



**Macedon
Ranges**
Shire Council

ATTACHMENTS

**Council Meeting
Under Separate Cover**

Wednesday 14 December 2022

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Farm / Land Management Plan

Moffitts Farm

Proposed Lot 1 64 Moffats Lane Romsey

Revised 3 August 2022**Background to Patrick Francis' request for Moffitts Farm to have two titles**

My father purchased the 48 ha settler's block with two allotments on the title from the Moffitts family in 1953 and sold the property to me, Patrick, in 1986. This suited both parties as I could continue to help my elderly father continue livestock farming on his adjacent property, which is now owned by my brother. It also ensured the property remained in the family and allowed my three children to grow up spending most weekends at the farm, contributing to its environmental and livestock business improvement to the present day. As was my own experience, my children have a deep connection with the farm and want it to remain in the family.

Unlike my father, selling the farm to one of my children or bequeathing it is nigh on impossible due to a thirteen fold increase in its value (*Notes 1&3*). Like my father, however, I am starting to need more help and without a Succession Plan will be winding down agricultural productivity over the next three years, probably reducing ewe numbers by 33% and leaving agriculture altogether by 2030. However I want to continue living on the Farm for as long as my health holds. (*Note 2*).

Our eldest daughter is interested in taking on the role of the business successor (*Note 3*). She will inject the enthusiasm required for longer term innovation and provide the labour and skills required for hands on management and pursuing the business' agricultural productivity goals. I do not think it is reasonable, to have the successor spend time and effort over the coming years, working to improve both the land and the business, if I cannot guarantee she will inherit the smaller 18 ha Moffitts farm

Another benefit of the sub division boundary realignment being approved, is that a S173 will be attached to the Title, such that the agricultural productivity of the land and the ecosystem services it provides cannot be diminished without Council approval, nor will a dwelling be able to be built on the second Lot.

Moffitts Farm long-term business plan is to complement our lamb meat production with the production and sale of breeding animals across a property with high ecosystem functions performance. We are improving our flock using Sheep Genetics Lambplan and use the individual animal indices generated to market higher eating quality lambs and breeding ewes and rams. To this end, we are concentrating on two genetically distinct lines of no shear (wool shedding) Wiltipoll sheep for sale to small farmers, for whom shearing facilities and labour can present a problem. There is scope to increase livestock agricultural productivity by 20 to 30% if the successor joins the farm partnership.

The current boundary between the two parcels of land listed on the *Moffitts* Title runs through a quadrangle, which most of the sheds face into. That boundary also appears to bisect the cottage. We are proposing two Lots, as is currently the case, sufficient in size to run productive agricultural enterprises on each. The change of direction of the proposed boundary realignment is to maintain the integrity of the Sandy Creek riparian zone which has been fenced off for wildlife habitat over the last 20 years.

I understand subdivision in the farming zone is not supported under the Draft Macedon Ranges Land Use Strategy (DMRLUS), however in this particular case each of the two existing Lots is less than 40 hectares and is not classified as productive agricultural land

on the DMRLUS (*Note 4*) land use maps. There will be no dwelling on the second Lot, the number of Lots will remain the same and agricultural productivity will increase.

The boundary realignment request is to allow ongoing family ownership, a claim which is supported by the ongoing improvements to the farm and family ownership spanning three generations. (*Note 5*)

In September 2013, Amendment VC103 introduced changes to the Farming Zone including: A new purpose statement promoting the retention of employment and population to support existing rural communities. If approved, the boundary realignment meets the objective of population retention and continuing support to existing rural communities. I have been the pastures, soil and livestock grazing management educator for four local farmer discussion groups and given many presentations and held farm walks on Moffitts Farm for landcare groups over the past two decades, (*Note 6*). I continue to support some members of those workshops, who seek on-going pasture improvement, soil health and livestock management advice. The business successor has participated in many of these events, is a trained presenter, and is keen to continue this role.

Land Management Plan Moffitts Farm

Land Management Planning involves the process of planning a property's uses, activities and management of a site's natural values. It includes the enhancement of the biodiversity, waterway health and on-farm productivity (if relevant) and the land owners vision and aspirations.

Land Management Plans can take many forms and include Whole Farm Plans, Property Management Plans and Conservation Management Plans.

These plans set the goals and priorities for successful land management and should take into account:

- Property goals and business plan
- Planning overlays and zones
- Land use capabilities and soil management
- Water supply
- Weed management plan
- Pest animal management plan
- Biodiversity and native vegetation

Landowner Details

Name of Landowner: Patrick Francis
Trading names (if applicable): Moffitts
Property name (if applicable): Moffitts
Property address: 64 Moffats Lane, Romsey
Postcode: 3434
Postal Address (if applicable): Romsey P O, Unit 1, 33 Main St Romsey
Phone (AH):
Phone (Business):
Mobile: 0418351567
Email: patrickfrancis345@gmail.com

List any relevant qualifications relevant to the development and implementation of your property plan

List your knowledge and experience e.g. completed ACAP course, undertaken whole farm planning course.	<p>1972: B.Ag.Sc University of Melbourne</p> <p>1973-1975: Researcher and Farm Manager KMM Pty Ltd (Barastoc Feeds)</p> <p>1975 – 1980: Lecturer Animal Production, Glenormiston Agricultural College</p> <p>1980 - 2012: Editor Australia Farm Journal</p> <p>1996 – 2012: Editor Australian Landcare Magazine.</p> <p>1990 -1999: Instigator and President Upper Bolinda Creek Land Management Group</p> <p>1996 – present: Completed Victorian Farm Chemical Users Course ACUP 03875,</p> <p>1996 – present: Member Land for Wildlife</p> <p>1999 – present: Meat Standards Australia Producer Registration 3713</p>
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	<p>2000 – present: Farm consultant, specializing in holistic grazing and pasture management to improve across farm ecosystem functions.</p> <p>2015 – 2019: Educator in holistic grazing and pasture management for two Port Phillip & Westernport CMA discussion groups one Melbourne Water discussion group, and one Coimadai landcare group. Guest speaker and farm walk host for numerous landcare network meetings and Judge Victorian Landcare Awards 2015, 2017, 2019</p> <p>2019 – present: Member Meat and Livestock Australia’s Sheep Genetics program, Lambplan.</p>
List any membership with any environmental and landcare groups	

This property management plan has two sections. While the original *Moffitts* involved the two allotments, it is proposed that *Moffitts* is divided into two titles. For this purpose one title is for the 18 ha “Moffitts Farm” and the other is for the 30 ha “Sandy Creek Farm”.

Both were managed as a single property from 1986 to 2021. This management plan embraces landscape restoration, ecosystem functions, and grazing productivity across both titles. These changes will support improved ecosystem functions across both Moffitts and Sandy Creek farms.

The smaller property “Moffitts Farm” will maintain its role as a ewe lambing and lamb finishing property which requires high productivity and quality pastures suitable for optimising lamb growth from August one year to June the next year. Pasture productivity will be increased with more frequent applications and higher rates of organic manure and with further pasture renovation with chicory, perennial clovers and perennial grasses including ryegrass, cocksfoots, phalaris and tall fescue. Annual livestock carrying capacity will be increased by around 20% per year from current 10 – 12 dry sheep equivalents (DSE) per ha depending on seasonal rainfall to 14 to 16 dse/ha while still ensuring stocking rate does not exceed carrying capacity to ensure ecosystem functions are preserved and not damaged by reduced pasture ground cover which is maintained above 1200kg dry matter per hectare year round.

It is envisaged that the top performing 30% of the ewe flock (selection based on LambPlan indicies) and ewes carrying triplets will predominately graze on Moffitts Farm whilst the remaining flock will be on Sandy Creek Farm. This is in keeping with planned productivity gains associated with the introduction of pregnancy scanning and artificial insemination and the aim to increase sales of breeding stock.

Property Details for Moffitts Farm



Property Size (hectares)	18 approx
CMA Catchment	Port Phillip and Westernport
Bioregion	Victorian volcanic plain
Ecological Vegetation Class/s (EVCS)	Higher rainfall plains grassy woodlands, EVC55_63
Significant Landscape Features	1986: 3 remnant Manna gums, two remnant Blue gums (E. globulus), 10 pines, 40 cypress, 300 Hawthorn trees in

	<p>hedges. Flat terrain dipping down towards Sandy creek. Original settlers cleared blue stone rocks out of all paddocks when ploughing and used them for fences. The entire area is arable.</p> <p>2022: Approximately 1000 native eucalypts, Blackwoods, Casuarinas, Banksias, and other shrubs in fenced off conservation corridors. Approximately 3 ha or 17% of the farm area is devoted to native vegetation plantings in corridors and riparian zone.</p>
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1. What is the primary use of the property?

Moffitts Farm contains all the original buildings of the Moffitts family – cottage, sheds, and stables built when the farm was first settled in the 1880's. It has considerable historic value as most of the buildings have been maintained to preserve the original character. The farm has been in the Francis family for almost 70 years with my parents purchasing the property from the original owners, the Moffitts family in 1953.

The farm area is primarily used for sheep and/or cattle grazing using holistic grazing management to match livestock stocking rates with paddock carrying capacities while maintaining/improving healthy ecosystem functions across the property. It has 1.5ha of agroforestry with trees pruned for high value timber production such as housing structural timber and floor boards. The poor form trees are used for fence and shed posts and fire wood.

From 1986 to 1999 the farm ran a breeding cow business, selling weaners.

From 2000 to 2012 the enterprise was finishing store cattle, selling bullocks.

From 2012 to present the enterprise is a Wiltipoll self-replacing sheep flock, selling finished lambs for the domestic market.

From 2022 the farm will be used for finishing 40 – 50 lambs for sale as prime lamb and as Wiltipoll seedstock for breeding. Replacement ewe hoggets will also be grown out on the property alongside 30 ewes.

New sources of income may also emerge from society's need to combat climate change and biodiversity decline. This could come from government and private sector demand for carbon and biodiversity credits generated from on-farm revegetation programs.

2. What are your aims for your property?

Our aim, is to sell high eating quality red meat animals and replacement Wiltipoll seedstock (with Lambplan indices) that have been reared and finished on pastures that are part of a farm ecosystem where functions such as biodiversity, clean water, soil carbon, are maintained or improving and the farm is a net greenhouse gas sink. Analysis of greenhouse gas emissions since 2010 using the University of Melbourne calculator shows Moffitts Farm is a net sink to the tune of about 40 tonnes CO₂e per year.

Red meat consumers are becoming increasingly interested in purchasing products from farms which have identified high environmental credentials, high livestock welfare management and provide low food miles products. These are being achieved on Moffitts Farm and one of our customers Meatsmith – a chain of four butcher shops in Melbourne, actively seeks red meat products from farms like ours.

Moffitts Farm's history combined with our long experience with holistic management and landscape improvement is an asset which we think new landowners will be interested to

learn from. Over the last sixteen years many landcare and school groups have visited Moffitts Farm to hear and learn about holistic grazing management, native wildlife habitat restoration and low stress livestock management in the central Victoria high rainfall region with its specific pasture species issues.



Figure: Moffitts Farm business objective is to produce high eating quality prime lamb with provenance for Melbourne consumers achieved in conjunction with low food miles, with healthy whole farm ecosystem functions and optimum livestock welfare.



3. What are the main land management issues of the site?

The most obvious issues when we purchased the farm in 1986 were:

- * Virtually no native vegetation, just five eucalypt trees. All other trees were exotic – cypress, pine, Hawthorn hedge trees, and some fruit trees (pears).
- * Virtually no native fauna apart from birds like magpies and ravens.
- * Pastures dominated by bent grass and sweet vernal grass, both low production species with low palatability. This is in line with set stocking livestock grazing practiced for decades prior to our ownership.
- * Relatively poor soil health with acid soil and low nutrient content.
- * Poor livestock water supply, just one shallow dam.
- * Severe degradation of banks along entire length of Sandy creek, causing soil erosion, creek bed pugging, and water pollutions from livestock nutrients and soil.

After almost 37 years ownership, Lot One Moffitts Farm's pastures consist of 20 - 30% clover and 70 – 80% perennial grasses, over 1000 native trees shrubs have been planted (tubestock and direct seeding), the riparian area has been restored with grasses protecting the banks from erosion and livestock no longer have uncontrolled access to the creek. Wombats, never seen before in our family's 69 years of tenure, returned to the farm this year; frogs, snakes, echidnas, kangaroos, wallabies, koalas plus numerous arthropod species are now part of the biodiversity.

Water supply and fencing for efficient stock management is established

Ongoing management issues of note are inspecting and control of feral animals and weeds, ensuring soil nutrient levels are adequate and tree maintenance especially after storms

4. Describe the aims for your property:

1. The aims for the property were developed after purchase in the late 1980's. The property back then consisted of four paddocks, about 5 native trees, low production pasture species dominated by sweet vernal and bent grass, sub-optimal soil health with low nutrient levels and low pH. Native animal biodiversity was low due to these conditions despite being close to Macedon Ranges. The objective back then was to allocate around 20% of the farm area to native vegetation in fenced off corridors surrounding each paddock. The native vegetation goal of 20% has already been achieved, the next phase will be the planting of more bird attracting native shrubs in new fenced off corridors linking existing corridors in a criss-cross fashion.
2. Pastures were renovated to include higher production perennial grass species like cocksfoot, phalaris and tall fescue with summer active and winter active varieties included in the mix. As well paddock sub-division was undertaken to allow rotational grazing as opposed to the traditional set stocking. The

current objective is 50 – 60 % perennial grasses, 40 – 50 % annual and perennial clovers, with ground cover maintained above 1200kg dry matter per hectare year round, irrespective of rainfall.

The strategies available to the next generation to adopt and implement for improved agricultural productivity with advice and guidance from the current owners (while in a position to do so) include:

* Pasture species renovation program,. By increasing the percentage of perennial and sub clover species across all paddocks to 40 – 50% (currently around 10% - 20% clover species) lamb growth rates will be increased by approximately 33%, from an average of 200grams per day to around 300 grams per day (our own trial data has demonstrated this increase might be conservative. We have already grown lambs at 400grams per day). By finishing all lambs at six to seven months of age the opportunity exists to increase ewe population by 10%. This in turn enables the farms to produce more lambs for sale per year as meat and seedstock .

* Coupled with pasture renovation program is a pasture soil health and fertility program. This involves bi-annual applications of organic manure which contains a combination of major nutrients, trace elements, and organic matter to support the soil biology population and subsequently improve growth of the clovers, herbs and grasses year round as well as improve soil structure improving water holding capacity which is critical for plant growth in dry summer autumn periods. Lime will also be applied on a five yearly basis as a means to maintain optimum soil pH which is critical for enhanced pasture productivity. ***(For trial data see: Chicken litter: alternative fertiliser for pastures and ways to increase soil organic carbon, by Lisa Warn, RIRDC 2014)***

* Increasing the percentage of clover in pasture to 40 – 50% from the current average of 10 – 15% has as impact on increasing the value of lambs sold for meat. This is due to the lower methane emissions per kg of carcass weight achieved on higher percentage clover pastures. The red meat industry has a stated objective to be carbon neutral by 2030. Meat processors and retailers are now looking for livestock sourced from farms who are heading towards this carbon neutral status. Some red meat processors already have carbon neutral brands. Specialty restaurants are also looking for sources of red meat from farms that are heading toward carbon neutrality. This is creating greater competition for red meat with credible carbon neutral credentials. These credentials plus higher eating quality carcass traits and low food miles will create even greater demand amongst elite restaurants for our lamb as awareness for combating climate change grows amongst red meat consumers.

* Introducing pregnancy scanning of ewes to identify the foetus status of each animal. Knowing this enables us to give preferential nutrition to ewes carrying multiple foetuses and to supply greater supervision at lambing to those ewes. We anticipate this strategy can increase our lamb weaning percentage from the current 140 – 150% to 160 – 170%. This means we have around 10% more lambs to sell for meat and as seedstock each year. Coupled with the increased number of ewes being carried as a result of faster lamb

growth rates, the overall increase in lamb numbers sold each year is likely to be around 20% compared with current production.

* Introducing an artificial breeding program to source better shedding sheep breed genetics into the flock. Meat & Livestock Australia's Sheep Genetics Lambplan program enables us to identify the most productive sheep in the flock. When the top 1% of male lambs is identified, they are the rams which will be joined by artificial insemination to the highest index performing ewes. This system of breeding enables faster turnaround of sires which in turn increases genetic gain in the most productive traits each year.

* The consequence of faster genetic improvement in traits like pre and post weaning growth rates, number of lambs born, and lambing ease; and carcass quality traits such as meat yield and meat marbling; will be greater demand for our sheep as elite high eating lamb and as seedstock in other Wiltipoll breeders and shedding sheep breeders' flocks. Shedding sheep are in increasing demand across the sheep meat breeding sector and for small land holders as wool meat sheep breeds are becoming less competitive due to the low demand for strong wool (above 28 microns) and the cost involved in shearing and crutching each animal each year. Increased demand will increase the price these young ewes and rams can command. It also means more ewes and rams will be available for sale as seedstock as opposed to meat sheep. We anticipate that with the improved genetic index performance achieved through this artificial breeding program, young ewe breeder price will increase by around 33% (to \$300) in three years and young ram price by 50% (to \$600) in three years.

