclusion in the township boundary
- concern with impacts on township character, lot sizes and infill development
- support for providing greater housing diversity and more affordable housing options
- support for neighbourhood and local activity centres
- support for and concern with expansion of the business park
- support for the landscape and environment conservation and township character principles
- concern with potential loss of trees, landscape quality and culturally significant environments
- a need to reinforce environmental and habitat protection measures, trees, vegetation and wildlife
- need to better address climate change, bushfire risk and flood prone land
- concern with traffic growth and congestion, truck traffic
- support for walking and cycling, requests for greater emphasis on alternatives to private vehicle use
- strong concern with proposed Western Link Road
- support for community hub and requests for more details on community facilities.

At the Scheduled Council Meeting 24 February 2021:

It was moved by Cr Neil, seconded by Cr Moore that Council remove the land located at 284 Kilmore Road, Gisborne, known as Glen Junor, from the draft Gisborne Futures project. This is to include removal of the site from the proposed settlement boundary and draft Gisborne Structure Plan.

At the Scheduled Council Meeting of 24 March 2021 Council resolved to:

- 1. Note submissions (including petition/s and survey responses) received to the Gisborne Futures project.**
- 2. Thank submitters (including head petitioner/s) for their contribution to the Gisborne Futures project.**

The Gisborne Futures Phase 3 Consultation Report was prepared that summarises the key themes raised during consultation, along with response to submissions. These include a general response to themes along with tailored responses to individual submissions to outline how community feedback has been received and what direction or requests have or haven't been supported and why. The report also outlines a range of actions that will inform the revision of the draft plans.

At the Scheduled Council Meeting of 24 August 2022 Council resolved to:

1. **Notes the Gisborne Futures Phase 3 Consultation Report and endorses the further actions to progress work to update the draft Gisborne Futures plans;**
2. **Endorses the proposed draft boundary for further investigation that will include areas 1,2,3,4 and 5 outlined in the Gisborne Futures Phase 3 Consultation Report as the maximum future development scenario, noting that these areas may be modified subject to further work on the plan with no further areas to be included;**
3. **Provide an update to submitters and project subscribers; and**
4. **Continue quarterly project updates to submitters and project subscribers.**

Comments and submissions from Phase 3 provided direction to Council on areas for improvement, and this has been the focus of work to produce the revised draft plans.

The Phase 3 report included a list of 53 actions that were identified through consultation response to progress the plans. These included:

- a general update of data to reflect pandemic response and results of 2021 the census
- revision of housing framework change areas, land supply and demand estimates and housing strategy
- review of neighbourhood character work
- review activity centre hierarchy and business park land supply/demand and layout
- preparation of a bushfire risk assessment
- review of landscape and environment assessments, strategies and actions
- greater detail on future open space requirements
- a refreshed community infrastructure assessment
- a review of movement and transport recommendations.

The latest version of the draft Structure Plan has been prepared by Council officers with specialist consultant input on movement and transport, retail and employment analysis, bushfire risk assessment and a community infrastructure assessment.

Work is still underway on the Urban Design Framework and Neighbourhood Character Strategy, which are expected to be considered at a future Scheduled Council Meeting.

Discussion

The draft Structure Plan has been prepared with the following vision, with input from the community and Councillors:

In 2050, the twin villages of Gisborne and New Gisborne will be a thriving regional centre that provides a range of housing, employment and lifestyle opportunities for a diverse and inclusive community.

A protected settlement boundary will cater for future growth and define areas protected for environmental conservation and landscape value.

Respect and understanding of the town's rich cultural history and values of traditional owners will be celebrated and form part of the town's identity.

The town centres will be inviting places for people to meet, explore and do business in a safe, attractive and pedestrian-friendly environment.

The growth of creative and innovative businesses and a diverse mix of local job opportunities will allow residents to live and work locally.

New development will contribute to the defining village character, environmental and landscape qualities of the town and its surrounds and be designed to ensure it will function well under forecast climate scenarios.

Future communities will have convenient access to services and facilities and an accessible environment that is connected by a network of pedestrian and cycle paths.

Lifestyle opportunities will be provided for all ages, abilities and cultures to ensure that existing and future generations can live within a connected, sustainable and vibrant community.

The main features of the updated draft Structure Plan include:

- A commercial town centre for New Gisborne that will provide retail, office/commercial and residential opportunities close to the train station, schools and sports precinct.
- Compact residential densities in growth areas that will provide a viable catchment for shops and services, supported by an integrated open space and active transport network.
- A housing framework that encourages housing diversity and choice for increasing numbers of key workers, smaller families, single person households and aged housing needs, at different levels of affordability.
- An expanded business park that will provide local jobs and business growth opportunities.
- Streets and open spaces that support safe pedestrian and cycle routes, green infrastructure and canopy tree planting.
- A new community hub that includes space for early years, youth and seniors services, arts and cultural spaces and community meeting rooms.

The draft Structure Plan is built around key themes and guiding principles with objectives to be achieved. These are supported by strategies and actions that will inform future planning scheme amendments, identify further strategic work and include requirements for further detailed work through development plans or precinct structure plans. The guiding principles and some of the key objectives are listed below.

Protected settlement boundary

Establish a protected settlement boundary that protects the environmental and rural qualities of the landscape surrounding Gisborne while providing sufficient land to accommodate the projected growth for the next 30 years.

Objectives:

- To provide clear limits to township growth and protect the landscape, environmental and cultural heritage values surrounding Gisborne and New Gisborne.
- To maintain a rural break and separation between townships.

Activity centres

Plan for the development of Gisborne and New Gisborne as vibrant and attractive 'twin villages' that are complemented by a network of accessible local destinations.

Objectives:

- To strengthen the role of the Gisborne town centre as a local and regional destination that supports a wide range of activities, jobs and housing options.
- To encourage residential development in the Gisborne town centre that provides opportunities for greater housing diversity, promotes walking and street activity, and supports the economic viability of businesses.
- To facilitate development of a neighbourhood activity centre in New Gisborne that accommodates a mix of uses anchored by key pedestrian destinations.
- To facilitate delivery of local activity centres that act as community focal points and provide walkable access to convenience retail and local services.

Housing

Provide inclusive and diverse housing for a changing and growing community, including options that are accessible for a range of ages, household structures and affordability levels, that is supported by a high quality public realm.

Ensure that new development makes a positive contribution to the sense of place and responds to the existing or preferred future character.

Objectives:

- To increase the supply of more diverse and affordable housing that is suited to a range of household structures and ages.
- To achieve residential densities and urban design that supports the viability of local shops and services, promotes walking and cycling and decreases car dependency.
- To encourage housing development that integrates environmental sustainability principles.
- To ensure that new development makes a positive contribution to Gisborne's sense of place and responds to the existing or preferred future character.

Economic and employment growth

Increase opportunities for economic growth, business development and local employment so people can live close to where they work.

Objectives:

- To promote the Gisborne Business Park as a key location for commercial and industrial business growth and local employment opportunities, complementing the roles of the Gisborne and New Gisborne activity centres.
- To reduce the need for residents and business to travel outside of the municipality to access goods and services, improving economic efficiencies and reducing travel emissions.
- To ensure that the business park is a high quality development designed to integrate with the semi-rural township character of Gisborne.

Heritage and culture

Identify, protect and celebrate important elements that contribute to Gisborne's unique post-contact and Aboriginal cultural heritage.

Objectives:

- To enhance and celebrate Gisborne's Aboriginal cultural heritage in its open spaces and landscapes.

- To ensure new development in Gisborne appropriately responds to Aboriginal cultural heritage sites, places and values.
- Ensure new development in Gisborne appropriately responds to heritage sites, places and values.

Landscape, open space and environment

Enhance landscape, open space and environmental values through connected green spaces, protection of important landscape features, and integration of biodiversity values while planning for more resilient and sustainable communities that can withstand the effects of a changing climate.

Objectives:

- To enhance Gisborne's semi-rural character through retention of views to significant landscape features and surrounding rural landscapes.
- To ensure that housing and development is visually recessive to the broader landscape setting on township edges and entrances.
- To substantially increase tree canopy cover throughout Gisborne.
- To identify, protect and enhance areas identified as having high biodiversity and habitat values.
- To strengthen corridors connecting green spaces and provide landscape connectivity.
- To ensure that new development delivers open spaces that protect and enhance biodiversity and trees, township character, and waterways.
- To provide for high quality social recreation and sports reserves to meet the needs of the existing and growing population.
- To minimise bushfire risk to properties at the settlement interface.

Movement and transport

Provide safe and accessible walking and cycling infrastructure and an efficient public transport system that provides a convenient alternative to private vehicles.

Objectives:

- To promote sustainable transport (walking, cycling and public transport) as a viable alternative to private car use.
- To provide a safe and enjoyable multi-modal transport network, which enables independent travel for users of all ages and mobility levels.
- To improve the frequency, reliability and accessibility of Gisborne's public transport network.
- To provide an accessible movement network with clear and direct movement networks that are safe and connected.

Community services and utilities

Strengthen community and township services, utilities and facilities, and ensure these are delivered in line with population growth.

Objectives:

- To ensure that utilities and services are planned for and identified early.

- Ensure that the cost of delivering necessary service infrastructure is shared equitably among all parties involved in any development.

A key action in the plan is to deliver an Integrated Community Hub in New Gisborne which provides for a broad range of services, including:

- early years (kindergarten, maternal and child health, and playgroup);
- space for seniors groups;
- an expanded Gisborne Library;
- arts and cultural activities;
- community meeting spaces.

Response to feedback

Climate change and sustainable development

Feedback on the 2020 draft Structure Plan was received that it did not explicitly address climate change impacts, mitigation or environmental protection adequately. The 2023 draft Structure Plan proposes the following mitigation and adaptation measures:

- planning for urban form that prioritises walking and cycling, and create liveable and walkable communities to reduce transportation-related emissions.
- use of green infrastructure, such as parks, streetscape verges and landscaping, gardens and natural areas to provide ecosystem connectivity, improve air and water quality, and reduce urban heat and create cool public thoroughfares and refuges.
- aiming for a high percentage of canopy cover in new development through streets and public spaces that are designed to support substantial canopy trees, and ensuring that species selection maximises canopy cover.
- encouraging the application of Environmentally Sustainable Development principles and the sustainable subdivisions framework for new development.
- planning carefully for new development at the bushfire interface.
- promoting integrated water management initiatives and open space.