3. Restore creek and its water to a healthy state and construct a fenced off riparian zone to act as a biolink for native animals as well as an important source of natural food for all fauna. The goals for the riparian zone have been met. Native animal biodiversity continues to grow as evidenced by the number and variety of frogs, birds and snakes (once a rarity) and mammals, such as sugar gliders, wallabies, echidnas, wombats and the occasional koala. All new sightings are recorded, - The next phase of the pasture program will see an increase in the insect population as a result of the higher clover content of the pastures and more invertebrates and soil biology with the regular application of animal manure compost. I envisage protecting our newly established populations of echidnas, kangaroos and wombats etc from cars as they cross Moffats Lane will be an ongoing issue as a result of our successful biolink establishment.

The property is a Birds Australia survey site, visit

<https://birddata.birdlife.org.au/my-data>

It is also a registered Land for Wildlife farm, number 18/95/0006, since 1996.

The farm is a net greenhouse gas sink. The next goal is to generate income through carbon sequestration credits in vegetation and biodiversity credits. Businesses around the world are being required to account for their greenhouse gas emissions and take action to abate them. For most business abatement is only achieved from purchasing credits from

those who can generate them, farmers. Generation of these credits will require further vegetation planting then management of those plantings to ensure they meet local and state government conditions around fire prevention, weed control, feral animal control and water quality.

The bottom line for agricultural business productivity

If the Boundary Realignment is approved I contend that with input from our next generation partners agricultural productivity on each title over the next five years will achieve:

- * A 15 – 20% increase in annual lamb production
- * A 10 – 15% increase in carcass value
- * A 33% increase in value of seedstock sold to shedding sheep breeders
- * An opportunity to earn income from producing carbon and biodiversity credits.

To provide some indication of potential financial gain associated with the estimated productivity increases, gross income ex GST from lamb and cull sheep sales over the past twelve months across both Lots was approximately \$29,500. With the gains expected as outlined above I anticipate gross income to increase to around \$40,000 per year in the next five years across the two titles (assuming meat prices remain similar to 2022).

5. What are the planning zones and overlays for the property?

What planning zones and overlays exist on your property? Do you need to apply for a permit for any work? To find out visit: <https://mapshare.vic.gov.au/vicplan/>

The property is in the Macedon Ranges Shire farming zone. There are no planning overlays.

Part of the property is an 'area of cultural heritage sensitivity'.

The property is in a designated bushfire prone area.

No permits are needed for additional conservation corridors to be developed in conjunction with more paddock sub-divisions.

6. Site Plan

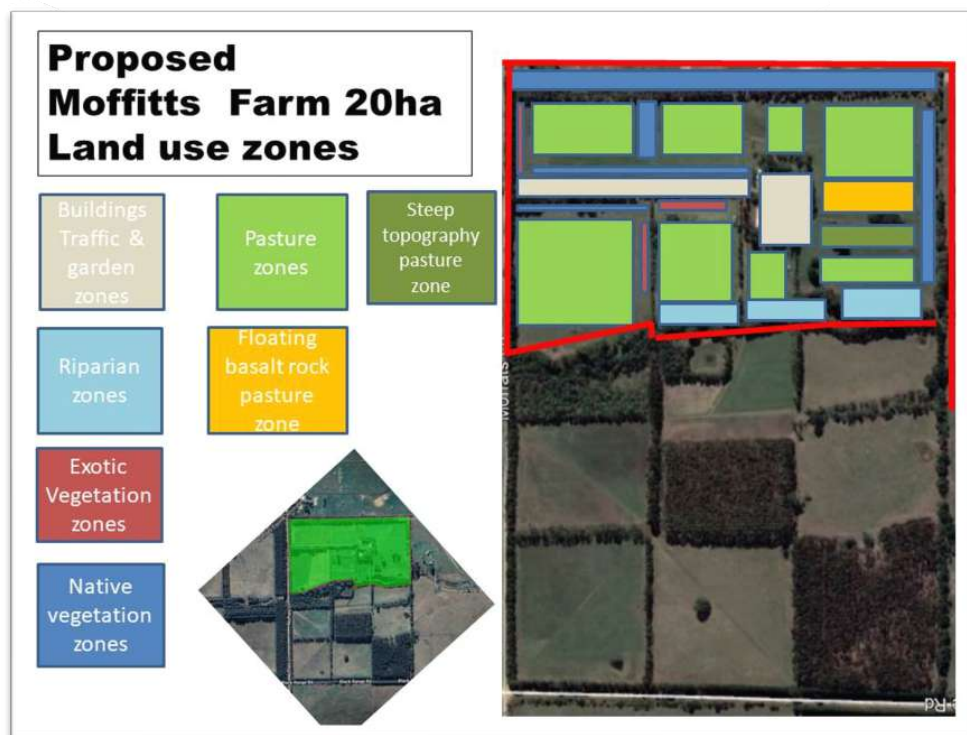


Figure: Land use zones on Moffitts Farm.

There are no proposed works for the property. Some fencing may be required to identify the boundaries of the proposed new title for sectioning off Moffitts farm from Sandy Creek farm, however it is hoped existing fences along Sandy Creek can form the southern boundary.

Some additional paddock subdivision is planned to support optimum holistic grazing management. The strategy is to set up additional conservation area corridors when these fences are built. This will provide additional native vegetation for wildlife and shade and shelter for livestock.

No more dams are proposed as existing dam and rain water tanks are adequate for stock and domestic purposes.

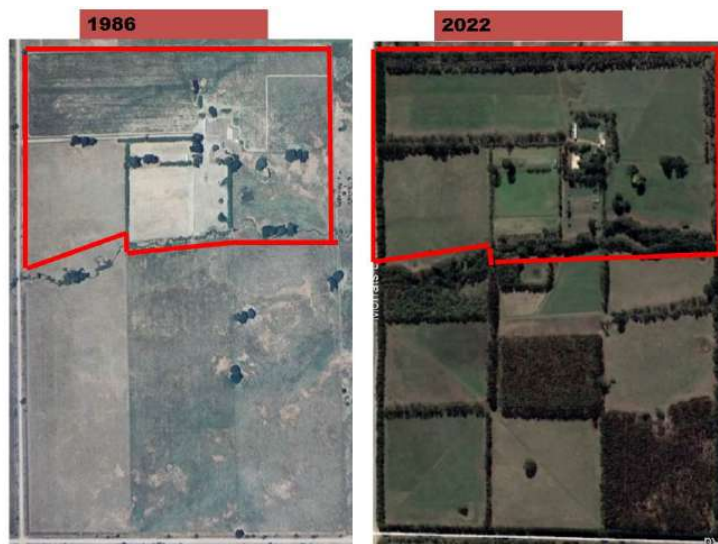
There are no requirements for grid connected power as the farm has a stand-alone solar and wind power supply. The farm is also self-sufficient for domestic water with 49,000 litres of tank storage.



Figure: Moffitts Farm water supply for stock and domestic use.

Moffitts farm is subdivided for holistic grazing management and conservation corridors including farm forestry trees.

There are 10 pasture paddocks and 4 conservation corridors which can be intermittently grazed if needed to help prevent excess pasture species growth and assist in control of weeds like blackberry and feral animals such as foxes and rabbits.



Moffitts Farm landscape comparing 1986 when it was purchased to 2020 after 34 years of holistic management.

The major change to Moffitts Farm since it was purchased from my father in 1986 is the development of a property plan which reintroduced native vegetation across the farm by fencing off conservation corridors and planting a range of native trees and shrubs using tubestock and direct seeding. In all 17% of the farm area is devoted to indigenous planting in these corridors. If this title application is approved more conservation corridors will be planted taking the native vegetation to approximately 22% of the land area when completed.

In 1986 there were five Manna and Blue gums on the property. The remaining trees were cypress in a corridor (planted in the 1960), Hawthorn hedge trees (possibly planted in the 1880's when the farm was first settled and the cottage built), individual large paddock Pine and Cypress trees (also planted at settlement). The farm consisted of four paddocks. All paddocks had been ploughed since settlement using a mouldboard plough (horse drawn then tractor drawn) and the "lands" formed are still obvious. Rocks were collected from the ploughed paddocks and used for fences in conjunction with Hawthorn hedges and post and rail timber. These fence lines are still in place and some have been incorporated into conservation corridors where they provide valuable habitat especially for reptiles, spiders, and insects.



Figure : Conservation corridors have incorporated original fences which were a combination of rocks (removed from ploughed paddocks), post and rails (most likely Manna gum timber from the farm) and Hawthorn planted as a hedge. The rocks provide valuable habitat for reptiles, insects, and spiders.

7. Description of land use zones

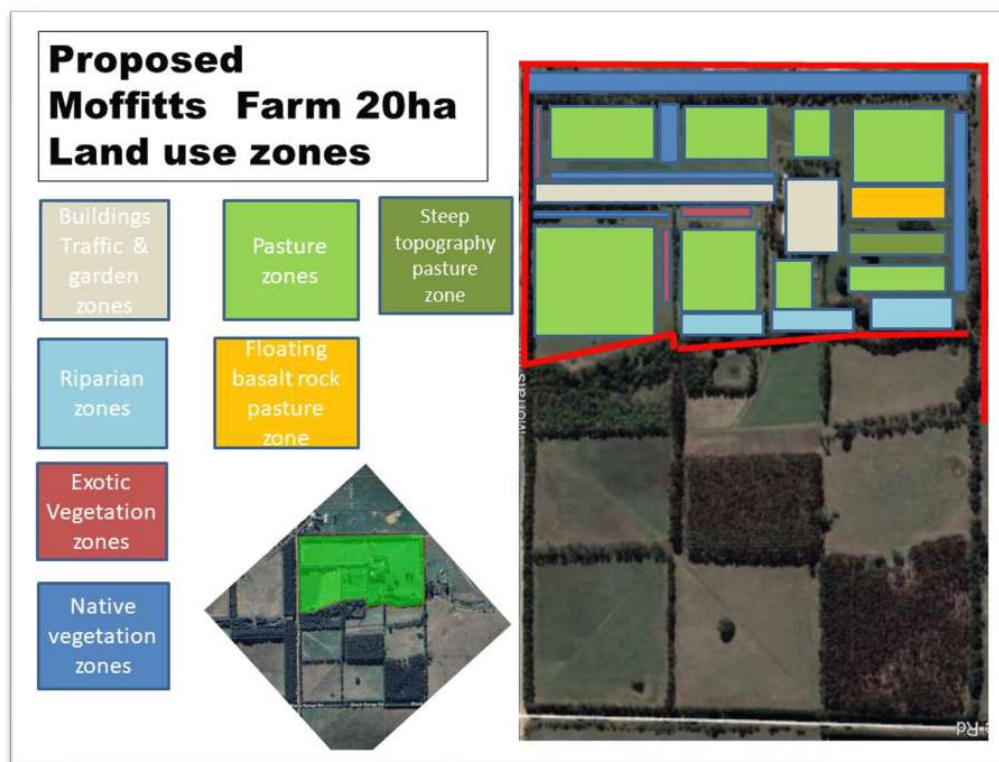


Figure: Land use zones on Moffitts Farm.

Land zone	Description including native and exotic vegetation	Proposed land use
Pasture zones	These comprise introduced perennial grasses and legumes. Some native grasses have emerged in conjunction with holistic grazing management in associated with native and exotic species vegetation corridors.	Livestock grazing for finishing weaned lambs during summer and autumn. Also for grazing lactating ewes in Spring. Increased productivity with organic manure application and increasing clover %

Floating basalt rock pasture zone	This is a small area on the eastern side of the property. We consider this zone too rocky for safe traffic and is not sown with pasture species. It is mostly covered with introduced species spread by livestock, birds and wind, but also contains remnant native grasses especially wallaby grass.	Increased pasture productivity with application of organic manure on a bi-yearly basis. Also application of lime approximately every 5 years
Steep topography pasture zone	This is a small area on the eastern side of the property above the riparian zone. We consider this zone too steep for safe traffic and is not sown with pasture species. It is mostly covered with introduced species spread by livestock, birds and wind, but also contains remnant native grasses especially wallaby grass.	Application of organic manure and lime as for floating basalt rock zone
Building zone	These zones contain all the buildings constructed over many years by the original owners. They include a cottage, one workshop, two machinery sheds, one livestock yards complex, one poultry shed and one wood shed. This area also contains the garden, orchard and tennis court.	For living, machinery storage and livestock handling.
Native vegetation zone includes farm forestry plantings in corridors.	Has been planted with a range of native trees and shrubs since 1990	Provides shelter for livestock and habitat for native animals. Farm forestry will provide high value construction timber as well as farm posts and fire wood.
Exotic vegetation	Approximately 60 cypress trees planted in the 1960s. Hawthorn trees planted for hedge fencing around the 1880's	Provides shelter for livestock. Hawthorn hedges provide safe nesting sites from predators for small birds like wrens. Their berries are also a food source for a range of cockatoos and rosellas.

8. Soils

What type of soils are present on your property?

All soil is basalt clay loam.

What were your soil test results?

Soil tests have been taken on Moffitts Farm since 1989. From 2000 to present soil tests were undertaken most years. We have been particularly interested in soil organic carbon level (SOC) and the impact holistic grazing management has on this soil health characteristic. Interestingly SOC shows variation year to year, with rainfall having the greatest impact due to its impact on pasture growth which in turn increases carbon flow into the soil. When SOC is above 3% it is unlikely that management will have an impact as the SOC is close to equilibrium given the long history of perennial pastures on the farm and the lack of cropping undertaken. All pasture renovation we have undertaken since 2000 has been by direct drilling with no cultivation undertaken to ensure SOC is not diminished.

Moffitts Farm soil test results 1989 to 2021									
Year	Paddock	pH /H ₂ O	pH CaCl ₂	Organic Matter %	Organic Carbon %	Total P ppm	Olsen P ppm	Available potassium ppm	Available sulphur ppm
1989	Lucerne (Richland lab)	5.2	4.9	5.8	2.9		14.0	167	
2003	Trial	5.6		9.2	4.6	652	24.8		
2005	Lucerne	6.4	5.9	8.3	4.2		18.2	93	5.3
2006	Dam	5.9	5.3	7.4	3.7	351	21.5	89	4.1
2010	Trial	5.7	5.1	10.2	5.1	609	16.9		
2013	Dam	5.5	4.9	6.8	3.4	341	6.5	117	13
2014	Lower Dam 3/11	5.7	5.1	8.9	4.5	433	8.3	188	8.9
2015	Lower Dam	5.6	5.0	10.5	5.3	383	2.2	135	6.3
2016	Lower Dam East 9/8/16	5.9	5.3	10.2	5.3		4.4		
2017	Horse Conservation	5.6	5.0	8	4.0	363	8.3	215	10.9
2021	Dam North east and west 11/10/21	5.8	5	6.3	3.7		9	150	12

Table 1: Soil test results for Moffitts Farm 1989 to 2021

Does the soil change across your property? What does the soil test indicate to you about land use? Are there any erosion issues?

The grey basalt clay loam is consistent across the farm. Soil test results versus livestock carrying capacity indicate that productivity is being maintained even in dryer than average years, such as 2008, 2009, 2014, 2015, 2017, and 2019. Soil pH has remained above the recommended level of 5 in CaCl₂. The decline in soil P post the exceptionally wet 2010 and 2011 is being corrected with the use of organic fertiliser (composted cattle manure, chicken manure) and inorganic fertiliser as required to try and match nutrient exports off farm in red meat sold.

Best practice soil nutrient levels for clay loam soil suggest Olsen P >12, K >150 and S > 10.

The holistic grazing management, which ensures paddock stocking rate matches paddock carrying capacity, means all paddocks have a minimum of 1200kg dry matter per hectare pasture cover year round. It also ensures 100% ground cover made up of perennial grasses and legume plant crowns and pasture litter between the crowns.



Trial paddock March 1 2014,
year to date rainfall 25mm



Trial paddock April 26 2014,
year to date rainfall 117mm

Figure: 100% pasture cover is maintained at a minimum of 1200kg dry matter per hectare year round irrespective of rainfall. This means no soil erosion and the soil food web is protected so biodiversity above and below the surface is maintained. Pasture mass above ground is an important CO₂ sink being 46% carbon.

9. Farming Activity (if applicable)

Outline your proposed farming activity (cropping, stock etc.) and intended stock rotation.

Grazing Stock

Area currently used for grazing (Ha)	15
Area of proposed grazing (Ha)	15
Current stock numbers*	14 – 16 dse per hectare year round

* Stock numbers are calculated using the Dry Sheep Equivalent (DELWP) stocking rate system where the carrying capacity of the land is equated to ‘dry sheep equivalents’ or how many dry (non-breeding) sheep of average condition can be kept on the land without weight loss or handfeeding.)

Stock type (including horses)	Number of animals	Seasonal variation in stock numbers	Feeding requirements (stock feed supply including the percentage of imported feed).
Wiltipoll lambs	70-80	0-80	100% pasture
Wiltipoll ewes	30	25-35	100% pasture

Cropping

Area currently under cropping (Ha)	0
Current crop/s	0
Area of future cropping (Ha)	0

Other potential farming activities

While high value lamb red meat production is the current primary focus, in the future specific horticulture crops like olives, vines, honey and native cut flowers could be considered. Horse agistment may also be a possibility. Farming for carbon credits and biodiversity credits are also possible depending on their demand as society endeavours to combat climate change and fauna and flora species extinctions.

Pasture renovation

Explain the method and timing of any pasture renovation/improvement works.

Pasture renovation has been practiced in conjunction with holistic grazing management as the 1986 perennial grass species on the farm (and throughout the district) are the low production and palatability perennials bent grass, sweet vernal grass and Yorkshire fog grass. These are particularly invasive grasses that form a mat of herbage over the soil but provide poor production, nutrition and palatability for even moderate livestock productivity

As a guide pastures dominated by these species have an annual livestock carrying capacity of around 3 - 5 dry sheep equivalents per hectare depending on stocking density and use of rotational grazing. Their only positive feature is soil protection from erosion and to some extent weed invasion. However, they also out compete native grasses which may have survived the mouldboard ploughing farming methods undertaken since first settlement. Their growth structure once allowed to set seed does

not support high above ground biodiversity because the stalks collapse on themselves “smothering” the soil surface and in wet winters facilitating waterlogging.

Pasture renovation to remove these unwanted species involves three strategies:

Firstly, paddock subdivisions so rotational grazing can be practiced which allows for sufficient grazing pressure (stocking rate) to be applied to the existing species to favour their recovering from grazing and prevention of flowering in the unwanted species. This first strategy may enable the paddocks more desirable species to compete with the bent/sweet vernal grasses without the need for oversowing. An interesting outcome of this strategy has been the re-emergence of native grass species across Moffitts Farm paddocks, in particular Wallaby grass and *Microlaena*.



Figure: Wallaby grass is spreading in the traffic zone verge between the driveway border and what was once a stone wall and Hawthorn hedge. This is not surprising as such a location would never have been ploughed by the original settlers and livestock grazing would have been limited if at all.

Secondly, if grazing management enables more desirable species to become dominant amongst the bent/sweet vernal then the desirable species can be made more productive and palatable by addition of fertiliser, either organic or inorganic, to achieve best practice, science based soil levels. Similarly, adding the soil ameliorant, lime, will assist nutrient availability to desirable species if it has declined below best practice science based levels (below pH 5.5 in CaCl₂).

Thirdly, if after steps one and two the pasture remains dominated by unwanted species, then sowing desirable species is undertaken. On Moffitts Farm we do this in two stages over a 12 month period. Stage 1 involves removing the unwanted species with a knockdown herbicide in September/October and direct drilling a brassica or chicory fodder pasture. Brassica is an annual species and chicory a short lived

perennial which provide a large amount of high quality fodder (high digestibility) which is rotationally grazed over its lifetime.



Brassica pasture growing after rain in mid December 2018.



Same brassica pasture in mid February without significant rain for 8 weeks. Still providing lambs with protein and energy but has lost some palitibity.

Figure: Brassica pasture is the first stage in multi grass species pasture renovation.

Stage 2 (brassica strategy) in the following April/May or September/October involves direct drill sowing the desirable species into the clean brassica aftermath. If there is evidence of unwanted species in the aftermath a knockdown spray is applied to remove the unwanted plants before direct drilling the new pasture species. Stage 2 of the chicory strategy is to oversow (direct drill) multi-species perennial clovers, multi-species sub-clovers and perennial ryegrass plus other perennial grass species depending on soil type.

Note: The alternative to using a knockdown herbicide to remove high density bent and sweet vernal grasses is ploughing. Ploughing has four negatives:

- * It involves using around 4 to 5 times the amount of diesel compared with direct drilling, releasing considerably more greenhouse gases.
- * It aerates the soil by turning it over and fluffing it up, this causes a soil microorganism explosion releasing soil nutrients while at the same time lowering soil organic carbon – the principle food source of the organisms. If regularly undertaken, ploughing will significantly reduce soil organic carbon releasing CO₂ into the atmosphere.
- * It can damage soil structure because repeated ploughing, including use of high impact machines like rotary hoes, is needed with thick bent grass mats to prepare the fine tilth needed for sowing pasture.
- * It damages large soil fauna habitat – spiders, mites, ants, insects, nematodes, dung beetles and worms by destroying their holes and webs.



Figure: Direct drilling pasture seed minimises soil disturbance ensuring soil organic carbon is protected , soil food web habitat is maintained and tractor fuel use and emissions are minimal while introducing more productive species



Figure: The chicory, perennial and annual clovers, plantain and ryegrass is the predominant pasture mix on Moffitts Farm. It is sown for high quality feed to grow over summer/autumn and finish lambs. Note: the pasture measurement ruler is two 14cm rulers taped together.



Figure: A feature of the chicory, clovers and lucerne pastures is their ability to stay green throughout summer and provide a fire refuge for livestock and if adjacent to farm infrastructure for buildings as well. Their high nutrient quality and digestibility mean livestock methane emissions per kg of meat is significantly reduced compared to grass based pastures. Tall perennial grasses have hayed-off in the background. Photo: February 2021.



Figure: A pasture in need of renovation (right). It contains too high a proportion of bent grass and sweet vernal grass. On the left is the first stage of renovation with brassica pasture sown in October. This photo taken in February 2021 demonstrates the fire refuge ability of brassica and other summer active species such as chicory and lucerne. The bent and sweet vernal grass has low palatability and once it flowers, the heads become a fire risk during dry summers. Some summer active cocksfoot plants can be seen in the slashed corridor along the dividing electric fence but their percentage is now too low. The pasture was originally sown to cocksfoot, perennial ryegrass and sub clovers in 1992.

10. Water

Water assets must be identified on the site plan.

What is the current water supply?

Domestic water supply	Five rain water tanks, approximately 49,000 litre capacity
Current number of dams and bores	A roaded catchment, 1 mega litre dam.
Creeks, wetlands or watercourses	None
Annual rainfall	704 mm variation 381 (1994) to 996 (2010). Autumn winter rainfall has declined by 17% since 1997.
Fire water supply	One roaded catchment dam near house and shed tanks
Water supply for Stock and/or cropping	Gravity flow from rainwater tanks to troughs using the wagon wheel method so one trough services multiple paddocks in most instances. Dam water can also be pumped to a shed rainwater tank for distribution to troughs.

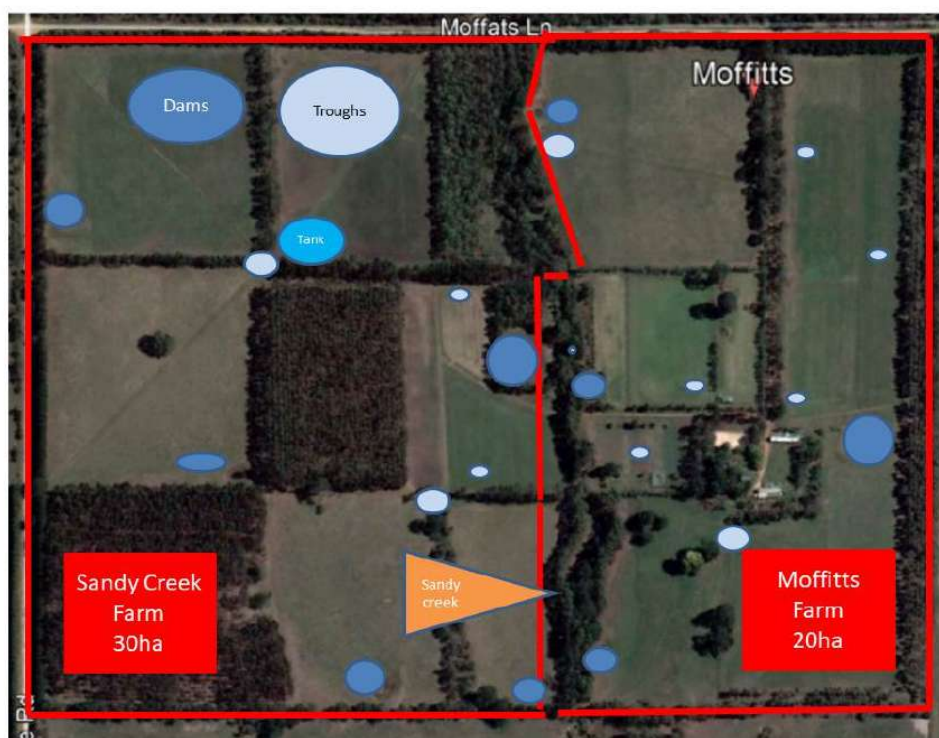


Figure: Moffitts Farm water supply for stock and domestic use.

Describe your current and proposed water requirements

Domestic water requirements have been met by two rainwater tanks fed off the workshop roof since 1995. Three other rainwater tanks are also available for domestic

water use but have never been required for that purpose. There is a total of 49,000 litres of rainwater tank storage. There is a 1Ml dam fed from a roaded catchment (Moffatts lane and driveway) which is used for livestock and fire-fighting. 95 weaned lambs require approximately 34,000 litres reserve for six months to cater for zero rainfall between December and May. However, the number of weaned lambs on the farm is constantly declining between December and May as they are being sold regularly.



Figure: Troughs are positioned so they can be used in more than one paddock.

Outline the steps you will take to ensure the protection and enhancement of your waterway

It is proposed Moffitts Farm share Sandy creek with Sandy Creek farm using existing fence lines put in place to create a riparian zone along its entire length. The riparian zone has been planted with native vegetation in stages over the last 36 years and is now an important protector of water quality in the creek and habitat for wildlife.

Sheep grazing is allowed in the riparian zone to help manage grass growth which if ungrazed can become habitat for feral pests such as foxes and rabbits and weeds of national importance such as blackberry, Montpellier broom and gorse. Sheep are provided with trough water when given access to fenced-off riparian areas. The time spent in these areas is short and stocking rate monitored to ensure ground cover is retained across the riparian zone.

11. Native Plants and Animals

Describe the native vegetation on your site. Links to resources;

<http://www.gbcma.vic.gov.au/revegetation/>

<http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/evc-benchmarks>

Moffitts Farm has been extensively cleared of native vegetation with evidence that much of it was used for fencing, sheds, and firewood since the 1880's. All paddocks have been ploughed over many years and rocks cleared. Two remnant *E globulus* are in the garden and have produced seedlings which are now significant trees. Seed from these trees has been collected over the years and included in seed mixes for direct seeding. One remnant *E. viminalis* also survives on the driveway and seed has been collected from it for direct seeding. Revegetation on Moffitts Farm has involved extensive replanting of local species in conservation corridors. Most plants were tubestock (about 1000) with the remainder direct seeding using the Greening Australia seeder.

A kangaroo grass seed "orchard" was planted on Moffitts Farm in the 1990's in conjunction with the company Native Seeds. It was planted with a specific variety of kangaroo grass using tube stock. Native Seeds harvested seed from this plot for about eight years but the plants gradually died out and harvesting seed ceased. No plants have survived in the paddock.

Do you have bushland or scattered paddock trees on your property?

There is no bushland on Moffitts Farm. Apart from the two eucalypts in the garden and one on the driveway, there are no other scattered paddock native trees.



Figure: Remnant trunks of dead Manna gums remain in one paddock too rocky to plough by the original settlers. The early settlers planted *Cypress macrocarpa* and *Pinus radiata* for paddock trees (back right). Six old *P. radiata* are scattered across the farm.

The holistic grazing management program has seen a break-through in native perennial grass species restoration. Native grasses were thought to have been ploughed or grazed out across the property when purchased in 1986. However, with the long grazing rotations involved in holistic grazing management, wallaby grasses and microlaena have been identified and are slowly spreading.

While the native grasses have low value for livestock production they do add to biodiversity so their spread is important.

How will you protect and enhance your remnant vegetation? Have you considered a conservation covenant or a program such as Bush Broker? Refer to the appendix for more information.

Remnant vegetation was virtually non-existent on the property when purchased in 1986. Revegetation of native trees has been extensive across the property. Native grass communities have recovered to some extent and are expanding into sown pastures. This is due to holistic grazing management which ensures grass plants can reproduce in association with the rotational grazing program and management, which ensures stocking rate does not exceed paddock carrying capacity which leaves a minimum of 1200kg pasture dry matter per hectare across each paddock.



Figure: Holistic grazing management is allowing some native grass species to flower, set seed and restore plant density amongst introduced species. Photo shows wallaby grass which has set seed amongst Porto cocksfoots a summer active introduced grass.

Conservation covenants are not applicable as these programs don't apply to situations where the owner revegetates a property in the absence of native trees, shrubs and grasses.

The Moffitts Farm approach has been to reintroduce native trees and shrubs and grasses through planting tubestock and direct seeding and using grazing management to allow regeneration of grasses and forbs. This is in line with the mosaic approach advocated by the "Restoration Approaches Spectrum".

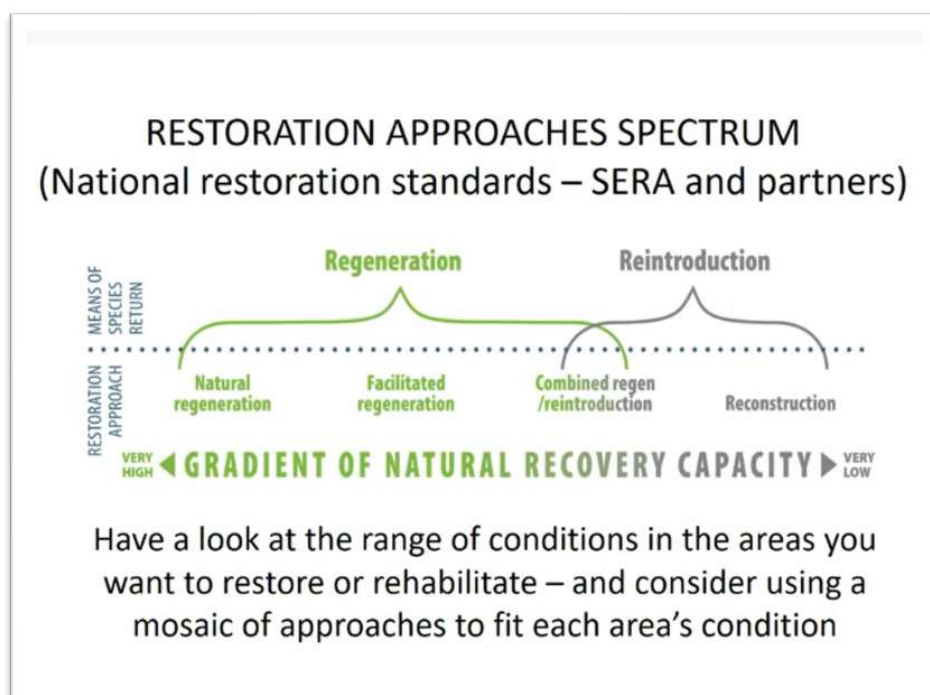


Figure : Moffitts Farm plan uses a mosaic of approach for native flora regeneration. Source: Tein McDonald Landcare Australia webinar 24 June 2021

What native animals have you found on your property?

The native flora reintroduction program combined with holistic grazing management on Moffitts farm implemented since 1990 has resulted in a dramatic increase of native wildlife across the property and surrounding properties. It should be noted that some neighbours have adopted a similar regeneration approach and so in a combined way, wildlife has benefited across the district. Six indicator species highlight the change that has taken place as a result of significant native flora reintroduction – eastern grey kangaroos, koalas, echidnas, wombats, sugar gliders and white-winged choughs.



Wombats have never been seen on Moffitts Farm since it was purchased in 1953. The first sighting came in 2021 and subsequently a population has taken up residence and have been frequently caught on our wildlife camera in 2022.

With a lifetime spent visiting and working on the property since the 1950's there was never a sighting of kangaroos, echidnas, wombats, sugar gliders or white-winged choughs and only one koala up to the mid-1990's. During the 1990's the majority of the native plant corridors were established. The first kangaroo was seen on the farm in 2000. Echidnas have become common and koalas are often heard (less often seen). White-winged choughs are a gregarious woodland bird species and make mud bowl nests high on the branches of tall eucalypts species. They are now common across the farm emerging from conservation corridors to feed on organisms in plant litter. Wombats were first seen in 2021 along the riparian zones, they have now taken up residence on the property..

Perhaps the most exciting and unexpected species to return to Moffitts Farm is the sugar glider. General opinion amongst wildlife ecologists is that these animals only thrive where old native trees form hollows for them to live in. Moffitts Farm has only four old eucalypts spread widely apart. Despite this, sugar gliders have become common in native trees in the garden and the conservation corridors. We have evidence that they live behind the bark of manna and blue gums. These trees have all been planted since 1990 and are not old enough to form trunk hollows.

Numerous other species of birds, reptiles and amphibians have become common. For instance copper head snakes had never been seen before 2010, now they are seen in pastures and corridors every year. Red bellied black snakes are also being sighted.

Frogs have also become common in pastures and around the dam. Holistic grazing management which provides high levels of ground cover year round and hence protection from predators has been a catalyst for frog species increases. This is assisted by management which does not use insecticides to control pasture pests such as cockchafers, crickets, red legged earth mite and lucerne flea. Bulky pastures are an important habitat for the soil food web above and below ground. This enables a host of native organisms such worms, spiders, insects, and nematodes to thrive, which in turn encourage proliferation of higher order species such frogs, snakes, skinks and lizards especially through pastures.

It is interesting how recognised insect pasture pests (often recommended to be controlled with insecticides) are not an issue on Moffitts Farm. While there can be

high concentrations of these pests in particular seasons they have never been economically important.