Township growth

Concern with township growth was the primary theme raised through consultation in 2020 by the community, who expressed concern with the level of growth or were opposed to further township expansion.

Gisborne (and New Gisborne) are nominated for growth in state and local policy. A protected settlement boundary for Gisborne would have been set through the Statement of Planning Policy process if sufficient land was available in the existing settlement boundary at that time. The Statement of Planning Policy recognises that a structure plan is required to set the protected settlement boundary for Gisborne.

Underpinning the proposed growth scenario is provision of a population catchment that is viable for the establishment of an activity centre in New Gisborne that can provide for the daily needs of residents and reduce the need for people to drive into the Gisborne town centre for the most basic of necessities.

Lot sizes

The Gisborne Futures Structure plan is seeking to increase the supply of more diverse and affordable housing, moving away from a standard large lot size. This will ensure housing in

Gisborne is suited to a range of household structures and ages through higher residential densities and encouraging more diverse dwelling types including shop-top dwellings, low-rise apartments, units and townhouses.

Currently, over 90% of homes in Gisborne are detached dwellings on large lots, with over 50% of houses containing only one or two people. House prices put home ownership in beyond the reach of most moderate to low income households, particularly for key workers who provide essential services for the town.

The continual supply of large lots in greenfield areas can lead to increased car dependency, congestion and transport related emissions, increased social isolation (particularly for older people, those with mobility issues or younger people who can't drive) and inefficient use of infrastructure, such as roads, water and sewage systems.

Infill development

Concern with the extent and nature of infill development has been raised through consultation.

Currently all residential areas (excluding low density and rural living) in the township are zoned General Residential Zone which permits building heights of up to 3 storeys, or 11 metres. All land in the General Residential Zone is a candidate for medium density development with three storey development under the provisions of the zone.

The draft structure plan is considering rezoning some existing residential areas to Neighbourhood Residential Zone which places a two-storey height limit on developments. Implementation of the Neighbourhood Character Study will include greater setback and built form requirements in the schedules to the zones to ensure that any new development responds to the preferred future character of the areas.

Many of Gisborne's residential areas have covenants and other controls that restrict further development. The plans propose to remove these covenants from the Chessy Park Estate to allow additional housing close to the station and future shops.

Bushfire Risk

State planning policy requires that bushfire risk be a key consideration in planning for new development, with the protection of human life to be prioritised over all other policy considerations.

A bushfire risk assessment has been prepared that prioritises development options based on bushfire risk, noting that infill development should be the highest priority as this presents the least amount of risk, followed by development in Investigation Areas 1 and 2. The report recommends that Areas 4 and 5 should be the lowest priority as these are located closer to the 'extreme risk' interface with the Macedon Ranges and bushland areas to the north.

Housing development is avoided along the western edge of Area 5 to provide a buffer to the bushfire interface, and the plans include direction for bushfire risk mitigation including perimeter roads, appropriate setbacks and for vegetation to be managed in a low-threat state.

Western Link Road / Bypass Road

A bypass was tested through the movement and transport investigations for Gisborne Futures, however this was found to be expensive and very difficult to achieve due to complex topography, landscape and environmental values, land ownership, and future development of land on Ross Watt Road.

Major arterial road projects are the responsibility of the State government and are difficult to resolve via the structure plan process. Instead the plan focuses on providing viable alternatives to private vehicles, including:

- supporting activity centres to create a multi-centric town with walkable access to conveniences
- improvements to the pedestrian and cycle network
- advocating for improvements to local and regional public transport.

Business Park

The Gisborne/New Gisborne Outline Development Plan (2009) identifies the land on the north-east corner of Saunders Road and Barry Road, New Gisborne for the “proposed future expansion of the New Gisborne Industrial Estate...to provide for more local employment opportunities”.

Concerns have been raised by the community about the character impact of the expansion of the business park on this key entry to Gisborne. There were also concerns with potential land-locking of the Business Park by hemming it in with residential and preventing further opportunity for business and industrial growth beyond the horizon of the plan.

Economic and employment analysis undertaken for the Gisborne Futures project continues to recommend expansion of the Business Park to meet the demand for industrial and Commercial 2 zoned land, and to provide local jobs and opportunities for business growth.

The Saunders Road location is considered to be the most appropriate as it provides visibility to passing traffic and allows for the co-location of like businesses such as manufacturing and trade supplies.

Character impacts and design concerns are proposed to be managed through a Design and Development Overlay that can set requirements for built form, layout, signage, colours and materials that are tailored to provide a sensitive response to the entrance road and backdrop of views to the north. There is potential for a revised development plan to be prepared.

Consultation and engagement

Community consultation

The Gisborne Futures plans have been informed by three phases of community consultation:

- August 2018: Context analysis, issues and opportunities
- May 2019: Emerging Ideas
- July – September 2020: Draft Structure Plan, Urban Design Framework and Neighbourhood Character Study.

The outcomes of consultation are detailed in the Gisborne Futures Phase 1 and 2 Engagement Summary and the Phase 3 Consultation Report.

The Phase 3 Consultation report includes a list of 63 actions that have guided the second draft of the Gisborne Futures Structure Plan.

Internal consultation

The Gisborne Futures Structure Plan has been developed in consultation with internal departments, service providers and government departments.

The process has included:

- Enquiry by Design workshop with internal staff, government agencies and service providers during the early stages of the project
- Consultant engagement with agencies during specialist report preparation (eg – town services engineering report).
- Internal project working group and direct engagement with internal departments, including scoping of consultant briefs and sign-off on specialist reports
- Series of workshops/meetings with Department of Transport and Planning and engineering staff regarding movement and transport
- Consultant and internal staff workshop
- Councillor Project Group engagement and participation through a series of briefings and workshops
- Meeting with Department of Transport and Planning regarding housing and character.

A six-week period of community consultation is proposed for the draft Structure Plan, in accordance with Council's Community Engagement Policy.

If adopted, a planning scheme amendment will be required to implement the key directions outlined in the Structure Plan. This will require formal exhibition of the Structure Plan and supporting amendment documentation, and submissions will be directed to an independent planning panel for a recommended decision.

Collaboration

The draft Structure Plan has been prepared with feedback received from government departments and service providers. This included an 'Enquiry by Design' process in the earlier stages, opportunity for comments and feedback on draft plans and targeted working group meetings as required for specific themes in areas that required a collaborative approach, such as transport planning (refer previous section).

The current draft will be used for further consultation with relevant departments and service providers.

Innovation and continuous improvement

Preparation of the draft Structure Plan has involved research into current planning trends and applies application of sustainable development principles related to urban densities, development of walkable, healthy communities, increasing tree canopy for urban cooling and enhanced biodiversity. The plans include strategies for providing jobs close to where people live and encouraging a mode shift from private vehicles to active and public transport. This approach is supported by a number of specialist consultant reports including economic and employment analysis, community infrastructure assessment and movement and transport recommendations.

The compact urban form and concentration of densities is an innovative approach to town planning that has not been trialled in the Macedon Ranges Shire previously. A process of monitoring and review of the strategy is built into the project implementation plan.

Relevant law

The Gisborne Futures Structure Plan is consistent with the objectives of the *Planning and Environment Act 1987* and the Macedon Ranges Planning Scheme.

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

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

The GIA recommends to improve the liveability of Gisborne for all members of the community to ensure gender-equitable access to housing, employment, transport and community infrastructure.

Community consultation and engagement has shaped the current strategy and further engagement is sought to further ensure the draft addresses community concerns from all of the community, including across gender and other demographic groups.

The draft Gisborne Structure Plan will seek to provide:

- More diverse housing choices within the town
- Greater safety and access to services, facilities and open space
- Greater employment options and economic development
- Transport options that are not car dependent for day to day needs

The strategies and actions within the draft Structure Plan seek to ensure Gisborne provides greater liveability regardless of age, gender, ability or background. Consultation must have regards to gender equality and intersectionality.

Relevant regional, state and national plans and policies

The report is consistent with regional and state planning policies including:

- Macedon Ranges Settlement Strategy 2011
- Loddon Mallee South Regional Growth Plan 2014
- Plan Melbourne 2017-2050
- Macedon Ranges Statement of Planning Policy 2019

Macedon Ranges Shire is declared a Distinctive Area and Landscape under Part 3AAB of the Planning and Environment Act 1988.

The *Loddon Mallee South Regional Growth Plan (2014)* and *Plan Melbourne 2017-2050* identify Gisborne as a regional centre providing for population growth, employment and infrastructure.

The *Macedon Ranges Statement of Planning Policy (2019)* reinforces Gisborne's role as a regional centre that is to provide service not just to the town but also to the broader rural communities and nearby smaller settlements. It also provides protected settlement boundaries to limit outward township expansion to conserve and enhance significant landscape features, biodiversity, ecological values and rural landscapes.

Relevant Council plans and policies

This report seeks to progress a priority in the Council Plan 2021-2031:

Strategic Objective 1 – Connecting Communities.

Integrate land-use planning, and revitalise and protect the identity and character of the shire.

Following community consultation of the Draft Gisborne Futures Project, (incorporating the Gisborne Structure Plan, Neighbourhood Character Study and Town Centre Urban Design Framework Plan), present the final draft of the Gisborne Futures project to Council for a decision and consider implementation into the Macedon Ranges Planning Scheme.

Financial viability

The Gisborne Futures Structure Plan has required a financial commitment from Council and supporting agencies of over \$750,000, which includes:

- Neighbourhood character (community survey and peer review) - \$27,000 (Funded through Council budget).
- Gisborne Futures Structure Plan and Urban Design Framework - \$380,000 in total (with \$100,000 funded through Council Budget, \$200,000 funded through VPA grant and \$80,000 contribution from RRV for traffic modelling).
- Wurundjeri Cultural Heritage Values Survey - \$20,000 (funded through VPA).
- Approximately \$90,000 was spent in additional costs to prepare the second draft of the structure plan, including additional investigations to resolve actions identified in the Phase 3 Consultation Report.
- Land Demand and Supply Assessment - \$70,000 (Funded through Council budget).
- Phases 3 of consultation – \$70,000.
- The project integrates the Business Park Development Plan which cost approximately \$95,000 - funded through Council budget and a VPA grant.

The project has required full-time commitment from one staff member (1 EFT + 0.5EFT) as well as additional support from staff broadly across the organisation through the process of plan development and review.

Additional funding is allocated to progression of the Gisborne Futures project, including Implementation through a future planning scheme amendment, in the 2023/24 Council budget.

Sustainability implications

The Structure Plan is underpinned by principles of sustainable development with an approach that considers economic, social, and environmental factor, including:

- promoting economic growth and local job creation
- providing access to basic services and infrastructure, such as housing, transport, shops and community services for all members of the community
- fosters social cohesion and inclusion, and promotes the well-being of all residents
- protects and enhances the natural environment and follows environmentally sustainable development principles.

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.

12 CHIEF EXECUTIVE OFFICER REPORTS

Nil

13 DIRECTOR CORPORATE REPORTS

COR.1	QUARTERLY REPORT FOR PERIOD ENDING 30 JUNE 2023
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Quarterly Report for period ended 30 June 2023 (under separate cover)

Summary

The Quarterly Report for the period ended 30 June 2023 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly Financial Statements
- Section 2 – Capital Works Statement
- Section 3 – Council Plan Actions – progress report
- Section 4 – Customer Service
- Section 5 – People, Risk and Wellbeing Report
- Section 6 – Implementation of Council Resolutions
- Section 7 – Governance Schedule
- Section 8 – Councillor Expenditure
- Section 9 – Councillor Activities in the Community

The report also provides a high-level summary of the organisation's performance to 30 June 2023.

Recommendation

That Council notes the Quarterly Report for the period ending 30 June 2023.

Background

The Quarterly Report is provided in accordance with Section 97 of *the Local Government Act 2020* (Vic) ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting.

Discussion**Section 1 and 2 - Financial Performance to 30 June 2023**

The Income Statement for the 12 months ending 30 June 2023 reports an operating surplus of \$37.6m, exceeding the budgeted amount by \$26.9m. This positive result is largely attributed to the following:

- unbudgeted income from the use of the Kettlewell's site to process storm debris \$11.5M
- unbudgeted expenses from costs relating to the Kettlewell's site activities \$10.8M

- increased interest earnings on financial investment \$559K
- early receipt of Federal Assistance Grant for 23/24 \$9.3M
- payments relating to the June 2021 storm claims \$4.2M
- higher volumes of contributed assets, infrastructure assets from developers. \$17M.

Capital expenditure for the 12-month period totalled \$30.9M which was \$41.0M lower than the budgeted amount, primarily due to construction delays relating to the two significant projects being the Macedon Ranges Regional Sports Precinct (Stage 1) and the Woodend to Riddells Creek Shared Trail.

Sections 3 and 9 – Quarterly Report to 30 June 2023

Sections 3 to 9 of the report provide Council an update on the progress of completing various Council Plan actions for the 2022/23 financial year and includes reports relating to people and wellbeing, risk management and customer service. The report also includes a Governance Schedule and several other reports relating to Councillor Expenses and activities.

Consultation and engagement

Officers from across Council have contributed to the preparation of the Quarterly Report.

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required.

Innovation and continuous improvement

The Quarterly Report forms part of a legislative requirement, which assists Council to deliver on its priority of strong and reliable government, whilst achieving its vision by following good governance processes and providing transparency to the community. The Quarterly Report is reviewed by the Executive and incorporates feedback from various levels of management to enhance readability and allow for continuous improvement.

Relevant law

This report has been prepared in accordance with Section 97 of the *Local Government Act 2020* (Vic) and is compliant with the requirements. The financial statements have been prepared in accordance with Australian Accounting Standards.

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

Sections 1 and 2 of the Quarterly Report provide the financial status of Council in relation to the Council Budget. Section 3 of the Quarterly Report shows Council's progress against each of the actions set out in the Council Plan.

Financial viability

The Quarterly Report provides information on Council's operating and financial performance for the quarter ending 30 June 2023. The financial statements within the report indicate that Council remains in a sound financial position.

Sustainability implications

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

Environmental sustainability is included as part of Council's performance against actions in the Council Plan.

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.2	RISK MANAGEMENT FRAMEWORK
Officer:	Setina Rockliff, Coordinator Risk and OHS
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Risk Management Policy ↓

Summary

Australian and International Standard *AS ISO 31000:2018 Risk Management Guidelines*, states that organisations should continue to monitor and continually improve the suitability, adequacy, and effectiveness of the Risk Management Framework (Framework) and the way that Risk Management is integrated into Council's day to day operations.

Council has undergone a review of its Risk Management Framework, an outcome of which was the requirement to update Council's existing Risk Management Policy.

The Risk Management Framework now includes several artefacts to help operationalise risk management at Council, being the Risk Appetite Statements, Risk Management Policy, Guidelines, Procedures and Tools. The regular review and renewal of each element of the framework is now managed as part of regular Council operations.

Recommendation

That Council:

- 1. Adopts the Risk Management Policy attached to this report as one part of Council's updated Risk Framework, and**
- 2. Rescinds the previous Risk Management Policy and Framework document, effective from 24 August 2023.**

Background

The Risk Management Policy (Policy) was last reviewed and adopted by Council in April 2022, and the Risk Management Framework (Framework) was last reviewed and adopted in 2019. Previously, these two documents were combined to form Council's Risk Management Framework.

Following an internal review, updates have been made to the Risk Management Framework in its entirety, now including the following suite of artefacts:

- (1) Risk Management Policy: articulates Council's commitment to managing risk.
- (2) Risk Management Procedure: provides guidance on how Council manages risk.
- (3) Risk Management Guidelines: explain what Council does to manage risk.
- (4) Risk Appetite Statement: articulates how much Risk Council is willing to pursue to achieve objectives. Not for presentation, awaiting further discussion and requires separate approval process.
- (5) Risk Management Tools: designed to support staff carry out the risk management procedure and include, but are not limited to, risk registers and risk assessments. Not for presentation, these are living documents that change based on demand.

Discussion

The Risk Management Framework documents have been updated with the key changes:

- Inclusion of more education and support for staff
- Expansion on Council's commitment to managing risk
- Stronger alignment with the Victorian Government Risk Management Framework
- Stronger alignment with AS ISO 31000:2018
- Separation of the framework documents to allow simpler use
- Detailed procedures and examples provided
- Expansion of the risk criteria tools to support staff management of risk.

As outlined in the Risk Management Policy, it is Council's responsibility to define the risk appetite and tolerance, which the Audit and Risk Committee monitors ongoing.

Consultation and engagement

The following groups have reviewed and provided feedback, which is incorporated into the each of the documents:

- Audit and Risk Committee
- Senior Management Team (Managers)
- Risk Management Committee
- Executive Leadership Team.

The Audit and Risk Committee supported the recommendation that the Framework be provided to Council for consideration of adoption.

Collaboration

A review of Risk Management Frameworks from other Council was conducted to provide benchmarks on inclusions.

External consultants, Marsh also undertook a peer review, to ensure strong application of the AS ISO 31000:2018 Risk Management Guidelines and the Victorian Government Risk Management Framework.

Innovation and continuous improvement

The *Local Government Act 2020* requires that councils give effect to innovation and continuous improvement in all that they do.

The Risk Management Framework provides a tool to ensure that continuous improvement occurs across all levels of Council. The framework, by design is also innovative, as it presents an opportunity matrix and criteria tools, which guide staff in taking opportunity risks.

Relevant law

Council is required to monitor and manage risk in accordance with *The Local Government Act 2020*. The Risk Management Framework supports compliance with *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

Whilst not a requirement, the framework has been created to be aligned with the Victorian Government Risk Management Framework.

Relevant Council plans and policies

The updated Risk Management Framework aligns with Council's strategic objective to deliver strong and reliable government, including through the provision of good governance, with a clear vision and culture, transparency, respect, consistency, accountability, and responsiveness.

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.



Risk Management 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	Coordinator Risk and OHS, People and Wellbeing		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Other (<i>please specify</i>) Every four years and within the first year of Councillor term.	
Last Endorsement Date	April 2022		
Next Endorsement Date	August 2025		

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	19/4/23	S.Rockliff
Second Draft	2	17/5/23	A.Drago-Stevens
Final Draft	FINAL	9/6/23	S.Rockliff
Approval			



Contents

Purpose 3

Scope 3

Policy Statement 3

Commitment 3

Positive Risk Culture 4

Roles and Responsibilities 4

Gender Impact Assessment 6

Definitions 7

References 9

Related Policies 9

Related Legislation 9

DRAFT

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

Purpose

The purpose of the Macedon Ranges Shire Council Risk Management Policy is to:

- Ensure everyone who is engaged with Council has an understanding of their roles and responsibilities in relation to risk management.
- Recognise that risk management is an integral part of good governance and leadership.
- Recognise that risk management contributes to the continuous improvement cycle.
- Recognise that managing risk is an iterative process that assists Council in setting strategy, achieving objectives and making informed decisions.

Scope

This Policy applies to Councillors, Audit and Risk Committee members, Council employees, volunteers, contractors and service providers who undertake activities on behalf of Council.

Policy Statement

To support Council achieve its objectives, Council will:

- Implement a Risk Management Framework consistent with AS ISO 31000:2018, ensuring an annual review.
- Ensure that risks are managed in a consistent and comprehensive manner.
- Ensure staff receive education and support to fulfil their risk management responsibilities.
- Integrate risk management process into Council decision making processes.
- Work in partnership to support the identification and management of shared and state significant risks.
- Maintain and regularly review its strategic and operational risk profile against Council plan and operational objectives.
- Promote and support Council to demonstrate a positive, risk-aware culture.

Commitment

Council is committed to implementing consistent and comprehensive risk management practices across all activities and functions to increase the likelihood of achieving its objectives, whilst encouraging a high level of accountability and management at all levels. Risk management is integrated into business activities and decision making across Council.

Council manages risks and reviews its performance in accordance with the risk management framework, risk management principles are applied throughout all Council policies, and risk management is inclusive of the management of opportunities.

Council acknowledges that risk management supports decision making through a better understanding of risk exposure. Effective risk management safeguards Council's reputation, assets, staff and public welfare whilst also creating a supportive work environment for staff that reduces high staff turnover.