We have been involved in the Birdlife Australia farm bird survey program since 1999. We have identified 70 native species on the farm since that time. Many are seasonal visitors such as cuckoos which arrive in September at the same time as hairy caterpillars emerge on the pastures. They remain for approximately eight weeks.



Figure: A classic example of the food web created on Moffitts Farm associated with bulky pastures and holistic grazing. Such pastures enable a wider range of insects, spiders, and reptiles to proliferate providing food sources for higher order animals.



Figure : *Some of the healthy pasture and vegetation ecosystem indicator species which have returned to Moffitts Farm since 1990, echidna, koala, eastern grey kangaroo, white-winged chough.*



Figure: *An indicator species for health water, vegetation and soil ecosystem is the range of frog species present.*

12. Pest plants

Include the weeds present on your site plan. Useful information and resources about pest plants is provided in appendix 1.

Weeds have been controlled annually since 1990 and as such are not a major issue but constantly occur as a result of significant populations on roadside verges and neighbours' properties. As an example Blackberry is common on roadside verges and neighbouring farms and its seeds are transferred across Moffitts Farm by foxes when they eat the fruit. Montpellier broom is common on roadside verges and seeds prolifically. These easily blow into the property or are carried in water runoff from Moffatts lane.

Most of the weeds are controlled by manual removal using a hoe which is carried routinely when walking or on the tractor crossing paddocks. Roadside verge weeds are addressed with an annual inspection and treatment before the Montpellier broom sets seed during October and November.

Pasture weeds such as silver grass, onion grass, bent grass, sweet vernal grass, Yorkshire fog grass and capeweed are kept under control by holistic grazing management as well as pasture renovations which can be between 10 and 20 year intervals depending on paddock soil type and topography.

Ten Year Targeted Weed Management Plan *shaded rows are examples

Year	Weed and Action	Location	Timing/Frequency	Who	Technique	Completed
1	Control Blackberry	Creek line	January	Contractor	Chemical	January 2029
1	Control Patersons Curse	Paddock 1	As germination takes place	landowner	Manual removal/chemical	On going
Each year	Blackberry	Road verge Pastures	November to April	Landowner	Grazon* and hoe	On going
Each year	Gorse	Road verge and boundaries	Year round	Landowner	Grazon	On going
Each year	Montpellier broom	Road verge, boundary	September to November	Landowner	Pull and Grazon	On going
Each year	Spear thistles	Pastures	September to March	Landowner	Hoe	On going
Each year	Briars	Road verge and boundary	November to April	Landowner	Grazon and hoe	On going

* Victorian Farm Chemical Users Course ACUP 03875

13. Pest animals

Useful information and resources about weeds is provided in appendix 1.

Management Techniques

Rabbits and foxes are the two pest animals needing constant attention on Moffitts Farm. A combination of the following methods is used:

- Poisoning foxes with Foxoff and rabbits with Rabbait
- Shooting foxes and rabbits when safe to do so.
- Ripping burrows - very limited as most burrows are in conservation corridors adjacent to trees and shrubs.
- Fencing. Much of the boundary has been double fenced with the internal fence being rabbit proof netting.

Identify any pest animals and the proposed management on your property

Zone	Pest animal species	Evidence - found on site of pest animals such as burrow/dens, scats, diggings	Control method(s) for an integrated approach	Monitoring techniques	Timing of treatment/control	Treatment Options over 3 years.
1	Foxes	Sighting, scats, dead birds, digging under fences	Foxoff baits and shooting	Recording baits taken animals shot	Year round with emphasis on lambing period between July and November	
2	Rabbit s	Sighting, scats, pasture eating	Rabbait baits, shooting and rabbit proof fence netting	Recording rabbait programs	Year round	

14. Revegetation

Reintroduction of native species has been underway on Moffitts farm since 1989. The program has involved planting around 1000 tubestock and 1 km of direct seeding. We estimate around 300 trees and shrubs have grown from the direct seeding, mostly wattles. This seed mix contained regionally appropriate species selected and provided from the Greening Australia (Victoria) seed bank. It also provided the direct seeder.

Additional small conservation corridors will be added for biodiversity and shelter for livestock. In spring 2020 an 80m corridor was planted with three rows of shrubs and some Manna gums. Another 120m corridor is planned for planting in 2022 or 2023 depending on time available for fencing and ground preparation in spring.

Scientific Name	Common Name	Numbers
Trees		
<i>E viminalis</i>	Manna gum	100
<i>E globulus</i>	Blue gum	100
<i>E cladocalyx</i>	Sugar gum	400
<i>E camaldulensis</i>	River red gum	20
<i>E maculate</i>	Spotted gum	100
<i>E saligna</i>	Sydney blue gum	100
<i>Casuarina cunninghamiana</i>	River she oak	100
<i>Acacia melanoxylon</i>	Blackwood	100
Sub Total		1020
Medium Shrubs & Understorey Trees		
Melicytus dentatus planted 2020		30
Kunzea ericoides planted 2020		30
Banksia marginata planted 2020		20
Banksia marginata planted 2003		30
Calistemon species planted 2003		30
Sub Total		140
Small and Prostrate Shrubs		
Sub Total		
Grasses/Ground Cover		
Sub Total		
Total		1100

15. Land Management Works Plan

Provide a summarised action table of the identified key works to be undertaken. This will incorporate actions from the weed table (section 12), pest animals (section 13) and native vegetation (section 14). This table will be a perpetual action table for the life of the property so future landowners have a management tool to maintain and enhance the biodiversity on the property.

Moffitts Farm as it stands is a net sink of CO₂ mainly as a result of the large tree planting program which started in the 1990's. Using the University of Melbourne Farm Greenhouse Gas Calculator, the farm sequesters approximately 30 tonnes CO₂ equivalent per year. However, to remain a net sink, new trees have to be planted as the original 1000 reach a CO₂ sequestration equilibrium in approximately 30 years in our 700mm rainfall environment. Due to climate change impacting seasonal rainfall in the district particularly over autumn and winter and the increased incidence of below average rainfall years, we changed the native species planted in conservation corridors. It is now becoming apparent that some local species may not be survivors in this environment due to climate change. For instance, *A. melanoxylon*, planted over the last 20 years and is a local species, are dying.

Alternatively after approximately 2030 maintaining greenhouse gas neutrality will require lowering emissions from livestock and fossil fuels. This is being addressed by genetic improvement through the flock being registered on Lambplan so that lamb growth rates are faster. An even greater impact is being made by improving pasture species quality with herbs, annual clovers, perennial clovers and lucerne. These species can lift lamb growth rates from less than 200grams per day on grass dominant pasture to above 400 grams per day on chicory and clover dominant pastures.

The shaded rows are examples – produce an action plan for your property.

Zone	Action	When	Who	How	Complete
Year 1					
Zone 1	Control Blackberry	January	Contractor/landowner	Chemical	Complete in 12 months
Year 2					
Zone 1	Revegetation along creek line to replace Blackberry	Winter	Landowner	Tube stock	Complete by Spring of year 2
Ongoing actions					
Zone 1	Monitor & check revegetation sites for weed species and general growth.	Yearly	Landowner	Observational /manual removal	Yearly basis

Zone 2	Control Patersons Curse	As germination takes place	Landowner	Manual or chemical	Yearly basis
Whole farm	Maintain weed and pest control program on continuous basis with interventions as described in sections 12 and 13.	Through out the year as well as a late spring early summer survey of road verge weeds	Landowner	Involves manual removal of some weeds, herbicides for other, shooting and poisoning for feral pest plus destruction of harbour	On going through the year

Appendix 1 – Additional Information

Ecological Vegetation Community (EVC)

To grow the correct indigenous plant species for your property, you should follow the plant species list of the Ecological Vegetation Community (EVC). The Environment Unit can assist in providing the information you require or visit the DELWP website below:

<https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks>

Native Vegetation – Conservation Protection Zones

Native vegetation conservation zones are required to be fenced to ensure protection from overgrazing from cattle, horses and sheep. It is recommended that wildlife friendly fencing is used to allow native fauna to migrate through the property.

Revegetation

Revegetation is an important part of your property plan and provides the following benefits:

- Habitat for local fauna
- Native vegetation structure and character
- Erosion control
- Enhancing existing biodiversity values by restoring shrub and grassy understorey
- Address salinity issues
- Shelter belts

If you are planning to undertake revegetation, develop a revegetation plan and identify these areas on your site plan. We recommend the use of local native plant species, refer to your Ecological Vegetation Community type as a guide.

Weeds and pasture grasses will need to be spot sprayed prior to planting to reduce competition with tube stock. Once weeds show visible signs of brown off (dying) then individual holes can be made with mattock, crow bar or Hamilton Tree Planter.

Pest Plants

Declared noxious weeds in Victoria are listed under the Catchment and Land Protection (CaLP) Act 1994. These plants cause environmental or economic harm or have the potential to cause such harm. All weed treatment with herbicides/chemicals is to be conducted in accordance with the Agricultural and Veterinary Chemical Code Act 1994. They can also present risks to human health. The Act defines four categories of noxious weeds:

- | | |
|-------------------------------------|----------------------------|
| • State Prohibited Weeds (SPW) | • Restricted Weeds (R) |
| • Regionally Prohibited Weeds (RPW) | • Environmental Weeds (EW) |
| • Regionally Controlled Weeds (RC) | • Agricultural Weeds (AW) |

Weeds of National Significance (WoNS) were prioritised using a series of questions that measured each weeds invasiveness, impacts, potential for spread and socio and economic impacts.

Useful Resources

Weed Spotters Victoria website to learn about new and emerging weeds and for more information about weeds in your local area.

<http://agriculture.vic.gov.au/agriculture/pests-diseases-and-weeds/weeds/weed-spotters>

Weeds of Central Victoria – A booklet about the main weeds occurring in Macedon Ranges.
<https://www.mrsc.vic.gov.au/Live-Work/Environment/Weeds-Native-Plants/Weed-Control>

Pest animals

Pest animals include rabbits, cats, deer, hares, foxes and other declared pest animals in accordance with the CaLP. Rabbits and foxes are typically associated with blackberry and gorse for food and shelter, and as such an integrated weed approach is required. Pest animals degrade land quality and agricultural productivity.

The management principles for pest animals are:

- Reduce numbers
- Destroy burrows and harbor
- Prevent reinvasion

Rotational Grazing – Biodiversity Enhancement

Planned grazing is an effective tool to reduce grassy fuel loads. It is best to occur in late summer to allow indigenous plants to set seed. Ensure trees/shrubs are large enough to cope with the pressure of animals being included into the zone. You could install tree guards/temporary fencing around small plants and regenerating areas so they are not overgrazed. If possible, eucalypt plants should be a minimum of 1.2-1.5m in height; this allows strong root systems to cope with the pulling action of browsing by stock.

NOTE: the number of cattle/sheep/horses is subject to the size of your conservation zone. Contact the Environment Unit to assist in determining the number of animals.

Grazing Plan for Conservation Zones

- Mid Summer (February)- 1 week to 10 days
- Late Summer (May) – 1 week to 10 days
- Horse/Cattle/Sheep excrement to be picked up at end of week (to reduce weed outbreaks)

Wildlife friendly fencing

Wildlife friendly fencing is a recommended option to protect patches of native vegetation from impacts caused by stock and will enable local fauna to migrate through your property. To obtain a brochure about how to construct Wildlife Friendly Fencing, visit the Macedon Ranges website at the link below to download the brochure.

<https://www.mrsc.vic.gov.au/Live-Work/Environment/Native-Pest-Animals/Living-With-Wildlife>

Permanent protection/covenants

Have you considered a conservation covenant for the protection of native vegetation such as the Trust for Nature program? You can also permanently protect and restore native vegetation on your property in conjunction with the native vegetation offset program coordinated by the Department of Environment, Land, Water and Planning (DELWP). Visit the Trust For Nature website and DELWP for more information.

<https://www.trustfornature.org.au/>

<https://www.environment.vic.gov.au/native-vegetation/native-vegetation/offsets-for-the-removal-of-native-vegetation/i-want-to-establish-a-native-vegetation-credit-site>

NOTES /REFERENCES / EXTRA INFORMATION

1. SALE

An inspection of sales of farm land in the area shows properties of a similar size in Springfield, 12/10/21 and in Romsey, 10/9/20 sold for \$26,100 per ha and \$37,500 per ha respectively (<https://www.realestate.com.au/sold/property-mixed+farming-vic-springfield-700157594> and <https://www.realestate.com.au/sold/property-other-vic-romsey-700087118>)

The Romsey property had excellent fencing and good water infrastructure, neither had a dwelling or sheds or the revegetation that *Moffitts* has. It is reasonable therefore to conclude *Moffitts* would sell for at least the higher figure and more likely in excess of \$2,000,000.

To buy even half the existing *Moffitts* property over twenty years, including interest at 4% , would require monthly repayments of \$6,060 over the twenty years, that is \$1400 per week. The farm business returns less than a third of that amount.

[\\$1,000,000 Mortgage Loans for 20 years. Monthly Payments Calculator \(dollartimes.com\)](#)

Based on the above and Landholder descriptions in the Macedon Ranges Draft Land Use Strategy, it is a reasonable assumption that in the absence of approval of the Boundary Realignment, the buyer of both un-subdivided Lots will be an absentee owner looking to retire on the property. Not a farmer.

<https://www.mrsc.vic.gov.au/files/assets/public/council/our-council/meeting-attachments/2021/03/24/scheduled/scheduled-council-meeting-2021-03-24-pe3-attachment-2-draft-rural-land-use-strategy.pdf>

Page 36. Attachment Two Draft Rural Land Use Strategy

*Amongst surveyed owners of vacant land in the Farming Zone:
54% intend to build a house on the property in the next 10 years
47% currently live in metropolitan Melbourne
61% of survey respondents disagreed and 25% strongly agreed that dwellings should not be allowed on agricultural land unless required to support agriculture*

<https://www.tandfonline.com/doi/full/10.1080/1747423X.2021.1922525>

Moreover, the participants (particularly 63% of the participants in mid-to-elderly age brackets of 45–74 years) have a higher uncertainty of continuation of their farming business by any of their family members which potentially exposes these land uses to further urban sprawl. The additional factors considered on the owners' land-use decisions – lifestyle, health and family – further increases landowners' uncertainty for continuation of their farming industry. This demonstrates the effect of farmers' land-use decisions on local socio-economic transitions and accommodation of urban sprawl into the city fringes.

2. AGEING FARMERS

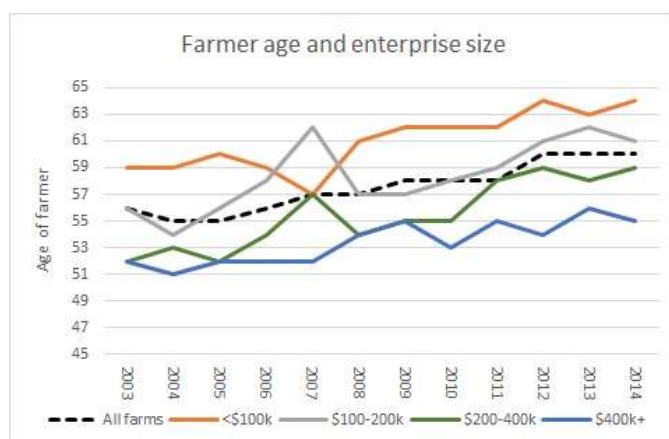
The issue of ageing farmers is of significance when it comes to changes in rates of farm productivity growth, with a number of commentaries inferring that the slowing rates of agricultural productivity growth observed since the mid-1990s in Australia may be related to the ageing farmer demographic, the assumption being that older farmers are less likely to adopt new technologies or seek opportunities to innovate.

“As the rural workforce continues ageing – the average age is 55 – there’s an increased risk of fatalities and serious injuries. This is due to the natural effects of loss of strength, eyesight, hearing, memory and an increase in recovery time from strenuous work.”

“Reaction times often decrease with age, as well as, the loss of agility, therefore working with animals during mustering, drafting, working in yards and husbandry practices can place you at a greater risk of injury.”

<https://www.farminstitute.org.au/will-ageing-farmers-limit-future-farm-productivity/>

.....The issue of ageing farmers is of significance when it comes to changes in rates of farm productivity growth, with a number of commentaries inferring that “the slowing rates of agricultural productivity growth observed since the mid-1990s in Australia may be related to the ageing farmer demographic, the assumption being that older farmers are less likely to adopt new technologies or seek opportunities to innovate.”



“At the other end of the scale, there are 25% of farms which have more than \$400,000 in annual output, and which collectively account for more than 75% of total agricultural output. Based on the ABARES data, the farmers and managers running these farms are an average of almost 10 years younger than the average age of the farmers owning farms that are in the smallest annual output category, and five years younger than the ‘average’ Australian farmer.

*.....The implications of this in relation to the adoption of new technologies and innovation are important. If the rate of uptake of these is more likely to be higher among younger farmers, then the outlook for future farm productivity growth in the agriculture sector is much more positive than the somewhat gloomy scenarios that some have painted. **These younger farmers who account for more than three quarters of total agricultural output may be much more receptive to new technologies than farm-sector 'average age' statistics suggest**"*

Sheep are physically more difficult to handle and hold as you get older.

Lambing in particular requires a degree of physical strength especially in catching and holding ewes which are having lambing difficulty. These ewes weigh 70 to 80kg, are enormously strong animals and must be handled with care.