Council will endeavour to provide adequate resources to ensure risks can be managed effectively. Council periodically monitors and reviews its risk management framework for accuracy and relevance. Council manages conflicts of interest in line with its risk management framework.

Positive Risk Culture

Council's positive risk culture supports everyone engaged with Council at every level to appropriately manage risk as an intrinsic part of everyday activities. Council supports open discussions about uncertainties and opportunities and encourages the application of the risk escalation process. Council's leadership team works with staff to control risks and continuously seek out new opportunities to enhance innovation.

Roles and Responsibilities

Councillors, in their role as Council

- Ensure that an appropriate risk management framework is in place and authorises the risk management policy.
- Ensure that a positive risk culture is in place.
- Define Council's risk appetite and tolerances.
- Direct strategy and review strategic risks.
- Contribute to the identification and management of shared and state-significant risks.
- Ensure that risks of significance (as defined by Council officers) and state-significant risks are reported to the appropriate Minister or department.

Audit and Risk Committee

- Provide oversight on significant strategic and operational risk exposures and control issues, including fraud and corruption risks, governance issues, 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.

Risk Management Committee

- Monitors the effectiveness of the risk management framework and recommends improvements to internal processes.
- Provides expertise and advice for Council's operational and strategic risks.
- Champions Council's positive risk culture.

- Monitors the management of the internal audit program and identifies areas of risk from the strategic and operational risk management processes to recommend for audit

Internal Auditor

- Reports to the Audit and Risk Committee on the effectiveness of internal controls and risk management processes.
- Reports to the Audit and Risk Committee on the effectiveness of management of strategic risks.
- Supports the positive risk culture.

Chief Executive Officer

- Leads the development, implementation and review of the organisation's risk management framework and compliance obligations.
- Endorses key policies and procedures for Council.
- Ensures the management of risk is adequately resourced.
- Monitors the organisation's internal and external contexts and contributes to the identification and management for new, changing or emerging risks.
- Monitors Council's operational and strategic risk profiles.
- Ensures risk management is embedded in strategic and operational planning and reporting.
- Ensures that the executive team, and the rest of the organisation, understand their responsibilities to managing risk.
- Champions Council's positive risk culture.
- Provide leadership and stakeholder engagement in relation to the identification and management of significant shared and state significant risks, by building relationships with other agencies, and engaging with stakeholders to manage shared risk effectively.
- In the event of a conflict of interest, the CEO will designate the appropriate Risk Owner.
- Ensure adequate claims management capability, resources and structured processes are in place.

Senior Leadership Team

- Champions Council's commitment to managing risk and supports the risk management framework and policy.
- Ensure staff within their area attend scheduled risk management training.
- Contributes to the identification and management of new, emerging, shared and state significant risks.
- Participates in the development, testing and embedding of the organisation's risk management framework.
- Assist staff to treat risks by immediate local action, appropriate strategies and collaborative practice between work areas.
- Monitors strategic and operational risk profiles and uses them as a source of risk management insights.

- Assesses the organisation's key risk indicators for changes in the likelihood or consequences of risks.
- Monitors Council's internal and external context for new risks.
- Identifies risk owners for new risks to ensure appropriate management of risks.
- Ensures that risk owners have the knowledge, authority and resources to manage risk effectively.
- Communicates risk information across Council.
- Advises responsible bodies of new risks and changes to strategic risks.
- Allocates appropriate resources to managing risk.
- Demonstrate a positive risk culture across Council.

Risk and OHS Unit

- Coordinates the periodic review of the risk management policy and other elements of the risk management framework.
- Designs processes for managing risk and support implementation across Council.
- Informs the Audit and Risk Committee and Council management of risks and issues.
- Support staff to understand their roles and responsibilities with respect to risk management.
- Analyses key risk indicators and the risk register and provide insights on risk.
- Assesses the internal and external context for new risk.
- Prepares reports to the Audit and Risk Committee and Executive Leadership Team.
- Demonstrates a positive risk culture across Council.
- Provide advice, training and support on risk management techniques.
- Actively seek out a broad range of risk assessment techniques and tools to support risk management.
- Maintains a register of all insurance and indemnities and manage insurance claims processes.

All Staff, Volunteers and Contractors

- Understand and support Council's risk management framework.
- Participate in risk training.
- Demonstrate Council's positive risk culture.
- Assesses new risks and monitor changes in known risks.
- Contributes to the continuous improvement of risk management frameworks, processes and culture.
- Manages risk within their area of influence.

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 policy.

Definitions

Term	Definition
Audit and Risk Committee	<p>The Audit and Risk Committee (the Committee) is a committee established by Council in accordance with section 53 and 54 of the Local Government Act 2020 (LGA).</p> <p>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 Audit and Risk Committee powers are outlined in the Audit and Risk Committee Charter.</p>
Consequence	<p>Outcome of an event.</p> <p>A consequence can be certain or uncertain and can have positive or negative or direct or indirect effects on objectives.</p>
Control	<p>Measure that maintains and / or modifies risk.</p> <p>Controls include, but are not limited to, any process, policy, device, practice, or other conditions and / or actions which maintain and / or modify risk.</p>
Event	<p>Occurrence or change of a particular set of circumstances.</p> <p>An event can have one or more occurrences and can have several causes and several consequences.</p>
Executive Leadership Team (ELT)	A management team that comprises the Chief Executive Officer and Directors.
Likelihood	<p>Chance of something happening.</p> <p>In risk management, 'likelihood' is used to refer to the change of something happening, whether defined, measure or determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically.</p>
Opportunity Risk	An opportunity risk is defined as an uncertainty that if it occurs would have a positive effect on achievement of objectives.
Risk	<p>Effect of uncertainty on objectives.</p> <p>An effect is a deviation from the expected. It can be positive, negative or both, and can address, create or result in opportunities and threats.</p> <p>Objectives can have different aspects and categories and be applied at different levels.</p>
Risk Assessment	The overall process of risk identification, risk analysis and risk evaluation.
Risk Analysis	Process to understand the nature of the risk and to determine the level of risk.

Term	Definition
Risk Appetite	The types and amounts of risk that an organisation is willing to accept in the pursuit of its strategic and business objectives.
Risk Criteria	Terms of reference against which the significance of risk is evaluated. Based on organisational objectives and internal and external contexts. Risk criteria can be derived from standards, laws, policies and other requirements.
Risk Culture	Refers to the system of beliefs, values and behaviours throughout an organisation that shapes the collective approach to managing risk and making decisions. A positive risk culture is one where every person in the agency believes that thinking about and managing risk is part of their job.
Risk Management	Coordinated activities to direct and control an organisations decisions about risk.
Risk Management Framework	Set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.
Risk Management Policy	Statement of overall intentions and direction of an organisation related to risk management
Risk Maturity	The benchmarking of an agency's risk management framework relative to leading practice
Risk Owner	Person or unit with the accountability and authority to manage risk.
Risk Profile	Is a description of any set of risks. The set of risks can contain those that relate to the whole organisation or part of the organisation
Risk Register	Record of information about identified risks.
Risk Source	Element which alone or in combination has potential to give risk to risk.
Risk Tolerance	The organisations readiness to bear the risk and risk treatment in order to achieve objectives. Risk tolerances are based on the maximum level of acceptable risk and may be expressed in various ways depending on the nature of the risk.
Risk Treatment	Process to modify risk, it can involve: avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk, taking or increasing the risk in order to pursue an opportunities, and/or removing the risk source.
Senior Leadership Team (SLT)	A management team that comprises the Chief Executive Officer, Directors and Managers.
Senior Management Team (SMT)	A management team that comprises all Managers.

Term	Definition
Stakeholder	Person or organisation that can affect or perceive themselves to be affected by a decision or activity.

References

- > AS/NZS ISO 31000:2018 – Risk Management – Principles and Guidelines
- > Victorian Government Risk Management Framework

Related Policies

- > Risk Management Guidelines
- > Risk Management Procedure
- > Risk Appetite Statement
- > Audit and Risk Committee Charter

Related Legislation

- > *Local Government Act 2020*

COR.3	CONTRACTS TO BE AWARDED AS AT AUGUST 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 grants delegated authority to the Chief Executive Officer to award the following contracts:

- (a) C2024-45 Provision of Sealing Works**

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.

C2024-45 Provision of Sealing Works

This contract replaces the existing contract which expires in October 2023. The contract is to carry out the annual bitumen resurfacing program on shire roads. The contract is for a period of three (3) years with a possible extension of two (2) years.

The potential five-year contract will 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	CARRY FORWARDS FOR YEAR ENDED 30 JUNE 2023
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Nil

Summary

This report seeks approval from Council for the total carry forward balances from the 2022/23 Budget to be made available in 2023/24 for the completion of a number of projects and programs. This is further to the May report regarding the Capital Works Program, and includes all carry-forward balances. Council, in considering this information, will also be required to note the net budget result from 2022/23.

Recommendation

That Council:

- 1. Approves the net budget carry forward from the 2022/23 financial year to the 2023/24 financial year of \$19,040,225.**
- 2. Notes that after carry forwards, the net budget result for the 2022/23 financial year is a deficit balance of \$3,172,851.**

Background

As part of the process of completing the 2022/23 financial reports, a review of expenditure programs at year end is undertaken. The purpose of this review is to identify items / programs / projects that are still underway at that date, committed / contracted to commence in the new financial year, or budgets that are identified to be allocated to projects in the new financial year. These are generally referred to as carry forwards.

Discussion

Each year at 30 June a reconciliation is undertaken to identify Council's actual cash position compared to budget. This process also identifies projects, both operating and capital that are required to be carried forward into the following financial year for completion.

After allowing for carry forwards, the cash position of Council at 30 June 2023 is a cash deficit of \$3,172,851. The cash deficit is due largely to the outstanding claims and pending claims from storm recovery works that have occurred over the past two years.

Operations

A cash surplus of \$5,003,494 is reported at 30 June from operations. The favourable result was due to the surplus reported for Emergencies \$1.3M. This has come about by the amounts received from the June 2021 storm being greater than the expenses incurred for the 2023 storms. The reimbursement of revenue for the 2023 storms will be received during the 2024 financial year. Finance and Reporting, favourable \$2.0M due to higher levels of interest received on investments and budgeted loans not being drawn down as the projects related directly to the loan borrowings have been carried forward.

Cash Position

The table below presents an overview of the existing cash deficit as of June 30, 2023. The initial cash position from the 2021/22 financial year showed a cash deficit of \$5,073,718,

primarily due to the timing of payments related to June 2021 storm recovery expenses and the State Government reimbursements not being received by Council before the June 30, 2022. This led to a timing discrepancy in the reported cash outcome at June 30, 2022.

Throughout the financial year to June 2023, Council has received reimbursements from the State Government in relation to the June 2021 storm. Council has also experienced several other weather emergencies, necessitating unplanned expenses for storm/flood recovery efforts. The expenditure incurred during the 2023 financial year has been partially mitigated by claims received by Council from the June 2021 storm. Further, the unbudgeted expenditure on storms/flood recovery works during 2023 has contributed largely to the net budget management position identified as (#1) below, being a \$3,172,851 cash deficit.

Considering several small claims relating to the June 2021 storm, and claims being finalised for the storms/flood recovery works undertaken during 2023, pending claims total \$3,309,202. Based on success rates of prior claims, it is anticipated that Council will be reimbursed 90% of these claims, reducing the current reported cash deficit of \$3,172,851 to a cash deficit of \$194,569.

Budget Management Position Summary - 30 June 2023			
Carried forward deficit from 2021/22 due to storm costs			(\$5,073,718)
Net operating budget variance *			\$5,003,494
Net capital budget variance *			\$15,467,243
Net oncosts		\$	470,355
Less net budget carry forwards (see page 9)			(\$19,040,225)
Net Budget Management Position (#1)			-\$ 3,172,851
Estimated emergency claims outstanding	\$ 3,309,202	90%	\$ 2,978,282
Net - Deficit			-\$ 194,569

** Includes loans and reserve transfers, excludes depreciation and provision movements.*

Carry Forwards

The net budget carry forwards at 30 June 2023 totalled \$19,040,225. The carry forward balance is made up of the operating carry forwards of \$3,120,781 and capital works carry forwards of \$15,919,443

Budget carry forwards from 2022/23 to 2023/2024					
No.	Projects In progress at the end of the year :	Remaining Budget		Net Carry	
		Income	Expense	Forward	
1	Council Flood Support	\$500,000	\$0	\$500,000	
2	Community Recovery Hubs	\$360,000	\$0	\$360,000	
3	Romsey Kinder Verandah and Window upgrade	(\$266,000)	\$266,000	\$0	
4	Manna Gum Family & Children's Centre playground	(\$288,480)	\$491,240	\$202,760	
5	Kyneton Mechanics Institute	\$0	\$285,720	\$285,720	
6	Kyneton Shire Office Bakery Building	\$0	\$180,000	\$180,000	
7	Open Space purchases	(\$750,000)	\$750,000	\$0	
8	Gisborne District Bowling Club synthetic green	(\$24,516)	\$418,450	\$393,934	
9	Gilbert Gordon Oval netball courts	(\$252,642)	\$1,296,095	\$1,043,453	
10	Barkly Square playing surface upgrade	(\$50,000)	\$573,373	\$523,373	
11	Woodend Golf Club clubhouse renewal	\$0	\$511,387	\$511,387	
12	Barkly Square multi-purpose facility planning	\$0	\$167,000	\$167,000	
13	Bridge - Main Road Riddells Creek	\$0	\$174,029	\$174,029	
14	Gisborne Business Park	(\$1,145,300)	\$842,291	(\$303,009)	
15	Bridge Culvert - Sidonia Rd, Sidonia	(\$191,000)	\$64,235	(\$126,765)	
16	Brooke St and Templeton St, Woodend	\$0	\$612,750	\$612,750	
17	Romsey Road, Romsey	\$0	\$8,570	\$8,570	
18	Macedon Ranges Shared Trails Project	(\$3,089,554)	\$9,297,291	\$6,207,737	
19	Macedon Ranges Regional Sports precinct	(\$13,193,493)	\$16,043,840	\$2,850,347	
20	Sheedy Road Gisborne	(\$1,490,629)	\$2,188,159	\$697,530	
21	Net of other minor projects < \$150k	(\$3,648,900)	\$8,400,309	\$4,751,409	
	- Negative Income, means grants to be received in 23/24				
	+ Positive income means grant received in prior year and budgeted in 23/24				
	Net budget carry forwards	-\$23,530,514	\$42,570,739	\$19,040,225	

Budget carry forwards represent unspent expenditure or unbudgeted income that needs to be made available to fund the completion of in-progress projects during the following financial year. Often, these in progress projects are intended to be undertaken over two or more years and are identified as in progress projects which require budget carry forwards in the Budget Reports adopted by Council in June each year. Budget Carry forwards are used to manage internal budgeting and project management, they do not form part of the Financial Statements.

Consultation and engagement

This information has been prepared in conjunction with officers across the organisation. In cases where a community group may be directly affected by the financial decisions and carry forwards, timely and transparent communication has been undertaken, and officers continue to work closely with them to address any concerns and explore collaborative solutions.

Collaboration

Nil

Innovation and continuous improvement

Officers continue to review practices which ensure accuracy, transparency, and compliance with relevant regulations, thereby improving the reliability of carry forward data. Embracing these principles enables local governments to make informed decisions, allocate resources strategically, and achieve greater financial stability and sustainability in the long run.

Relevant law

When preparing financial information, Council adheres to the stipulations outlined in the *Local Government Act 1989*, the *Local Government Act 2020*, and the *Finance and Reporting Regulations 2020* (the regulations). By complying with these regional, state, and national plans and policies, Council ensures its financial practices align with broader legislative frameworks and best practices in local government financial management. This commitment to regulatory compliance enhances transparency, accountability, and the overall integrity of financial reporting processes.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The preparation of this information aligns with one of the key components of the Council Plan priority, which is to "Deliver strong and reliable government."

Financial viability

Council's financial statements, as of 30 June 2023, demonstrate that our local government remains financially viable and well-equipped to sustain its operations at the existing levels in the foreseeable future.

Sustainability implications

Nil

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.

14 DIRECTOR COMMUNITY REPORTS

COM.1	AUSTRALIA DAY EVENTS 2024
Officer:	Julius Peiker, Coordinator Community Development
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

The purpose of this paper is to recommend modifications to planned activities traditionally held on 26 January (Australia Day), in view of growing community and stakeholder expectations.

Recommendation

That Council endorses the proposed Australia Day 2024 events as outlined in this report.

Background

In recent years, a growing understanding of what 26 January (Australia Day) means for First Nations Australians has encouraged councils to be thoughtful regarding events held on and around Australia Day. Many First Nations people refer to 26 January as either survival day or invasion day due to the detrimental effects of colonisation to their people. Macedon Ranges Shire Council, alongside other Victorian councils, is in a position to demonstrate support for both First Nations residents and the broader community members by restructuring activities associated with 26 January (Australia Day).

DiscussionCurrent situation

In 2023, Australia Day Council delivered a number of activities including:

- *Australia Day Awards Ceremony* - This event was held on 26 January 2023 at the Kyneton Town Hall. Australia Day Awards involve a community nomination process that began in October the previous year. While Council's website states that this is completed on behalf of the Australia Day Council, there is no obligation on Council's part to deliver the award program on this day.
- *Australian Citizenship Ceremony* - A Citizenship Ceremony, also held on 26 January, was delivered in conjunction with the Australia Day Awards Ceremony. It is important to note that on December 23, 2022, Council received formal advice from the Department of Home Affairs, with an update of protocols, stating that councils must hold a citizenship ceremony either on Australia Day, or within the three days prior or three days after Australia Day.
- *Australia Day Grants Program* - This grants program is designed to support a range of free Australia Day community events. The program opened in October 2022 with a total budget of \$5,000 for individual grants of up to \$500. For 2023, four community groups were successful in receiving funding, however one group returned their funding due to their inability to get Traditional Owners to participate in their proposed event.

Council's Reconciliation Action Plan (RAP)

While the RAP does not directly address issues with the 26 January, it does articulate a vision for reconciliation as one of:

equality and unity between Aboriginal and Torres Strait Islander Peoples and all Macedon Ranges communities, which recognises past injustices, our shared history and shared future, and strengthens Aboriginal and Torres Strait Islander Peoples' right to self-determination.

Macedon Ranges Shire Council will contribute to a future where Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples' histories, cultures and rights are respected, learnt from and celebrated and where Aboriginal and Torres Strait Islander Peoples have access to equitable opportunities that enhance self-determination.

Strengthening Council's relationship with the three Traditional Owners is a key element of Council's RAP. Council is keen to deepen our connection with our three traditional owner groups by being more thoughtful around 26 January events. A City of Melbourne survey of the five Traditional Owner Organisations of the Kulin Nation (which includes the three Traditional Owner Countries that Macedon Ranges Council is located on) have indicated 100 per cent support for changing the date of Australia Day.

The Taungurung Land and Waters Council wrote to Council's CEO on 23 January 2023, providing their position statement on 26 January. They state that many Taungurung people refer to Australia Day as either Invasion Day and/or Survival Day. Consequently, the Taungurung people see 26 January as a day of mourning and reflection, and not a day of celebration. They have chosen not to participate in any activities associated with 26 January. They have asked their partners and stakeholders respect this position.

Djaara (Dja Dja Wurrung Clans Aboriginal Corporation) also refers to Australia Day as Survival Day. They state on their website: *January 26 marks the beginning of the genocide and the profound mistreatment of our People. It is important to reflect on the historical atrocities of the invasion and colonisation of our Ancestors. This past has not been well documented and is yet to be better understood and accepted by others. Our vision is that future generations will know the truth in our shared history. The Dja Dja Wurrung will continue to be a strong, constructive, and respectful voice in advocating for our People's proper place in community matters.*

By committing to reconciliation through Council's RAP, Council can demonstrate its support and respect for our Traditional Owners and First Nations residents by making some changes to the activities traditionally delivered on 26 January.