Lambing also requires considerable energy to supervise with inspections needed on welfare grounds at least four times a day - 9.00AM, Midday, about 5.00PM and finally about 10.00PM. Foxes also need to be controlled during lambing with baiting and scaring mostly at night. Lambing management to achieve the higher productivity we anticipate with additional strategies involves increased physical exertion which will need to be provided by our next generation.

Similarly catching and holding lambs at marking and drenching and vaccinating ewes and rams in a race. Climate change's impact on the frequency of droughts also has a production limiting effect as one becomes older - feeding sheep is not only an extra cost but is also extra physical work which at around 75, I would like to avoid. Over the last decade the Romsey district has experienced spring/summer rain failures (below average rainfall) in 2019, 2018, 2016, 2015, and 2013. The pattern of below average spring/summer rainfall is expected to continue due to climate change.

The cost effective solution to avoiding supplementary feeding in a drought is to have a smaller flock (33% reduction by 2025 and 100% reduction by 2030) so there is more pasture in the paddock to satisfy sheep nutrition while the dry period prevails.

3. SUCCESSION

All the research I read in preparing our Succession Plan strongly advised against jointly owned assets, whether directly or via Company or Trust structures. Because Moffitts Farm is located in a peri urban area, the land is overvalued relative to its productive capacity.

"Passing assets and entities (trusts, companies etc) to more than one child is likely to create numerous potential legal problems for those children in the future. The children can always agree to farm their assets together or with others. To force two or more children to share an asset can give rise to a range of legal problems which rarely have an inexpensive solution."

“Leaving land ownership to an off-farm heir provides them with the opportunity to earn regular rental income, as well as the appreciation in value of the land itself”

The option of not proceeding with the realignment and leaving both Lots to one of our three children is also not supported by the research

“Although non-succeeding children generally seem to value the continuation of the family farm and, in most cases, show little resistance to transferring the business to one of their siblings they do not necessarily evaluate the succession process and its outcome as fair. Anecdotal evidence reveals many disputes within families about the unequal distribution”.

“Succession Plan members may have the right to buy out non farming family members, but they may not have the capital or it may require going into deep debt to buy them out to keep the land together. Those situations put tremendous stress on the family and on the business as a whole.”

The realignment will allow two separate Titles to form part of my estate and facilitate a fair distribution of assets to my three children. It will guarantee the successor will own at least one Lot and should enable her to purchase the other Lot if the family owner of the second Lot ever needs or wants to sell it.

Our eldest daughter, the planned successor, has a Masters in Agricultural Science which she completed whilst working with the Victorian Department of Primary Industries. She has worked with small farmers around the state and was personal assistant to the Head of the Department for over a year. Our two daughters both assist with farm work and manage projects such as the Birds on Farms survey but a much greater commitment of time and effort will be required in the role of business successor and to implement programs to increase agricultural productivity through increased pasture and livestock output. Our son and his family are based in Ballarat and he visits the farm occasionally.

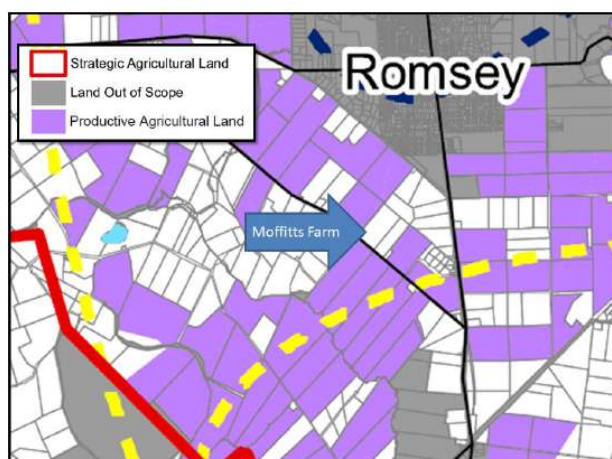
3 MACEDON RANGES LAND USE DRAFT STRATEGY

<https://www.mrsc.vic.gov.au/files/assets/public/build-amp-plan/planning-for-our-future/shire-wide-projects/draft-rlus.pdf>

Page 23 Describes Productive agricultural land as land with the following attributes:

*Land capability Class 2 and Class 3 access to irrigation supply
Land capability Class 2 and Class 3 and property size greater than 40ha
Land capability Class 2 and Class 3 and access to irrigation supply and property size greater than 40ha*

Page 24. Productive Agricultural Land



Page 55 Attachment Two Draft Rural Land Use Strategy

<https://www.mrsc.vic.gov.au/files/assets/public/council/our-council/meeting-attachments/2021/03/24/scheduled/scheduled-council-meeting-2021-03-24-pe3-attachment-2-draft-rural-land-use-strategy.pdf>

Page 11 Attachment Two Draft Rural Land Use Strategy

LANDHOLDER SURVEY

64% purchased land for rural lifestyle

64% have holdings that are less than 40 ha

54% of those that purchased land in the last 5 years had not previously managed farmland

79% of respondents have a dwelling on their property and for 81% of this group, it is there primary place of residence.

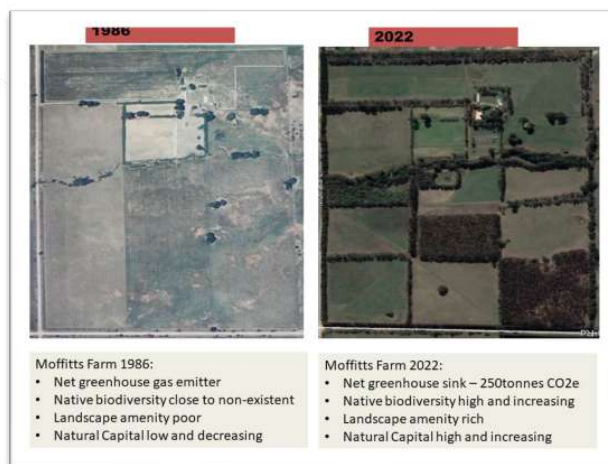
50% of respondents that have lived for less than five years on their property, previously lived in metropolitan Melbourne

21% have no dwelling on their land and just under half of these live in Metropolitan Melbourne

4 ONGOING IMPROVEMENT

Principles of multifunctional agriculture for supporting agriculture in metropolitan peri-urban areas: The case of Greater Melbourne, Australia - ScienceDirect

Agriculture in metropolitan peri-urban areas is influenced by structural changes associated with increased input costs, an aging farming population, difficulty in retaining labour, and fluctuations in market conditions..... The concept of Multifunctional Agriculture (MFA) presents a useful model to re-evaluate metropolitan peri-urban agriculture beyond food production functions by integrating the environmental and socio-cultural role into local and regional economies.



5 SUPPORTING COMMUNITY

Patrick has made presentations and hosted farm walks for numerous shire beginning farming groups, CMA and Melbourne Water farmer discussion groups, landcare groups, university and TAFE agricultural students, and consultancy groups over the last two decades. The farm has also hosted a delegation of Chinese agricultural scientists on a study tour. Our successor is a trained communicator with agricultural science qualifications and is likely to continue the extension of holistic productive environmentally responsible farming to the local landowner community as need demands.



Patrick has been involved in education of a large number of professional and new farmers using presentations and farm walks based on management undertaken since 1986 on Sandy Creek Farm and Moffitts Farm.

Farm / Land Management Plan

Sandy Creek Farm

Proposed Lot 2 64 Moffats Lane Romsey

Revised 3 August 2022**Background to Patrick Francis' request for Moffitts Farm to have two titles**

My father purchased the 48 ha settler's block with two allotments on the title from the Moffitts family in 1953 and sold the property to me, Patrick, in 1986. This suited both parties as I could continue to help my elderly father continue livestock farming on his adjacent property, which is now owned by my brother. It also ensured the property remained in the family and allowed my three children to grow up spending most weekends at the farm, contributing to its environmental and livestock business improvement to the present day. As was my own experience, my children have a deep connection with the farm and want it to remain in the family.

Unlike my father, selling the farm to one of my children or bequeathing it is nigh on impossible due to a thirteen fold increase in its value (*Notes 1&3*). Like my father, however, I am starting to need more help and without a Succession Plan will be winding down agricultural productivity over the next three years, probably reducing ewe numbers by 33% and leaving agriculture altogether by 2030. However I want to continue living on the Farm for as long as my health holds. (*Note 2*).

Our eldest daughter is interested in taking on the role of the business successor (*Note 3*). She will inject the enthusiasm required for longer term innovation and provide the labour and skills required for hands on management and pursuing the business' agricultural productivity goals. I do not think it is reasonable, to have the successor spend time and effort over the coming years, working to improve both the land and the business, if I cannot guarantee she will inherit the smaller 18 ha Moffitts farm

Another benefit of the sub division boundary realignment being approved, is that a S173 will be attached to the Title, such that the agricultural productivity of the land and the ecosystem services it provides cannot be diminished without Council approval, nor will a dwelling be able to be built on the second Lot.

Sandy Creek Farm long-term business plan is to complement our lamb meat production with the production and sale of breeding animals across a property with high ecosystem functions performance. We are improving our flock using Sheep Genetics Lambplan and use the individual animal indices generated to market higher eating quality lambs and breeding ewes and rams. To this end, we are concentrating on two genetically distinct lines of no shear (wool shedding) Wiltipoll sheep for sale to small farmers, for whom shearing facilities and labour can present a problem. There is scope to increase livestock agricultural productivity by 20 to 30% if the successor joins the farm partnership.

The current boundary between the two parcels of land listed on the *Moffitts* Title runs through a quadrangle, which most of the sheds face into. That boundary also appears to bisect the cottage. We are proposing two Lots, as is currently the case, sufficient in size to run productive agricultural enterprises on each. The change of direction of the proposed boundary realignment is to maintain the integrity of the *Sandy Creek* riparian zone which has been fenced off for wildlife habitat over the last 20 years.

I understand subdivision in the farming zone is not supported under the Draft Macedon Ranges Land Use Strategy (DMRLUS), however in this particular case each of the two existing Lots is less than 40 hectares and is not classified as productive agricultural land

on the DMRLUS (*Note 4*) land use maps. There will be no dwelling on the second Lot, the number of Lots will remain the same and agricultural productivity will increase.

The boundary realignment request is to allow ongoing family ownership, a claim which is supported by the ongoing improvements to the farm and family ownership spanning three generations. (*Note 5*)

In September 2013, Amendment VC103 introduced changes to the Farming Zone including: A new purpose statement promoting the retention of employment and population to support existing rural communities. If approved, the boundary realignment meets the objective of population retention and continuing support to existing rural communities. I have been the pastures, soil and livestock grazing management educator for four local farmer discussion groups and given many presentations and held farm walks on Moffitts Farm for landcare groups over the past two decades, (*Note 6*). I continue to support some members of those workshops, who seek on-going pasture improvement, soil health and livestock management advice.

The business successor has participated in many of these events, is a trained presenter, and is keen to continue this role.



Land Management Plan

Land Management Planning involves the process of planning a property's uses, activities and management of a site's natural values. It includes the enhancement of the biodiversity, waterway health and on-farm productivity (if relevant) and the land owners vision and aspirations.

Land Management Plans can take many forms and include Whole Farm Plans, Property Management Plans and Conservation Management Plans.

These plans set the goals and priorities for successful land management and should take into account:

- Property goals and business plan
- Planning overlays and zones
- Land use capabilities and soil management
- Water supply
- Weed management plan
- Pest animal management plan
- Biodiversity and native vegetation

Landowner Details

Name of Landowner: Patrick Francis
Trading names (if applicable): Moffitts
Property name (if applicable): Sandy Creek
Property address: Moffats Lane, Romsey (Number to be determined)
Postcode: 3434
Postal Address (if applicable): Romsey PO Unit 1, 33 Main Rd Romsey
Phone (AH):
Phone (Business):
Mobile: 0418351567
Email: patrickfrancis345@gmail.com

List any relevant qualifications relevant to the development and implementation of your property plan

<p>List your knowledge and experience e.g. completed ACAP course, undertaken whole farm planning course.</p>	<p>1972: B.Ag.Sc University of Melbourne 1973-1975: Researcher and Farm Manager KMM Pty Ltd (Barastoc Feeds) 1975 – 1980: Lecturer Animal Production, Glenormiston Agricultural College 1980 - 2012: Editor Australia Farm Journal</p> <p>1996 – 2012: Editor Australian Landcare Magazine. 1990 -1999: Instigator and President Upper Bolinda Creek Land Management Group 1996 – present: Completed Victorian Farm Chemical Users Course ACUP 03875, 1996 – present: Member Land for Wildlife 1999 – present: Meat Standards Australia Producer Registration 3713 2000 – present: Farm consultant, specializing in holistic grazing and pasture management to improve across farm ecosystem functions. 2015 – 2019: Educator in holistic grazing and pasture management for two Port Phillip & Westernport CMA</p>
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	discussion groups one Melbourne Water discussion group, and one Comidae landcare group. Guest speaker for numerous landcare network meetings and Judge Victorian Landcare Awards 2015, 2017, 2019 2019 – present: Member Meat and Livestock Australia’s Sheep Genetics program, Lambplan.
List any membership with any environmental and landcare groups	

This property management plan has two sections. While the original *Moffitts* involved the two allotments, it is proposed that *Moffitts* is divided into two titles. For this purpose one title is for the 18 ha “Moffitts Farm” and the other is for the 30 ha “Sandy Creek Farm”.

Both were managed as a single property from 1986 to 2021. This management plan embraces landscape restoration, ecosystem functions, and grazing productivity across both titles. These changes will support improved ecosystem functions across both Moffitts and Sandy Creek farms.

The smaller property “Moffitts Farm” will maintain its role as a ewe lambing and lamb finishing property which requires high productivity and quality pastures suitable for optimising lamb growth from August one year to June the next year. Pasture productivity will be increased with more frequent applications and higher rates of organic manure and with further pasture renovation with chicory, perennial clovers and perennial grasses including ryegrass, cocksfoots, phalaris and tall fescue. Annual livestock carrying capacity will be increased by around 20% per year from current 10 – 12 dry sheep equivalents (DSE) per ha depending on seasonal rainfall to 14 to 16 dse/ha while still ensuring stocking rate does not exceed carrying capacity to ensure ecosystem functions are preserved and not damaged by reduced pasture ground cover which is maintained above 1200kg dry matter per hectare year round.

The larger title “Sandy Creek Farm” has concentrated on pastures managed for maintaining the Wiltipoll self-replacing prime lamb ewe flock throughout the year. These pastures are different in composition having higher perennial grass content with lower annual and perennial legume content than pastures dedicated for lactating ewes and finishing lambs.

If the boundary Realignment is approved, the productivity of these paddocks will be lifted through pasture renovation and soil improvement so that lambs can also be reared on Sandy Creek Farm. It is envisaged that the top performing 30% of the ewe flock (selection based on LambPlan indices) and ewes carrying triplets will predominately graze on Moffitts Farm whilst the remaining flock will be on Sandy Creek Farm. This is in keeping with planned productivity gains associated with the introduction of pregnancy scanning and artificial insemination.

Property Details for Sandy Creek Farm



Property Size (hectares)	30 approx
CMA Catchment	Port Phillip and Westernport
Bioregion	Victorian volcanic plain

Ecological Vegetation Class/s (EVCS)	Higher rainfall plains grassy woodlands, EVC55_63
Significant Landscape Features	<p>1986: about 8 Blackwoods, 10 pines, 2 cypress, 100 Hawthorn trees in hedges. Sandy creek riparian zone unfenced and used for stock water. Flat terrain sloping down to Sandy creek. Original settlers cleared blue stone rocks out of most paddocks and used them for fences. In two paddocks (approximately 6 ha) the stones were too numerous and they remain it situ. Virtually all native trees cleared for fences, sheds and fire wood. Dead trunks are all that remains of native vegetation.</p> <p>2022: Approximately 9,000 native eucalypts, Blackwoods, Casurinas, Banksias, and other shrubs in fenced off forests, conservation corridors, and Sandy creek riparian zone. Approximately 8ha or 27% of the farm area is devoted to native vegetation plantings in blocks, corridors and riparian zone.</p>

1. What is the primary use of the property?

E.g. Garden, dwelling, conservation, agriculture, cattle, horse, sheep etc.

The farm is used for sheep breeding using holistic grazing management to match livestock stocking rates with paddock carrying capacities while maintaining/improving healthy ecosystem functions across the property. Ecosystem functions include, soil health, soil and plant carbon sequestration, water infiltration, biodiversity, and pollination.

From 1986 to 1999 the farm ran a breeding cow business selling weaners.

From 2000 to 2012 the enterprise was finishing store cattle selling bullocks.

From 2012 to present the enterprise is a Wiltipoll self-replacing sheep flock selling finished lambs for the domestic market.

From 2019 to present, the enterprise joined Meat and Livestock Australia's Sheep Genetics program, Lambplan. As there is limited genetic analysis of Wiltipoll performance, the enterprise aims to improve the flock's genetics to increase the sale of breeding animals. Wiltipolls are ideally suited to smaller farmers as they shed their wool. This removes the need for smaller farmers to invest capital in shearing facilities and procure shearers. Wiltipolls are also gaining in popularity amongst traditional meat sheep farmers using first cross ewes as breeders. The value of strong wool from these ewes is declining and cost of annual shearing and crutching increasing. An increasing number of prime lamb breeders with first cross ewes are looking towards shedding sheep breeds for a more profitable meat sheep business.