Other local government responses

Consultation with other LGAs has revealed that while some councils are organising traditional Australia Day events on 26 January, some are choosing to respect Traditional Owners and First Nations residents regarding their feelings about 26 January. As they have done in previous years, Darebin and Merri-bek councils will hold no public events of any sort, while Ballarat and Mount Alexander councils host/sponsor Survival Day events on 26 January with the support of Traditional Owners and First Nations residents.

Hepburn Council will not hold any events on 26 January. They will hold a citizenship ceremony on the 25th, including a welcome to Country, and provide a native plant gift to new citizens. They have also removed Australia Day from the name of the awards and are

now calling them community awards. They will continue to provide funding to community groups who wish to hold a 26 January BBQ and other similar activities.

Bendigo Council have endorsed a January 26 Statement of Intent that was developed with the First Nations community. They have also moved their citizenship ceremony to January 25. Consequently, they will not holding Council events on 26 January, but will fund other community events / BBQs held on 26 January.

Mitchell Shire does not have a Reconciliation Action Plan, and will be holding an Australia Day event on 26 January that will involve a citizenship ceremony and presentation of Australia Day Awards.

Due to the dispersed small townships within Loddon Shire, this council does not host any events itself, but does support a number of community led events on 26 January that sometimes involve Australia Day Awards and citizenship ceremonies. Loddon Shire does not have a Reconciliation Action Plan.

Macedon Ranges Shire Council – proposed 2024 activities

With Traditional Owners and First Nations residents expressing grief and sadness concerning 26 January, officers are proposing to not deliver any events directly for that day. However, officers recommend that we still provide grants to support the delivery of community events on 26 January.

It is recommended that officers organise and deliver a community awards event and citizenship ceremony on Thursday 25 January 2024 at Kyneton Town Hall. Holding these events on this date is consistent with the advice from the Department of Home Affairs. This will mirror previous Australia Day events delivered by Macedon Ranges Shire Council.

To support the local community to celebrate and/or mark 26 January, the Australia Day grants program will still be delivered. These grants will have a funding cap of \$1,000 (an increase from \$500) and local groups can apply to host an event on any day within a week either side of 26 January (including on the 26 January). Events will need to be consistent with either traditional Australia Day events or other activities respectful of First Nations Australians.

Officers discussed the planned activities for 26 January 2024 with the Reconciliation Action Plan Working Group, who support the proposed approach.

Consultation and engagement

The councils listed in this report were consulted concerning their plans for Australia Day 2024.

Additionally, officers discussed the proposed activities for 26 January 2024 with the Reconciliation Action Plan Working Group. All members of the working group supported the approach as described in this report.

Collaboration

Collaboration was not required in relation to this report.

Innovation and continuous improvement

The proposal in this report demonstrates continuous improvement. By implementing the measures proposed in this report, Council sends a message to Traditional Owners and First Nations residents that shows respect. This show of respect will improve and enhance Council's relationship with them.

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. In terms of previous Australia Day related activities, Citizenship and grants, it was assessed that the subject matter in the report was gender neutral.

Relevant regional, state and national plans and policies

In the *Victorian Aboriginal and Local Government Strategy 2021 – 2026: Pathway to Stronger Partnerships*, the strategic framework outlines seven strategic pillars. The first of which is Culture, Respect and Trust. The outcome of adopting this pillar is documented as “Genuine partnerships between Aboriginal Victorians, local councils, and the Victorian Government that celebrate, understand, and embed Aboriginal cultural heritage and foster trust and respect.”

Relevant Council plans and policies

The proposal relates to:

- Council Plan Strategic Priority – Connecting Communities, continue to deliver improved outcomes for and recognition of our First Nations People
- Macedon Ranges Shire Council Reconciliation Action Plan *Innovate 2021 - 2023*

Financial viability

Recommendations in this report are within endorsed 2023-24 budget parameters.

Sustainability implications

There are no sustainability implications for the outcome in 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.

COM.2	AGED CARE TRANSITION UPDATE
Officer:	Naomi Scrivener, Manager Community Wellbeing
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Nil

Summary

This report summarises the outcomes of transition arrangements and support provided to clients, staff, volunteers and impacted community groups, following Council's decision in August 2022 to transition out of Commonwealth Home Support Programme services by 30 June 2023. The report also provides a summary of the future direction of support for older people in the Macedon Ranges.

Recommendation

That Council notes this report.

Background

At its Scheduled Meeting on 24 August 2022, Council endorsed the exit from in-home direct care services provided to older people through the Commonwealth Home Support Programme (CHSP). All impacted staff, clients and senior citizens clubs were informed of the decision at this time. Triggered by this decision, consultation was undertaken with staff, clients and community, particularly seeking feedback on Council's reinvestment in supporting older people into the future.

In December 2022, the Commonwealth informed Council that Intereach and Benetas would be the service providers funded to deliver the CHSP service activities of Domestic Assistance, Personal Care, Respite and Social Support Individual to Council's transitioning clients.

Commencing from January 2023, officers met with each provider on a weekly basis, to co-design the implementation of the staged transition plan. Officers also met with Commonwealth representatives on a fortnightly basis to discuss how the transition was progressing, advocate for supports for the new providers and to raise any concerns relating to the transition process.

Over seven weeks, commencing from the 1 May, small groups of up to 60 individuals were supported to transition across to their chosen new provider on a weekly basis. The last of Council's direct services were delivered on 23 June 2023.

Discussion

Outcomes of the transition for each affected cohort are summarised below:

Clients' transition

Throughout the transition process, officers ensured clients were provided with up to date relevant information about their available choices and the transition process.

All clients were given the choice of which provider they would like to transition to and provided consent for the transition to proceed.

As the transition progressed, officers identified clients, based on their individual needs, who would benefit from being part of the initial transition group commencing from 1 May 2023. This ensured that Council staff would be available to support those clients' should there have been any challenges with the change. Clients were given three weeks' notice of their transition date, ensuring time to implement any additional support if required, and to allow for a goodbye to their Council support worker.

In total 477 clients transitioned to the new providers.

Senior citizens clubs' transition

Through CHSP Centre Based Meals Funding, Council had previously supported local senior citizens clubs to provide a weekly, subsidised meal to eligible members. The Commonwealth confirmed that no approved provider could continue to subsidise the groups' meals in the way that Council had, as it was not aligned to the available Community Meals funded program.

Councils dedicated Transition Officer met regularly with each of the five senior citizens clubs across the shire throughout the transition period, to communicate the upcoming change and discuss each individual clubs' needs, in terms of what support they required to move towards becoming sustainable.

Funding has been approved in Council's 2023/24 Budget for *Senior Citizens Transition*, and will be applied to the clubs to financially support their individual needs and goals over the course of the year, with transition plans to be co-designed by the clubs and Council.

Staff transition

Throughout the transition process, staffing remained relatively stable across the Community Wellbeing team, ensuring that current services were able to be carried out without impact to client service delivery.

All staff (office and field based) had the opportunity to meet with the two new providers, who presented on the benefits of working at each organisation, as well as job opportunities they had available.

Other councils that had undergone transition indicated that maintaining adequate staff levels was key to a successful transition process. System failure occurred where there were not enough support workers available with the new providers to adequately manage the intake of new clients. Both new providers have communicated that they were able to attract support workers to meet the demand of the additional workload because of the transition process, as well as in preparation for increased demand into the future.

Volunteers' transition

At the time of transition, there were 20 active volunteers who provided support to clients in the CHSP Social Support Individual (SSI) program. This included visiting and accompanied activities, including taking clients to medical appointments outside the Macedon Ranges region.

Nine volunteers have indicated that they are interested in and committed to Council's new Aged Care Volunteer Visiting Scheme (AVVCS) and will be matched as the scheme evolves. Further information on the scheme is provided later in this report.

Supporting older people into the future

Through the community consultation conducted in September 2022, along with consultation projects undertaken in the past three years, in relation to Council's Positive Ageing Plan PARTICIPATE and the Village Connect project, recurring key themes/priorities for

supporting older people across the shire have been identified. These include connection, health and wellbeing, advocacy, and transport/infrastructure.

To support work aligned with these key themes, as well as to continue the delivery of Councils' Positive Ageing Plan, two new positions have been established within the Community Wellbeing department; Coordinator Community Connection and Community Connection Officer.

In addition to these two new Council funded roles, externally funded programs will also give Council a platform to enhance support to older people and to meet the actions within the Positive Ageing Plan.

Village Connect

Village Connect has been funded through the Commonwealth Government Seniors Connected Program, to operate from 2021 to 2024, and is one of 14 funded programs across Australia. The aim of this program is to connect socially isolated people over 55. The program evolves to meet the needs of its members, however includes the following:

- Information about free or low-cost activities in the Macedon Ranges
- Pop-up activities and events to support people over 55 to connect with others locally
- Opportunities to learn new skills such as navigating digital technology
- A quarterly newsletter containing information about programs, events and health and wellbeing services for over 55s.

There are currently 249 members who have registered to access Village Connect programs since its inception.

The program is gaining momentum and popularity across the shire. Given this, and with the approval of the funding body, an additional Village Connect officer will be employed within the allocated funding. Officers will work in specific allocated regions, with the aim to increase connections.

Aged Care Volunteer Visiting Scheme (ACVVS)

Council has been successful in an application to the Commonwealth Government for \$538,000 over three years, to become an Aged Care Volunteer Visitor Scheme provider. Council will be one of 140 providers across Australia. The aim of this program is to support volunteer visits to provide friendship and companionship to older people, with visits available to anyone who:

- receives government-subsidised residential aged care or Home Care Packages, including care recipients approved or on the National Priority System for residential or home care packages
- is socially isolated.

This program enables Council to deliver a program aimed at supporting older people who are socially isolated, through the engagement of dedicated volunteers.

Regional Assessment Service

Council has been an outlet for the Regional Assessment Service (RAS) since 2017. The RAS undertakes home support assessments, to refer those over the age of 65 into CHSP services across the shire. Over 2022/23 Council's RAS undertook 845 assessments. This program will continue to give Council a platform to advocate for and support older, vulnerable people and their carers in the community to be able to access supports and services.

Consultation and engagement

Community consultation was conducted in September 2022. The purpose of this consultation was for the community to inform Council where future investment should be made to support older people across the shire. Key themes identified included connection, health and wellbeing, advocacy, and transport/infrastructure.

Collaboration

Council has been collaborating with the Commonwealth Government over the past 12 months, in relation to the transition process.