2. What are your aims for your property?

Our aim, which is now reality, is to sell high eating quality, provenance identified, red meat and breeding animals that have been reared and finished on pastures that are part of a farm ecosystem where functions such as biodiversity, clean water, soil carbon, and landscape amenity are maintained or improving and the farm is a net greenhouse gas sink.

Analysis of greenhouse gas emissions since 2010 using the University of Melbourne calculator shows Sandy Creek Farm is a net sink to the tune of approximately 230 tonnes CO₂e per year.

The existing farm forests have been managed for high value timber production as well as fire wood. It is anticipated that approximately one fifth of the stems could be harvested for clear wood processing for housing structural timber and floor boards. Three fifths has potential commercial fire wood use and the remaining one third will be retained for long-term biodiversity and landscape amenity. As timber harvesting takes place post 2035, the cleared area will be replanted so carbon sequestration in plantations continues and the farm's carbon neutrality is maintained over the long-term.

New sources of income may also emerge from society's need to combat climate change and biodiversity decline. This could come from government and private sector demand for carbon and biodiversity credits generated from on-farm revegetation programs.

Additional farming enterprises that could be considered on Sandy Creek Farm are commercial firewood, an olive grove, a vineyard, horse agistment, honey production and cut native flowers. The property currently hosts 28 bee hives.

3. What are the main land management issues of the site?

Holistic livestock grazing supports resilient deep rooted perennial pastures which ensure ecosystem functions such as healthy above and below ground biodiversity, and optimum water infiltration rather than runoff. These pastures act like a property wide sponge absorbing most rainfall. In dry summers this results in pastures with more green leaves and bulk especially when summer active pasture varieties are sown together with winter active varieties.

The central and northern sections of Macedon Ranges shire have sufficient summer rainfall to support summer active grass and legume species providing their grazing management is appropriate. With long duration between grazings these paddocks with their surrounding conservation corridors become highly attractive to eastern grey kangaroos. When their numbers increase above 20 animals, their uncontrolled grazing has a negative impact on perennial grass resilience and can lead to sub-optimal ground cover adjacent to habitat corridors.

To prevent this situation developing we have introduced kangaroo exclusion fencing around the farm boundary. This has produced the desired effect of keeping most kangaroos out of the property and enabling us to maintain high ecosystem functions across paddocks. While the farm is a Land for Wildlife registered property, the issue of large numbers of uncontrolled animals grazing under set stocking versus other ecosystem functions like maintaining ground cover and maximizing rainfall infiltration, has to be balanced.

The other important land management issue is controlling foxes entering the property from neighbouring properties where their presence is accepted. Foxes, the major predator of native wildlife, have been increasing on Sandy Creek Farm as a result of widespread native vegetation plantings and holistic grazing management which retains herbage cover across paddocks above the best practice target of 1200kg dry matter per hectare.

4. Describe the aims for your property:

1. The aims for the property were developed after purchase in 1986. The property back then consisted of four paddocks, about 10 native trees, low production pasture species dominated by sweet vernal and bent grass, sub-optimal soil health with low nutrient levels and low pH. Sandy creek was severely degraded by cattle using it as their main water source. Pugging, bank soil erosion, and water quality degradation were constant impacts. Native animal biodiversity was low due to these conditions, despite being close to Macedon Ranges. The

objective back then was to allocate at least 20% of the farm area to fenced off (from livestock) native vegetation in blocks, corridors and the riparian zone. The native vegetation goal of 20% has already been achieved.

2. Pastures were renovated to include higher production perennial grass species including cocksfoot, phalaris and tall fescue with summer active and winter active varieties included in the mix. As well, paddock sub-division was undertaken to allow rotational grazing as opposed to the traditional set stocking in the original four paddocks. The objective was 80% perennial grasses, 20% annual and perennial clovers, with 100% ground cover maintained above 1200kg dry matter per hectare year round, irrespective of rainfall. A central laneway was built to provide easy movement of livestock into paddocks across the farm.

The strategies available to the next generation to adopt and implement for improved agricultural productivity with advice and guidance from the current owners (while in a position to do so) include:

* Pasture species renovation program,. By increasing the percentage of perennial and sub clover species across all paddocks to 40 – 50% (currently around 10% - 20% clover species) lamb growth rates will be increased by approximately 33%, from an average of 200grams per day to around 300 grams per day (our own trial data has demonstrated this increase might be conservative. We have already grown lambs at 400grams per day). By finishing all lambs at six to seven months of age the opportunity exists to increase ewe population by 10%. This in turn enables the farms to produce more lambs for sale per year as meat and seedstock .

* Coupled with pasture renovation program is a pasture soil health and fertility program. This involves bi-annual applications of organic manure which contains a combination of major nutrients, trace elements, and organic matter to support the soil biology population and subsequently improve growth of the clovers, herbs and grasses year round as well as improve soil structure improving water holding capacity which is critical for plant growth in dry summer autumn periods. Lime will also be applied on a five yearly basis as a means to maintain optimum soil pH which is critical for enhanced pasture productivity. *(For trial data see: Chicken litter: alternative fertiliser for pastures and ways to increase soil organic carbon, by Lisa Warn, RIRDC 2014)*

* Increasing the percentage of clover in pasture to 40 – 50% from the current average of 10 – 15% has as impact on increasing the value of lambs sold for meat. This is due to the lower methane emissions per kg of carcass weight achieved on higher percentage clover pastures. The red meat industry has a stated objective to be carbon neutral by 2030. Meat processors and retailers are now looking for livestock sourced from farms who are heading towards this carbon neutral status. Some red meat processors already have carbon neutral brands. Specialty restaurants are also looking for sources of red meat from farms that are heading toward carbon neutrality. This is creating greater competition for red meat with credible carbon neutral credentials. These credentials plus higher eating quality carcass traits and low food miles will

create even greater demand amongst elite restaurants for our lamb as awareness for combating climate change grows amongst red meat consumers.

* Introducing pregnancy scanning of ewes to identify the foetus status of each animal. Knowing this enables us to give preferential nutrition to ewes carrying multiple foetuses and to supply greater supervision at lambing to those ewes. We anticipate this strategy can increase our lamb weaning percentage from the current 140 – 150% to 160 – 170%. This means we have around 10% more lambs to sell for meat and as seedstock each year. Coupled with the increased number of ewes being carried as a result of faster lamb growth rates, the overall increase in lamb numbers sold each year is likely to be around 20% compared with current production.

* Introducing an artificial breeding program to source better shedding sheep breed genetics into the flock. Meat & Livestock Australia's Sheep Genetics Lambplan program enables us to identify the most productive sheep in the flock. When the top 1% of male lambs is identified, they are the rams which will be joined by artificial insemination to the highest index performing ewes. This system of breeding enables faster turnaround of sires which in turn increases genetic gain in the most productive traits each year.

* The consequence of faster genetic improvement in traits like pre and post weaning growth rates, number of lambs born, and lambing ease; and carcase quality traits such as meat yield and meat marbling; will be greater demand for our sheep as elite high eating lamb and as seedstock in other Wiltipoll breeders and shedding sheep breeders' flocks. Shedding sheep are in increasing demand across the sheep meat breeding sector and for small land holders as wool meat sheep breeds are becoming less competitive due to the low demand for strong wool (above 28 microns) and the cost involved in shearing and crutching each animal each year. Increased demand will increase the price these young ewes and rams can command. It also means more ewes and rams will be available for sale as seedstock as opposed to meat sheep. We anticipate that with the improved genetic index performance achieved through this artificial breeding program, young ewe breeder price will increase by around 33% (to \$300) in three years and young ram price by 50% (to \$600) in three years.

3. Restore creek and its water to a healthy state and construct a fenced off riparian zone to act as a biolink for native animals as well as an important source of natural food for all fauna. The goals for the riparian zone have been met. Native animal biodiversity continues to grow as evidenced by the number and variety of frogs, birds and snakes (once a rarity) and mammals, such as sugar gliders, wallabies, echidnas, wombats and the occasional koala. All new sightings are recorded. The next phase of the pasture program will see an increase in the insect population as a result of the higher clover content of the pastures and more invertebrates and soil biology with the regular application of animal manure compost. I envisage protecting our newly established populations of echidnas, kangaroos and wombats etc from cars as they cross Moffats Lane will be an ongoing issue as a result of our successful biolink establishment.

The property is a Birdlife Australia survey site, visit <https://birddata.birdlife.org.au/my-data>

It is also a registered Land for Wildlife farm, number 18/95/0006, since 1996.

The farm is also a net greenhouse gas sink.

5. What are the planning zones and overlays for the property?

What planning zones and overlays exist on your property? Do you need to apply for a permit for any work? To find out visit: <https://mapshare.vic.gov.au/vicplan/>

The property is in the Macedon Ranges Shire farming zone. There are no planning overlays.

Part of the property is an 'area of cultural heritage sensitivity'.

The property is in a designated bushfire prone area.

6. Site Plan

There are no more proposed works for the property. Some fencing may be required to identify the boundaries of the proposed new title for sectioning off Moffitts farm from Sandy Creek farm. The new lambing paddocks may require the addition of fox proof netting to some fence lines.

No dams are proposed as existing dams are adequate for stock and domestic purposes. No more revegetation corridors are planned as 27% of the farm area has already been allocated to that purpose.

There are no requirements for grid connected power. Livestock water is pumped from the main catchment dam to a header tank for gravity flow back to troughs when required. There are no buildings on Sandy Creek Farm and none proposed as Moffitts Farm will remain the centre for living and farm operations including livestock handling. All sheep handling and management requirements could be handled on Sandy Creek farm with the addition of a set of portable sheep yards.

Sandy Creek Farm has four distinct land zones:

* **Riparian zone** along Sandy Creek which is fenced off.

* **Floating basalt rock pasture zone.** These are paddocks which were never cleared of basalt rock by original settlers. The rocks mean these paddocks cannot be sown with pasture but species have introduced themselves over the years through livestock, birds and wind scattering seed. With holistic grazing management across these paddocks some native grass species, kangaroo grass, wallaby grass and microleana have been able to set seed and are becoming more prolific.

* **Pasture zone:** These are paddocks which were ploughed by the first settlers over many years and still exhibit the remains of "lands" which is a consequence of mouldboard ploughing which creates shallow "drains" across the paddocks. These paddocks are sown with introduced pasture species to remove the unwanted low production species like bent

grass, sweet vernal grass, Yorkshire fog grass, silver grass and onion grass. Fertiliser in inorganic and organic form is applied to maintain moderate levels of soil nutrients and pasture growth can support a profitable livestock business based on pasture without supplementary feeding.

* **Woodlot zone:** These are paddocks which have been planted to eucalyptus species *E. globulus* and *E. saligna* for the purpose of producing a range of hard wood products. These trees have been managed for form by pruning the best stems to 6metres. The *E. globulus* trees are providing hardwood for firewood (stems that have died, fallen or have poor form), for farm fence posts, and for poles for farm outbuilding restoration. In the longer term (30 years plus) the larger diameter (50cm plus), straight, pruned stems should be suitable for high quality structural timber. It is planned that any section of woodlot zone that is harvested is replanted with eucalypt species so the carbon sequestration they provide continues and the farm remains a net sink for CO₂.

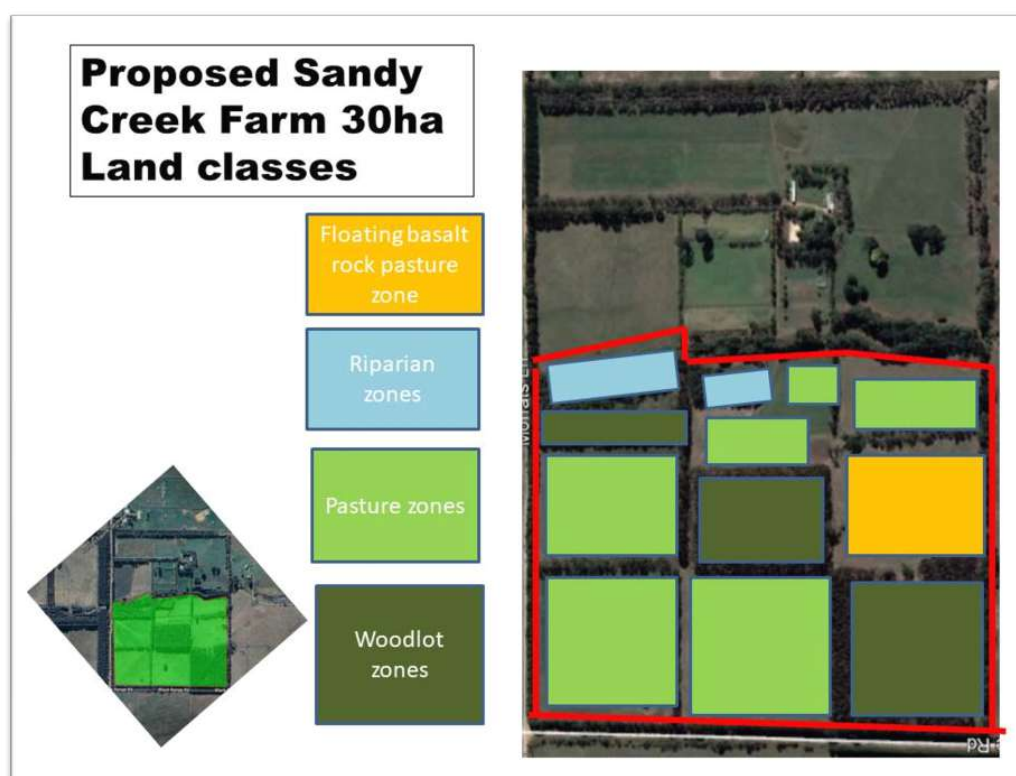


Figure: Land and vegetation classes across Sandy Creek Farm.

Sandy Creek Farm is subdivided for holistic grazing management and for conservation corridors, farm woodlots and riparian zones.

There are 18 pasture paddocks and 9 conservation corridors, woodlots and riparian zones which can be intermittently grazed if needed to help prevent excess pasture species growth and assist in control of weeds like blackberry and feral animals such as foxes and rabbits. Two original narrow (5m) conservation tree corridors have had their fences removed on one side, such that after 20 years they are now part of a pasture paddock and animals can seek shade and scratch against them.

There is no more subdivision fencing planned for Sandy Creek.

No more dams are planned for Sandy Creek. All except the largest paddock dam on property are considered as secondary livestock water sources. Water can be pumped from the largest dam and or Sandy Creek (when flowing in winter/spring) to a header tank for gravity flow to troughs connected to all pasture paddocks.

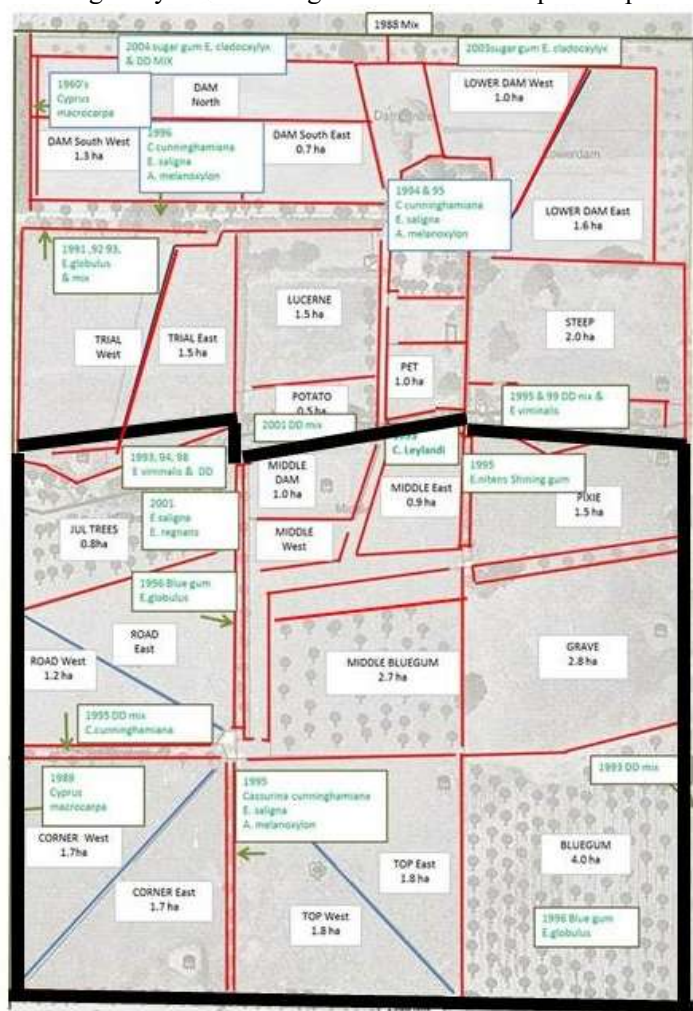


Figure: Sandy Creek Farm paddock and conservation corridor, woodlots and riparian zone subdivision as at 2022.