Innovation and continuous improvement

The transition process was innovative in the way it was delivered. The process allowed for significant safeguards through a staged transition which enabled small numbers of clients to receive services from the new providers each week, with Council monitoring the service outcomes. Further to this, the work Council has undertaken throughout the transition will enable innovation and continuous improvement in relation to future investment in positive-ageing initiatives.

Relevant law

Industrial obligations

Council had industrial obligations to staff to ensure notification of change and consultation and engagement on significant decisions that impact the workplace. The changes resulting from Council's decision to exit services triggered these obligations, and Council was clear on its position around engagement of staff and notification of unions. The decision to exit the program triggered redundancy provisions of Council's Enterprise Agreement, including the exploration of redeployment opportunities where suitable for affected staff, which have all been met.

Human Rights

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

Gender Equality

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The assessment was conducted in relation to the subject matter of this report to ensure Council meets obligations under the Gender Equity Act 2020. It was determined that the subject matter of overall transition reporting is gender neutral – however in previous related reports officers have demonstrated in detail the variations and impacts of ageing between males and females, and acknowledge that the vast majority of staff impacted by the transition identified as female.

Relevant regional, state and national plans and policies

Aged Care Sector Reform

The Commonwealth took full policy, funding, and commissioning responsibility for an integrated aged care program in August 2011, and has proceeded to implement a range of reforms, based on very consistent design principles. The Commonwealth has committed to design and deliver a nationally consistent consumer-centric, integrated and flexible aged care system to meet the needs of all older Australians.

The Aged Care Royal Commission

The final Royal Commission Report 2021 has guided the aged care reform. The report has a critical focus on quality and compliance frameworks. This is already reflected in the rigorous requirements of the Aged Care Quality Standards, which have applied since 1 July 2019, bringing an increased focus on training of staff, compliance, and outcomes for clients. Enhancing quality and safety is a major focus of the final Royal Commission Report, and the Commonwealth has confirmed there will be an increased emphasis on compliance and reporting for all providers.

Relevant Council plans and policies

Council Plan 2021-2031

Strategic Objective Healthy environments and healthy people - Support our community to ensure better access and connection for facilities and services - Continue to monitor the implication of aged care reforms on Council's role in supporting older people in the community. The outcomes of the consultation identify how the community would like Council to invest into the future to support older people.

PARTICIPATE Positive Ageing Plan 2020-2025

Priority Action Area 2: Living well in the community. Future investment into and advocacy related to Councils positive ageing initiatives are in direct response to the strategies in this plan.

Financial viability

The decision to cease providing CHSP services required a commitment to allocate resources to support an effective transition process, and the post decision consultation supported the development of the 2023-24 budget allocation to support programs and activities for older people in the future.

Sustainability implications

Social implications

The transition of CHSP services had the potential to have an impact on the connections that clients had with Council and their wider community. Some clients utilised CHSP activities to access the community and form connections, as well as the important relationship between clients and the care workers who had supported them. A positive outcome from the transition is that many staff members were successful in roles with the new providers allowing for ongoing contact to continue. Further, both new service providers are funded to provide all of the CHSP programs that Council was funded for, ensuring that there are no service gaps resulting from this change. Council will continue to play an advocacy role for older people in accessing services through the Regional Assessment Service and other positive ageing initiatives.

Environmental implications

Due to the transition, there was opportunity to reallocate Council resources that would no longer be required:

- 70kg of uniforms were de-identified and sent to be recycled into repurposed products.
- Personal Protective Equipment (PPE) that could not be allocated to other units in Council were donated to residential aged care facilities.

- Emergency fire bags from a past initiative included new unused pure wool blankets. These blankets were donated to Sunbury and Cobaw Community Health's Housing Support team, to be donated to those who are homeless or at risk of being homeless.

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	CONSIDERATION OF A SPECIAL CHARGE SCHEME FOR NOONAN GROVE WOODEND
Officer:	Benup Neupane, Coordinator Engineering Services
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Nil

Summary

This report provides an analysis of the options for Council consideration regarding the sealing of Noonan Grove, Woodend. In April 2022, Council received a petition to seal a portion of Noonan Grove, Woodend (between Ashbourne Road and 19 Noonan Grove).

This report considers four options as part of the next steps in preparing a detailed Special Charge Scheme. Officers analysed these options and provided the following recommendation.

Recommendation**That Council:**

- 1. Does not proceed with a Special Charge Scheme for sealing Noonan Grove;**
- 2. Continues to maintain Noonan Grove as a Category 4 unsealed road;**
- 3. Notes officers will implement a limited trial of dust suppression during the summer of 2023; and**
- 4. Notes officers will provide a Business Case for Council consideration as part of future budget consideration to review options for managing unsealed roads within township boundaries.**

Background

Council received a petition with 34 signatories on 27 January 2022 requesting the sealing of Noonan Grove and Christian Street, Woodend. The petition identified that the Council approved the subdivision around Beaumont Place connecting to the west end of Noonan Grove, which they claim resulted in increased traffic flow from this development along Noonan Grove to Ashbourne Road. At the 23 November 2022 Scheduled Council Meeting Council resolved to proceed with a detailed Special Charge Scheme involving further consultation for Noonan Grove Woodend (details of the resolution are provided in the table below).

The petition notes that residents identify that the extra traffic flows from the Beaumont Place development generate fine dust on Noonan Grove when a car passes, which 'penetrates houses leading to extra cleaning and laundry costs'.

The table below provides a summary of previous Scheduled Council Meeting outcomes.

SCM Date	Council Resolution/Deferral
27 April 2022 (Resolution 2022/35)	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Receives and notes the report</i> <i>2. Refers the petition to the Director Assets and Operations for investigation and requests a report back on the matter by August 2022;</i> <i>3. Notifies the petition organisers accordingly.</i>
24 August 2022	<p><i>That Council defer the item for consideration at a future Scheduled Council Meeting.</i></p>
23 November 2022	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Proceed with undertaking the next steps to prepare a detailed Special Charge Scheme for sealing of the unsealed section of Noonan Grove for future Council consideration; including further public consultation and direct contact with benefiting residents as outlined in the Special Charge Scheme for Infrastructure Works Policy (2018) and this report;</i> <i>2. Not proceed with the sealing of the unsealed section of Christian Street, Woodend; and</i> <i>3. Advise the first-named petitioner of this Council resolution.</i>

Officers refined the design for Noonan Grove and updated the estimated construction cost to \$806,892. Additionally, all Noonan Grove and Beaumont Place Estate residents were surveyed about their willingness to participate in the Special Charge Scheme.

Noonan Grove residents noted that the letter to residents failed to advise that residents could pay in instalments under the Special Charge Scheme. Officers provided a second letter informing residents of the opportunity to pay in instalments.

Discussion

In parallel with the initial Special Charge Scheme process, Officers undertook traffic monitoring to assess if the reported increase in traffic triggered a reassessment of Noonan Grove's road category. The assessment supported continuing the roads' current categorisation – Category 4. Category 4 is the highest category for unsealed roads within the Shire which is described as "*Unsealed roads carrying low traffic volumes, generally of a local nature. Provides access to properties on that particular road and adjoining roads.*"

As part of the analysis, officers noted that higher priorities within the road's network require Council's investment. Council's Asset Plan and Road Condition Assessment identifies the total value of sealed road pavements and surfaces in 'poor condition' as close to \$25 Million. This volume of road assets, classified as in 'poor condition' represents a 5-to-10-year backlog of renewal work, which is a higher priority for funding. Noonan Grove recently had an independent condition assessment completed as part of the Shire Wide Road Condition Audit; no works were identified in this audit for Noonan Grove.

During the most recent survey period, there were discussions between officers and various residents querying the road design and questioning why a formed kerb and channel would be required and the necessity for a footpath. Noting that Council is primarily responsible for the maintenance and renewal of gifted assets (either through development or grants), the

upgrade from an unsealed road to a sealed road is covered as a Special Charge under Section 163 of the Local Government Act 1989. A Special Charge Scheme is a funding method that allows the Council to recover the cost of infrastructure works from property owners who will gain a special benefit as a result of the works. Council's sealed road standard in residential areas includes kerb and channel and a footpath on one side of the road.

Residents suggested alternate design options, including the following:

- Sealing only the driving lanes and leaving soft shoulders
- Sealing the driving lanes and shoulders and providing kerb and channel

Officers considered these requests; however, if an upgrade is to occur, it should be to the current design parameters for a sealed road within a township. There was no change of design resulting from resident feedback.

Following the most recent Special Charge Scheme resident survey, officers undertook an options analysis as part of the next steps in preparing a Special Charge Scheme.

Summary of Options

Options	Benefit / Impact	Approx. Annualised Cost	Council Program or Plan
1. Maintain Noonan Grove in line with RMP	<ul style="list-style-type: none"> • Meets Council's and industry's best practice standards, • No road safety or mobility issues for vehicular traffic • No pedestrian connectivity to key activity node • Dust is reported as an issue during the summer month and windy days • No need to remove trees • No financial impacts as Council has allocated a budget and road renewal program • No capital investment is required 	<p>\$15,670 Including Depreciation, Maintenance and Renewal</p>	<p>Aligns with the current Council's plans and programs ie renewal program and budget</p>
2. Council seals Noonan Grove 100% funding	<ul style="list-style-type: none"> • Improves driveability/ rideability • Improves pedestrian connectivity with concrete footpath to activity node • Eliminates dust issues from the road surface • Tree removal may be required (subject to Arborist Report) • Significant financial impact on Council's budget • Capital investment of \$806,892 by the Council 	<p>\$23,930 Including Depreciation, Maintenance and Renewal</p>	<p>No established plan or program within Council to seal unsealed road</p>

Options	Benefit / Impact	Approx. Annualised Cost	Council Program or Plan
3. Council seals Noonan Grove 75% funding, with 25% contribution by benefiting Noonan Grove Residents	<ul style="list-style-type: none"> Improves driveability/ rideability Improves pedestrian connectivity with concrete footpath to activity node Eliminates dust issues from the road surface Tree removal may be required (subject to Arborist Report) significant financial impact on the Council's budget, with a capital investment of \$605,169 Financial impact on the residents of approximately \$200K Original survey identified 66% of households in favour of a special Charge Scheme 	\$18,930 Including Depreciation, Maintenance and Renewal: allowing for initial lower capital costs.	No established plan or program within Council to seal unsealed roads Special Charge Scheme Infrastructure Works Policy – Section 5.1 Scheme initiation – the timing of the project will be dependent on sufficient funds being available in the Council's current or future capital works budget.
4. Council seals Noonan Grove 58.35% funding, with 41.65% contribution by benefiting Residents.	N/A – insufficient support @ 28%		

Based on the comparative analysis in the table above, officers recommend option 1, that Noonan Grove remain an unsealed Category 4 road.

The predominant concern Noonan Grove residents voiced was dust and traffic speed. Officers are investigating the potential to undertake a limited trial of a dust suppressant product which could include Noonan Grove. Another rural Council has a program where, based on percentage acceptance by abutting residents, a dust suppression program operates and is paid for as a fee-for-service by participating residents as part of their rates payment. Officers did not note any speeding on Noonan Grove during traffic studies, however, do note this is a concern of residents and undertake checks at intervals.

A parallel discussion is occurring within council regarding whether roads on residential sections of roads within our township boundaries should be sealed as part of our township presentation and design standard. Investigating this is separate from investigating the Special Charge Scheme and is a piece of work officers can begin scoping as a business case; however, this will likely require future funding to complete.

Consultation and engagement

Following the 23 November 2022 Council meeting, the first named petitioner was advised of Council's resolution.

Officers then undertook a second round of consultation as outlined in Council's *'Special Charge Scheme for Infrastructure Works Policy (2018)'* with letters regarding the proposed Special Charge Scheme mailed out to residents on 21 March 2023 and a subsequent letter provided on 5 April 2023 which provided information on payment options and advice on a typographical error in our letter of 21 March 2023. The survey closed on 14 April 2023.

The 21 March 2023 letter noted the cost escalation for the sealing of Noonan Grove to \$806,892 (April 2023 cost estimates) compared to the initial estimate of \$700,000 in April 2022.

The outcome of this consultation process, including Beaumont Place, Long Court and Sproule Place, was as follows:

Description	Survey Outcomes	% of Total
Total number of abutting and benefiting residents	65	
Support for Special Charge Scheme (Yes)	18	27.69
Against the Special Charge Scheme (No)	19	29.23
Absentees (did not reply)	26	40.00
Returned Mail	2	3.07
Result: 27.69 % support		

Note:

1. One resident provided support but was subject to Council funding for the project. The officer has included this as a "Yes" to the special charge scheme. This vote will not alter the overall outcome.
2. Council received two returned mail from the rate payer's nominated address in the Council's property database.

Officers will notify the first-named petitioner of the petition's outcome, noting this report's resolution.

Officers will also notify Noonan Grove, Beaumont Place, Long Court and Sproule Place residents that the Special Charge Scheme will not proceed at this time.

Collaboration

Officers collaborate with another large rural council on their use of dust suppressant for their rural roads.

Innovation and continuous improvement

Nil

Relevant law

The Gender Impact Assessment did not identify any gender impact resulting from the outcome of this report.

Relevant regional, state and national plans and policies

Officers are aware of a Victorian Government announcement as reported by insidelocalgovernment.com.au on 24 July 2023, as follows:

'The Victorian Government has announced a \$5 million grants fund to assist the state's councils to seal local roads to help reduce dust pollution.'

This part of a \$20 million package is aimed at the inner western suburbs and focuses on improvements in heavy vehicle emissions and reduction in dust due to heavy vehicle movement. The officer notes that this package is not related to the sealing of roads within rural townships.

Relevant Council plans and policies

"Healthy environment, healthy people" – should either road in the future be proposed to be sealed, it would reduce resident summer dust concerns.

Financial viability

Officers presented four options in this report is described in the table 'Summary of Options'. These included financial information. The recommended option resulting in Noonan Grove remaining unsealed has no substantial impact.

The limited trial of dust suppressant on selected unsealed roads will not have substantial financial impact. The trial will among other outcomes identify the financial viability of this in the longer term.

Sustainability implications

Nil

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	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 100085 - Jacksons Creek Reserve Rotunda – Increase the budget by \$20,997.50 to cover the cost escalation for materials and labour.**
 - (b) **Project 100261 – Kyneton Museum Roof and Subfloor – Return \$29,690.42 to the consolidated capital works program budget as the project has been completed leaving unspent contingency as surplus;**
 - (c) **Project 100322 – Romsey Kindergarten Veranda Upgrade – Increase the budget by \$19,554 to cover changes to the grant funding.**
2. **Notes that the financial year 2023-2024 Capital Works program budget balance is a surplus of \$366,737.53.**

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.

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 \$377,589.61 balance resulting from the resolution of the July 2023 Council meeting	\$377,598.61
100085 Jacksons Creek Reserve Rotunda	Yes	\$50,000	The Request for Quotes (RFQ) process has been completed and additional funding is required to complete construction of the rotunda due to significant cost increases in both material and labour costs.	(\$20,997.50)
100261 Kyneton Museum – Roof & Subfloor	Project Complete	\$508,241.00	Project complete with unspent contingency.	\$29,690.42

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-progression	Change to the Budget - () is an additional cost to the budget
100352 Romsey Kindergarten Veranda Upgrade	Yes	\$266,000 subject to grant funding	Due to change to grant funding guidelines, internal Project Management fees are not covered. There has been a slight scope reduction resulting in the Project budget being reduced to \$215,094. Of which \$195,540 is subject to grant funding and \$19,554 is Council funded Project Management costs. The system's project budget needs to reflect \$215,094, noting the project is subject to grant funding.	(\$19,554)
			Total	\$366,737.53

This recommendation results in a capital project budget surplus of \$366,737.53.

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 publically 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.3	LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PHASE 4A AND B
Officer:	Shane Walden, Director Assets and Operations
Council Plan relationship:	1. Connecting communities 4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report informs councillors on the nominated projects to be funded under the Australian Government Local Roads and Community Infrastructure Program (LRCI) Phase 4A and seeks approval to nominate a road project as a Phase 4B project.

Recommendation

That Council:

- 1. Notes the Local Roads and Community Infrastructure Phase 4A projects.**
- 2. Approves the Local Roads and Community Infrastructure Phase 4B nomination of the road rehabilitation project for the section of Mt Gisborne Road Gisborne, from Runnymede Lane south for approximately 1.2 kilometres.**

Background

The Australian Government launched the LRCI program on 1 July 2020 and has delivered projects across Phases 1, 2 and 3 to support jobs, businesses and the resilience of local economies.

Phase 4 of the LRCI program opened on 1 July 2023 with \$750 million in two funding allocations:

- Part A - \$500 million available to 550 councils across Australia to spend on local roads and community infrastructure projects, and
- Part B - \$250 million available to 466 rural, regional or outer-urban councils to spend exclusively on road projects.

For Macedon Ranges Shire Council, our total share is \$2,272,541 with the following breakdown:

- Part A - \$ 1,441,216 and
- Part B - \$ 831,325

Before beginning any LRCI Phase 4 projects, the Council must nominate projects with supporting documentation that meets the LRCI qualification guidelines. Approval is required before tendering these projects. Both Phase 4A and B projects need to be nominated together.

Discussion

For Macedon Ranges Shire Council, our total share is \$2,272,541, with Part A - \$ 1,441,216 and Part B - \$ 831,325.

The Council budget already identified the LRCI Part 4A funding of \$1.441M and allocated potential projects for delivery, including this revenue. Officers from the Engineering and Facilities teams have had discussions with the Finance team, and the following projects have been identified for nomination under Phase 4A, noting they are already listed in the Council budget FY23/24.

For Phase 4B, the funding is purely for road projects. The single road project nominated is Mount Gisborne Road, Gisborne. A condition survey was undertaken on all Council roads in late 2021, where the road pavement for Mount Gisborne Road was rated as average to poor condition, while its road surface was rated as poor over almost the entire length. The condition survey was conducted before the 2022 rain and flood event. The rain event negatively impacted Council's road network. In the aftermath, officers have noted an increase in isolated pavement failures on Mount Gisborne Road with a corresponding increase in maintenance required to keep it in a serviceable condition. While other roads are in similarly poor condition, officers rate Mount Gisborne Road as a high-priority project that would best benefit from Phase 4B funding due to the impact of environmental factors such as traffic volume, speed limit, and restricted visibility. This project is road rehabilitation work to the existing road width of Mt Gisborne Road from Runnymede Lane and south 1.2 kilometres.

Phase 4A	Budget
Facility Projects:	
<ul style="list-style-type: none"> • Gisborne Aquatic Centre Services Renewal • Woodend Neighbourhood House Ramp • Baynton Hall - Kitchen Refurbishment 	\$560,000 \$100,000 \$ 50,000
Facilities Projects Subtotal	\$710,000
Roads Projects:	
<ul style="list-style-type: none"> • Darraweit Valley & Bolinda Darraweit Roads intersection • Mission Hill Road Baynton culvert • Martins Road Baynton culvert 	\$225,000 \$325,000 \$188,000
Roads Projects Subtotal	\$738,000
Phase 4A	\$1,448,000*
Phase 4B – Unbudgeted Project	Budget
<ul style="list-style-type: none"> • Mt Gisborne Road, Gisborne 	\$831,325*

*LRCI funding provides 4A \$1,441,216, and for 4B \$ 831,325; additional funds are required by Council and available within the FY23/24 Budget.

Consultation and engagement

The Phase 4A projects were consulted through the FY 23/24 Budget Process and endorsed at the June 2023 Scheduled Council Meeting.

There is no consultation or engagement as part of this process for Phase 4B, as the decisions is based on asset condition.

Collaboration

Not applicable to this report.

Innovation and continuous improvement

Not applicable to this report.

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 outcomes of the projects support Council's themes of Connected Community, and Delivering Strong and Reliable Government.

Financial viability

The Phase 4A projects are already within the approved budget.

The Phase 4B project will reduce maintenance costs on Mt Gisborne Road, Gisborne.

Sustainability implications

There are not sustainability implications as a result of the decisions of this report. The project business cases and project plans include considerations of sustainable design.

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.

16 NOTICES OF MOTION AND RESCISSION

Nil

17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS

Nil