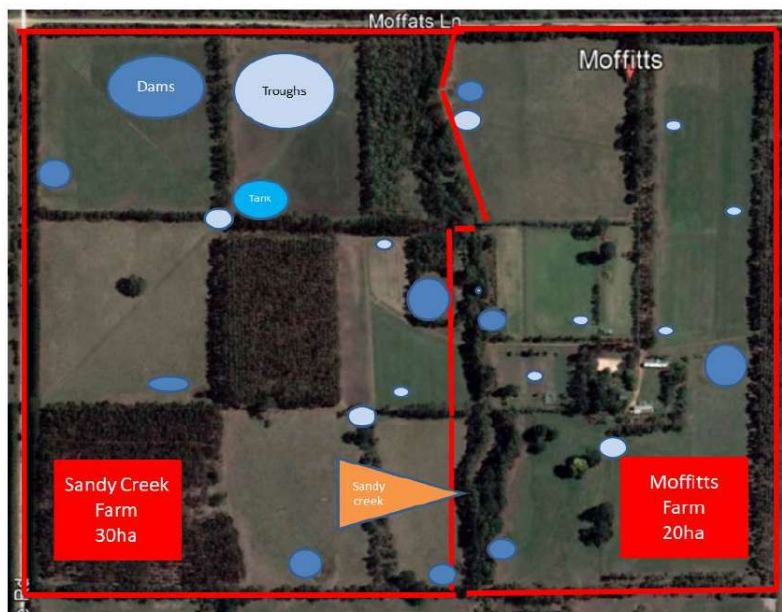


Figure: Sandy Creek Farm water supply is based on paddock dams and reticulated water into troughs. Troughs are the primary source and available in all paddocks with water reticulated by gravity flow. In most situations each trough is positioned in the centre of a “wagon wheel” layout so it can supply water to more than one paddock. Some dams have become more orientated to enhancing property biodiversity as they are seldom used by sheep and long-pasture is allowed to grow around the perimeter.

It is interesting to compare conservation plantings now with how the farm looked when it was purchased in 1986.

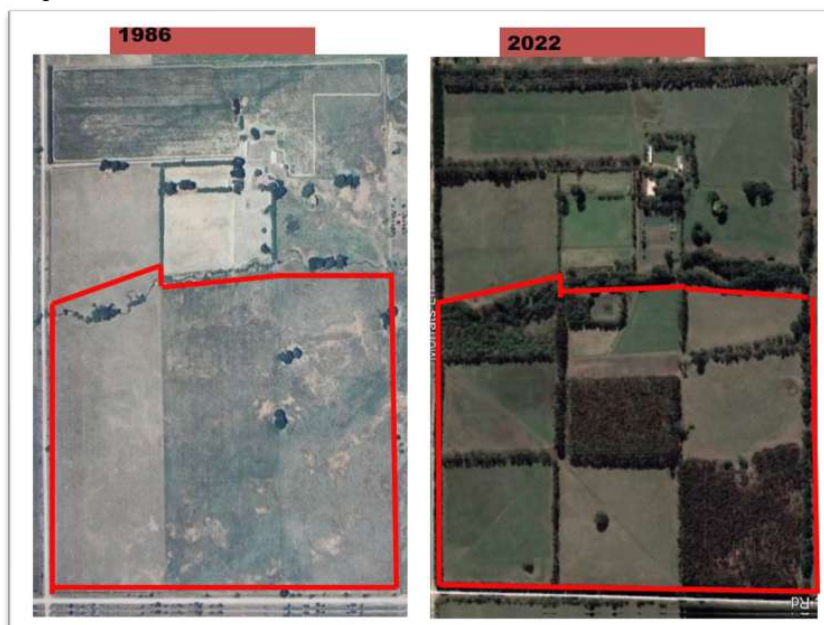


Figure: Sandy Creek Farm landscape comparing 1986 when it was purchased to 2022 after 36 years of holistic management.

The major change to Sandy Creek Farm since it was purchased from Patrick's father in 1986 is the reintroduction of native vegetation across the farm by fencing off conservation corridors around every paddock, fencing off the riparian zone along Sandy creek, and fencing off managed agro-forests. In all 27% of the farm area is devoted to indigenous planting in these three forms; they are a major contributor to the farm being a net carbon sink.

In 1986 there was one eucalupt on the property and about 10 Blackwoods. The existing trees were two cypress and 15 pines (planted in the 1880s), and Hawthorn hedge trees (possibly planted in the 1880's when the farm was first settled and the cottage built). The property consisted of four paddocks. Virtually all paddocks had been ploughed since settlement using mouldboard plough (horse drawn then tractor drawn) and the "lands" formed are still obvious. Rocks were collected from the ploughed paddocks and used for fences in conjunction with Hawthorn hedges. These rock fences are still obvious and some have been incorporated into conservation corridors where they provide valuable habitat especially for reptiles, spiders, and insects.

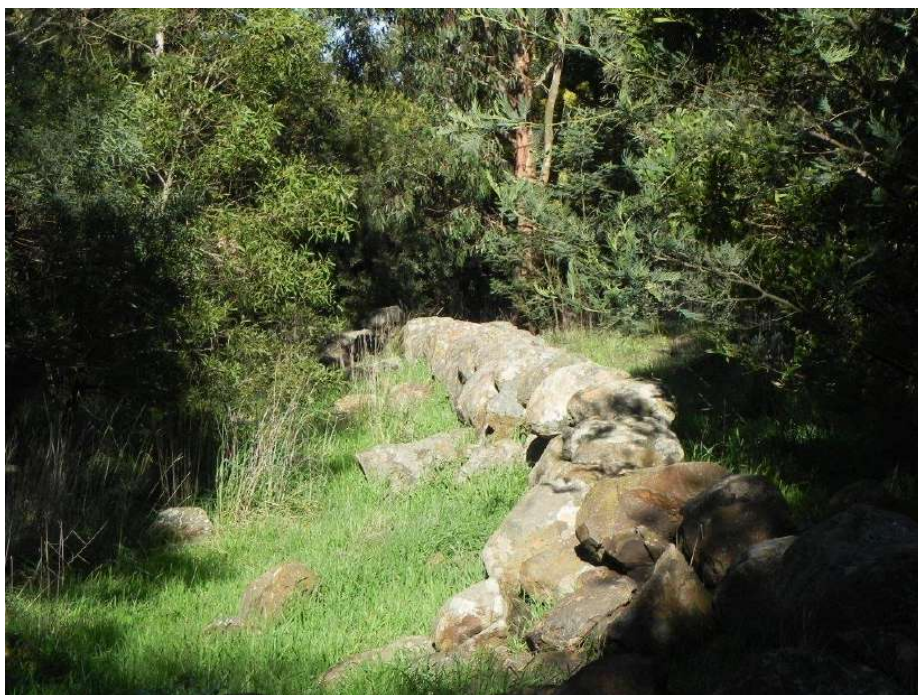


Figure: Conservation corridors incorporating an original rock fence and direct seeded with native trees and shrubs in 2000. The rocks provide valuable habitat for reptiles, insects, and spiders.

7. Description of land use zones



Land zone	Description including native and exotic vegetation	Proposed land use
Floating basalt rock pasture zone	Dominated by large “floater” rock so has never been ploughed and is not trafficable. Dominated by introduced pasture species but also contains some native grasses. These are spreading in the zone due to holistic grazing management.	Rotational grazing
Riparian zone	This has been fenced off from livestock grazing and planted with native species tubestock as well as by direct seeding. One area has an associated farm forestry block.	Kept for habitat and biodiversity recovery. Can be occasionally grazed to control pasture growth given the species present are almost entirely introduced grasses. Needs constant monitoring for pest plants and animals control.

Pasture Zone	These are all paddocks which were ploughed since early settlement with floating basalt rocks removed. Since 2000 all pasture renovation has been via direct drilling. All paddocks contain introduced pasture species and are renovated when inferior livestock production species result in decreased carrying capacity per hectare. So far renovation is required every 10 to 20 years. These paddocks are fertilised to meet soil health best practice targets.	Rotational grazing based on minimum 1200 kg herbage per hectare irrespective of rainfall. Also based on 50 to 60% perennial grasses and 40 – 50% multispecies perennial and annual clovers plus chicory.
Woodlot zone	These are former pasture paddocks with no native vegetation that have been planted to E.saligna and E. globulus	For long-term provision of a range of sustainably sourced wood products for use on farm such as fire wood, fence posts and outbuilding poles. They are also important habitat for a range of bird species and arthropods and improve landscape amenity. They provide shade and shelter for livestock. They are a minor source of livestock pasture and are occasionally grazed to keep perennial grasses beneath the trees under control.

8. Soils

What type of soils are present on your property?

The Sandy Creek Farm soil is predominantly basalt black clay loam. On the northern slopes leading down to Sandy Creek there are small areas of red basalt clay loam.

What were your soil test results?

Soil tests have been taken on Sandy Creek Farm and Moffitts Farm since 1986. From 2000 to present, soil tests were undertaken most years. We have been particularly interested in soil organic carbon level (SOC) and the impact holistic grazing management has on this soil health characteristic. Interestingly it has changed very little with rainfall having the greatest impact. With such high SOC levels it is unlikely that management will have an impact as the SOC is most likely in equilibrium given the long history of perennial pastures on the farm and the lack of cropping undertaken. All pasture renovation we have undertaken since 2000 has been by direct drilling with no cultivation undertaken to ensure SOC is not diminished in any way.

Sandy Creek Farm soil test results 2002 to 2019									
Year	Paddock	pH /H ₂ O	pH CaCl ₂	Organic Matter %	Organic Carbon %	Total P ppm	Olsen P ppm	Available potassium ppm	Available sulphur ppm
2002	Road	5.6	5.0	9.3	4.6	654	17.4	187	11
2005	Top	6.3	5.7	10.1	5.1	678	27.4	167	4.1
2007	Road	6.1	5.6	8.6	4.3	453	22.3	171	0.8
2008	Corner	5.4	4.8	6.5	3.3	369	20.2	132	1.1
2009	Moffatts lane verge	5.7	5.1	5.1	2.6	232	14.5	109	1.2
2010	Corner	5.8	5.2	6.5	3.3	383	17.6		
2011	Top	5.9	5.4	9.3	4.7	474	20.9	230	1.3
2014	Top	5.9	5.3	9.2	4.6	448	4.0	112	6.4
2017	Corner East 3/10/17	5.7	5.1	8	4.0	368	8.7	119	13.7
2018	Middle East 22/7/18	5.9	5.0	9	4.5		12.0	140	10
2019	Corner East 5/9/19	5.8	4.9	7.4	3.7		15.0		

Table 1: Soil test results Sandy Creek Farm 2002 to 2019. Soil organic matter has remained constant under holistic grazing management.

Does the soil change across your property? What does the soil test indicate to you about land use? Are there any erosion issues?

The grey and red basalt clay loam is consistent across the farm. Soil test results versus livestock carrying capacity indicate that productivity is being maintained even in dryer than average years such as 2008, 2009, 2014, 2015, 2017, and 2019. Soil pH has remained above recommended level of 5 in CaCl₂. The decline in soil P post the exceptionally wet 2010 and 2011 is being corrected with the use of organic fertiliser (composted cattle manure, chicken litter) and inorganic fertiliser as required to try and match nutrient exports off farm in red meat sold.

The holistic grazing management practiced which ensures paddock stocking rate matches paddock carrying capacity means all paddocks have a minimum of 1200kg dry matter per hectare pasture cover year round. It also ensures 100% ground cover made up of perennial grasses and legume plant crowns and pasture litter between the crowns.



Trial paddock March 1 2014,
year to date rainfall **25mm**



Trial paddock April 26 2014,
year to date rainfall **117mm**

Figure: 100% pasture covered is maintained year round irrespective of rainfall. This means no soil erosion.

9. Farming Activity (if applicable)

Outline your proposed farming activity (cropping, stock etc.) and intended stock rotation.

Grazing Stock

Area ORIGINALLY used for grazing (Ha)	30
Area NOW USED FOR grazing (Ha)	22
Current stock numbers*	From 10 - 12 dse per hectare currently. Proposed 14 - 16 dse per hectare year round

* Stock numbers are calculated using the Dry Sheep Equivalent (DELWP) stocking rate system where the carrying capacity of the land is equated to 'dry sheep equivalents' or how many dry (non-breeding) sheep of average condition can be kept on the land without weight loss or handfeeding.)

Stock type (including horses)	Number of animals	Seasonal variation in stock numbers	Feeding requirements (stock feed supply including the percentage of imported feed).
Wiltipoll ewes	60	0	100% pasture

Wiltipoll lambs	80	0 - 90	100% pasture
Wiltipoll lamb rams	10	0-10	100% pasture
Wiltipoll rams and wethers	13	13	100% pasture

Cropping

Area currently under cropping (Ha)	0
Current crop/s	0
Area of future cropping (Ha)	0

Other potential farming activities

While high value lamb red meat production is the current primary focus, in the future specific horticulture crops like olives and vines could be considered. Horse agistment may also be a possibility as well as honey and native cut flowers. Farming for carbon credits and biodiversity credits are also possible depending on their demand as society endeavours to combat climate change and fauna and flora species extinctions.

Pasture renovation**Explain the method and timing of any pasture renovation/improvement works.**

Pasture renovation has been practiced in conjunction with holistic grazing management as the 1986 perennial grass species on the farm (and throughout the district) are the low production and palatability perennials bent grass, sweet vernal grass and Yorkshire fog grass. These are particularly invasive grasses that form a mat of herbage over the soil but provide poor production, nutrition and palatability for even moderate livestock productivity.

As a guide pastures dominated by these species have an annual livestock carrying capacity of around 3 - 5 dry sheep equivalents per hectare depending on stocking density and use of rotational grazing. Their only positive feature is soil protection from erosion and to some extent weed invasion. However, they also out compete native grasses which may have survived the mouldboard ploughing farming methods undertaken since first settlement. Their growth structure once allowed to set seed does not support high above ground biodiversity because the stalks collapse on themselves "smothering" the soil surface and in wet winters facilitating waterlogging.

Pasture renovation to remove these unwanted species involves three strategies:

Firstly, paddock subdivisions so rotational grazing can be practiced which allows for sufficient grazing pressure (stocking rate) to be applied to the existing species to favour their recovering from grazing and prevention of flowering in the unwanted species. This first strategy may enable the paddocks more desirable species to compete with the bent/sweet vernal grasses without the need for oversowing. An interesting outcome of this strategy has been the re-emergence of native grass species across Moffitts Farm paddocks, in particular Wallaby grass and Microlaena.



Figure: Wallaby grass and microlaena has been recolonising pasture paddocks on Sandy Creek Farm since the introduction of conservation corridors and holistic grazing management.

Secondly, if grazing management enables more desirable species to become dominant amongst the bent/sweet vernal then the desirable species can be made more productive and palatable by addition of fertiliser, either organic or inorganic, to achieve best practice, science based soil nutrient levels. Similarly, adding the soil ameliorant, lime, will assist nutrient availability to desirable species if pH has declined below best practice science based levels (below pH 5.5 in CaCl_2).

Thirdly, if after steps one and two the pasture remains dominated by unwanted species then sowing desirable species is undertaken. On Moffitts Farm we do this in two stages over a 12 month period. Stage 1 involves removing the unwanted species with a knockdown herbicide in September/October and direct drilling a brassica fodder pasture. This is an annual species which provides a large amount of high quality fodder which is rotationally grazed about four times before it dies out. An alternative to sowing brassica is sowing the herb chicory. It's benefit over brassica is it is a short lived perennial and can persist for up to three years.



Figure: Direct drilling pasture seed minimises soil disturbance ensuring soil organic carbon is protected , soil food web habitat is maintained and tractor emissions are minimal while introducing more productive species.



Brassica pasture growing after rain in mid December 2018.



Same brassica pasture in mid February without significant rain for 8 weeks. Still providing lambs with protein and energy but has lost some palatability.

Brassica pasture is the first stage in perennial grasses pasture renovation.

Stage 2 in the following April/May or September/October involves direct drill sowing the desirable species into the clean brassica/chicory aftermath. If there is evidence of unwanted species in the aftermath a knockdown spray is applied to remove the unwanted plants before direct drilling the new pasture species.

Note: The alternative to using a knockdown herbicide to remove high density bent and sweet vernal grasses is ploughing. Ploughing has four negatives:

- * It involves using around 4 to 5 times the amount of diesel compared with direct drilling, releasing considerably more greenhouse gases.
- * It aerates the soil by turning it over and fluffing it up, this causes a soil microorganism explosion releasing soil nutrients while at the same time lowering soil organic carbon – the principle food source of the organisms. If regularly undertaken, ploughing will significantly reduce soil organic carbon releasing CO₂ into the atmosphere.
- * It can damage soil structure because repeated ploughing including use of high impact machines like rotary hoes is needed with thick bent grass mats to prepare the fine tilth needed for sowing pasture.
- * It damages large soil fauna habitat – spiders, mites, ants, insects, nematodes, dung beetles and worms by destroying their holes and webs.

On Sandy Creek Farm we have two permanent perennial pastures which are sown with varieties for specific purposes. Both pastures involve year round green perennial and legume species.

The first is a specific lactating ewe, livestock finishing and fire refuge seed mix. This mix is dominated by the herb chicory which has a tap root and grows highly palatable and nutritious feed from mid spring to late autumn. It is sown with perennial clovers, and a small amount of perennial ryegrass. This mix remains green throughout the summer/autumn. The disadvantage of this mix is the perennials involved are relatively short lived, up to five years, before resowing is needed, but with direct drilling that is a simple procedure.

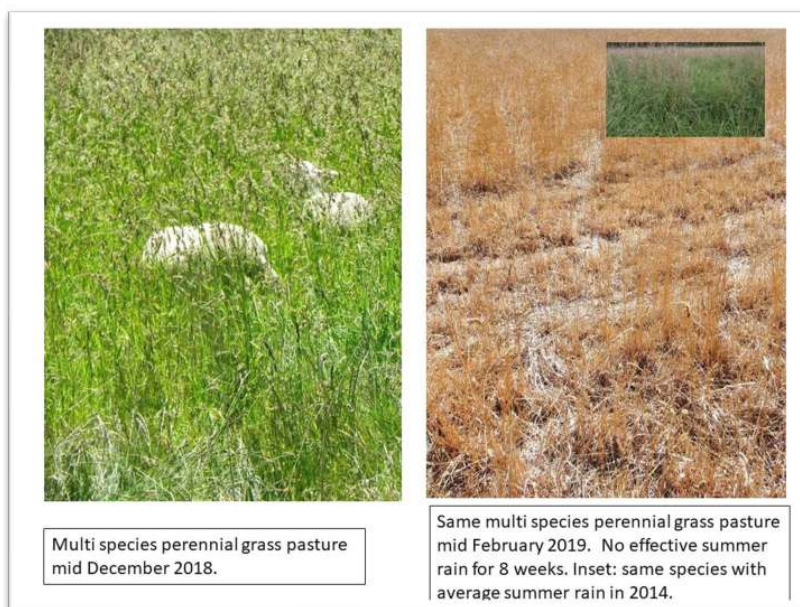
The second pasture mix, on Sandy Creek Farm is what we call our multi-species perennial grasses and legumes mix. This is used as the mainstay of year round green pasture production and includes nine perennial grasses, four perennial clovers and three annual clovers. Summer active varieties of the major grass species suitable for the district are included with the summer dormant varieties.

From 2022, these pastures will be enriched by the application of animal manure to support the increased demand for nutrients necessary for maintaining the higher percentage clover pastures and to meet nutrient budgets to ensure nutrient exports off farm through livestock sales are compensated by nutrient import onto the farm.



Figure: This multi-species pasture mix when managed under holistic grazing ensures year round herbage cover and moderate livestock carrying capacity while protecting ecosystem functions.

In dry summer/autumns all species will be dormant, but summer active grasses, chicory and clovers will quickly start re-growing with a summer thunderstorm or the autumn break. The key to these pastures' high productivity, palatability and resilience in the face of climate change is holistic grazing management. The summer active species need special care to avoid livestock grazing new tillers stimulated by rainfall.



The multi-species perennial pastures will provide year round green feed if sufficient summer rain falls, which is common in the Shire. In some years summer rain fails but the pasture cover is maintained to protect the soil food web.

10. Water

Water assets must be identified on the site plan.

What is the current water supply?

Domestic water supply	NA
Current number of dams and bores	One 1 mega litre dam, seven 0.3ML dams
Creeks, wetlands or watercourses	Sandy creek runs along the northern side of the property. It flows from June to November most years and maintains springs over summer but these dry out in autumn. Spring water has high salt level about 3500 EC
Annual rainfall	704 mm variation 381 (1994) to 996 (2010). Autumn winter rainfall has declined by 17% since 1997.
Fire water supply	One mega litre dam
Water supply for Stock and/or cropping	Pump from one mega litre dam to header tank on highest point in property and gravity flow water back to troughs using the wagon wheel method so one trough services multiple paddocks in most instances. Also small dams and Sandy Creek itself.



Figure: Sandy Creek farm has livestock water supplied from dams, Sandy Creek and reticulated water pumped to a header tank and redistributed by gravity flow to trough place at the centre of paddock “wagon wheels”.

Describe your current and proposed water requirements

Existing flock requires approximately 100,000 litres reserve for six months to cater for zero rainfall between December and May.



A wagon wheel paddock sub-division means one trough yard in the centre serves seven paddocks.

Outline the steps you will take to ensure the protection and enhancement of your waterway

The entire riparian zone each side of Sandy creek has been fenced to allow native species revegetation using planted tube stock and direct drilling. Once the trees and shrubs re-established after approximately five years, sheep livestock were allowed to occasionally graze in the riparian zone. Cattle were always excluded from the riparian zone as their size causes too much damage to creek banks and pugging in the damp bed and springs. Sheep are provided with trough water when given access to fenced-off riparian areas. The time spent in these areas is short, or the stocking rate is low to ensure ground cover is retained across the riparian zone.



Sandy creek riparian zone restoration has happened in stages over 15 years since 1990. This photo is a before and after restoration taken as the same photo point in 1999 and 2012.



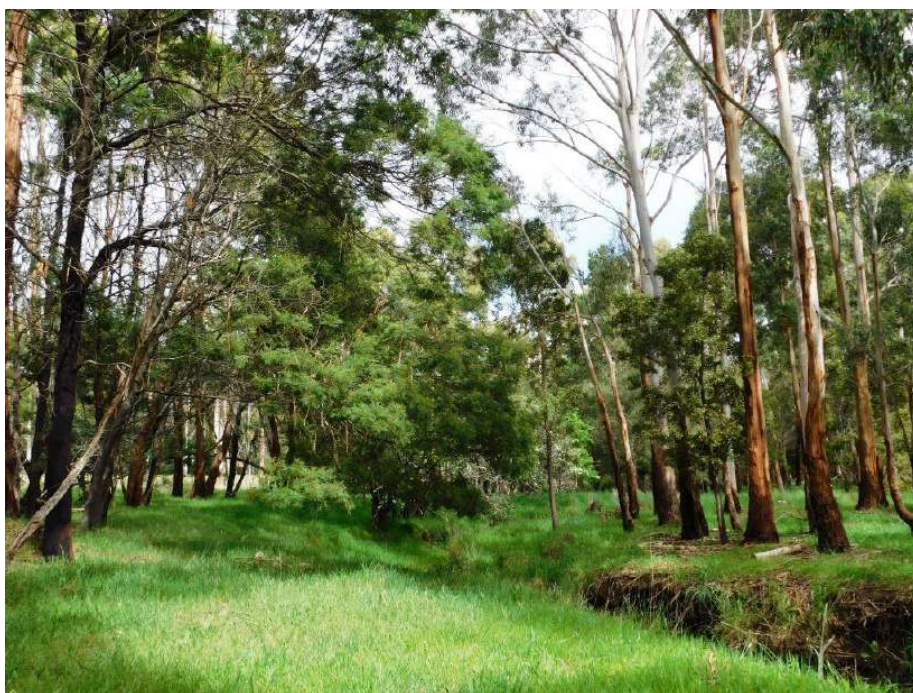
Sandy creek is fenced off from livestock with reticulated water to troughs positioned outside the riparian zone. This trough is in a small yard alongside a small earth dam and serves two adjacent paddocks. The dam was constructed in the early 1990's and rarely fills as holistic grazing management results in prolific pasture which acts like a giant sponge and absorbs virtually all rainwater. Surface runoff only happens during prolonged wet winter months or with summer thunderstorms producing in excess of 80mm in 36 hours. The dam is useful for encouraging biodiversity such as frogs which lay eggs in it and insects like dragon and damsel flies..

11. Native Plants and Animals

Describe the native vegetation on your site. Links to resources;

Sandy Creek Farm has been extensively cleared of native vegetation with evidence that much of it was used for fencing, sheds, and firewood on Moffitts Farm since the 1880's. All but one of the existing paddocks have been ploughed over many years and rocks cleared. Remnant trunks of substantial trees, most likely Manna gums still exist amongst the rocky outcrops in this paddock.

Revegetation on Sandy Creek Farm has involved extensive replanting of local species in corridors, riparian zone and blocks. Most plants were tubestock (about 8000) with the remainder direct seeding using the Greening Australia seeder.



Riparian zone planting along Sandy creek. Left direct seeding and right tube stock Manna gums. Both happened in 1990. One remnant Blackwood is present in the centre. Photo: October 2020.

Do you have bushland or scattered paddock trees on your property?

There is no bushland on Sandy Creek Farm. There are about 10 Blackwoods along the creek. We have been restoring in paddock trees using 25m diameter circles fenced off from livestock.



Remnant trunks of dead Mana gums remain in two rocky paddocks. The early settlers planted cypress macrocarpa and pinus radiata for paddock trees (top right). Part of the revegetated Sandy creek riparian zone can be seen in the background.

The holistic grazing management program has seen a breakthrough in native perennial grass species restoration. Native grasses were thought to have been ploughed or grazed out across the property when purchased in 1986. However, with the long grazing rotations involved in holistic grazing management, wallaby grasses, kangaroo grass, and microlaena have been identified and are slowly spreading.

Native Seeds provided us with some native grass species to try and broadcast in Sandy Creek paddocks including wallaby grass, microlaena and Queensland blue grass. These sowings have not been successful.

While the native grasses have low value for livestock production they do add to biodiversity so their spread is important.

How will you protect and enhance your remnant vegetation? Have you considered a conservation covenant or a program such as Bush Broker? Refer to the appendix for more information.

Remnant vegetation was virtually non-existent on the property when purchased in 1986. Revegetation of native trees has been extensive across the property. Native grass

communities have recovered to some extent and are expanding into sown pastures. This is due to holistic grazing management which ensures grass plants can reproduce in association with the rotational grazing program and management which ensures stocking rate does not exceed paddock carrying capacity which leaves a minimum of 1500kg pasture dry matter per hectare across each paddock.



Holistic grazing management is allowing some native grass species to flower, set seed and restore plant density amongst introduced species. Photo shows wallaby grass which has set seed amongst Porto cocksfoots a summer active introduced grass.

Conservation covenants are not applicable as these programs don't apply to situations where the owner reintroduces native trees and grass vegetation to a farm which has an extremely low percentage of flora as on Sandy Creek Farm.

The Sandy Creek Farm restoration of native trees, shrubs and grasses follows the mosaic approach advocated by the "Restoration Approaches Spectrum".

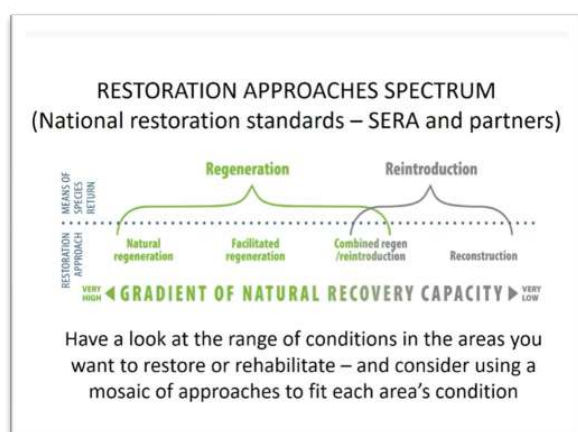


Figure: Sandy Creek Farm plan uses a mosaic of approach for native flora rehabilitation.

Source: Tein McDonald Landcare Australia webinar 24 June 2021

What native animals have you found on your property?

The native flora reintroduction program combined with holistic grazing management on *Moffitts* farm implemented since 1990 has resulted in a dramatic increase of native wildlife across the property and surrounding properties. It should be noted that some neighbours have adopted a similar regeneration approach and so in a combined way, wildlife has benefited across the district. Six indicator species highlight the change that has taken place as a result of significant native flora reintroduction – eastern grey kangaroos, koalas, echidnas, wombats, sugar gliders and white-winged choughs.



Wombats have never been seen on *Moffitts* Farm since it was purchased in 1953. The first sighting came in 2021 and subsequently a population has taken up residence and have been frequently caught on our wildlife camera in 2022.

With a lifetime spent visiting and working on the property since the 1950's there was never a sighting of kangaroos, echidnas, wombats, sugar gliders or white-winged choughs and only one koala up to the mid-1990's. During the 1990's the majority of the native plant corridors were established. The first kangaroo was seen on the farm in 2000. Echidnas have become common and koalas are often heard (less often seen). White-winged choughs are a gregarious woodland bird species and make mud bowl nests high on the branches of tall eucalypts species. They are now common across the farm emerging from conservation corridors to feed on organisms in plant litter. Wombats were first seen in 2021 along the riparian zones, they have now taken up residence on the property..

Perhaps the most exciting and unexpected species to return to *Sandy Creek* Farm is the sugar glider. General opinion amongst wildlife ecologists is that these animals only thrive where old native trees form hollows for them to live in. *Sandy Creek* Farm had no native eucalypts in 1986. Despite this, sugar gliders have become common in the agroforest and conservation corridors. We have evidence that they live behind the bark of manna and blue gums planted post 1986. These trees are not old enough to form trunk hollows.

Numerous other species of birds, reptiles and amphibians have become common. For instance copper head snakes had never been seen before 2010, now they are seen in pastures and corridors every year. Red bellied black snakes are also being sighted.

Frogs have also become common in pastures and around the dam. Holistic grazing management which provides high levels of ground cover year round and hence protection

from predators has been a catalyst for frog species increases. This is assisted by management which does not use insecticides to control pasture pests such as cockchafers, crickets, red legged earth mite and lucerne flea. Bulky pastures are an important habitat for the soil food web above and below ground. This enables a host of native organisms such worms, spiders, insects, and nematodes to thrive, which in turn encourage proliferation of higher order species such frogs, snakes, skinks and lizards especially through pastures.

It is interesting how recognised insect pasture pests (often recommended to be controlled with insecticides) are not an issue on Sandy Creek Farm. While there can be high concentrations of these pests in particular seasons they have never been economically important.

We have been involved in the Birdlife Australia farm bird survey program since 1999. We have identified 70 native species on the farm since that time. Many are seasonal visitors such as cuckoos which arrive in September at the same time as hairy caterpillars emerge on the pastures. They remain for approximately eight weeks.



Figure: A classic example of the food web created on Moffitts Farm associated with bulky pastures and holistic grazing. Such pastures enable a wider range of insects, spiders, and reptiles to proliferate providing food sources for higher order animals.



Figure : *Some of the healthy pasture and vegetation ecosystem indicator species which have returned to Sandy Creek Farm since 1990, echidna, koala, eastern grey kangaroo, white-winged chough.*



Figure: *An indicator species for health water, vegetation and soil ecosystem is the range of frog species present.*

12. Pest plants

Include the weeds present on your site plan. Useful information and resources about pest plants is provided in appendix 1.

Weeds have been controlled annually since 1990 and as such are not a major issue but constantly occur as a result of significant populations on roadside verges and neighbours' properties. As an example Blackberry is common on roadside verges and neighbouring farms and its seeds are transferred across Sandy Creek Farm by foxes when they eat the fruit. Montpellier broom is common on roadside verges and seeds prolifically. These easily blow into the property or are carried in water runoff from roads which enter the creek and are deposited in the riparian zone.

Many of the weeds are controlled by manual removal using a hoe which is carried routinely when walking or on the tractor crossing paddocks. Roadside verge weeds are addressed with an annual inspection and treatment at some point before the Montpellier broom sets seed during October and November.

Pasture weeds such as silver grass, onion grass, bent grass, sweet vernal grass, Yorkshire fog grass and capeweed are kept under control by holistic grazing management as well as pasture renovations which can be between 10 and 20 year intervals depending on paddock soil type and topography.

Ten Year Targeted Weed Management Plan

Year	Weed and Action	Location	Timing/ Frequency	Who	Technique	Completed
Each year	Blackberry	Road verge Riparian zone Pastures	November to April	Landowner	Grazon * and hoe	On going
Each year	Gorse	Road verge and boundaries	Year round	Landowner	Grazon	On going
Each year	Hemlock	Riparian zone	October to February	Landowner	Hoe	On going
Each year	Montpellier broom	Road verge, boundary and riparian zone	September to November	Landowner	Pull and Grazon	On going
Each year	Spear thistles	Pastures	September to March	Landowner	Hoe	On going
Each year	Briars	Road verge and boundary	November to April	Landowner	Grazon and hoe	On going

* Victorian Farm Chemical Users Course ACUP 03875

13. Pest animals

Management Techniques

Rabbits and foxes are the two pest animals needing constant attention on Sandy Creek Farm. A combination of the following methods is used:

- Poisoning foxes with Foxoff and rabbits with Rabbait
- Shooting foxes and rabbits when safe to do so.
- Ripping burrows - very limited as most burrows are in conservation corridors adjacent to trees and shrubs.
- Destruction of harbour particular for foxes along the riparian zone with occasional livestock grazing.
- Fencing. The entire farm has been double fenced with the internal fence being rabbit proof netting.

Identify any pest animals and the proposed management on your property

Zone	Pest animal species	Evidence - found on site of pest animals such as burrow/dens, scats, diggings	Control method(s) for an integrated approach	Monitoring techniques	Timing of treatment/control	Treatment Options over 3 years.
1	Foxes	Sighting, scats, dead birds, digging under fences	Foxoff baits and shooting	Recording baits taken animals shot	Year round with emphasis on lambing period between July and November	
2	Rabbits	Sighting, scats, pasture eating	Rabbait baits, shooting and rabbit proof fence netting	Recording rabbait programs	Year round	

14. Revegetation

Reintroduction of native species has been underway on Sandy Creek farm since 1989. The program has involved planting around 7500 tubestock and 1km of direct seeding. We estimate around 1000 trees and shrubs have grown from the direct seeding, mostly wattles. This seed mix contained regionally appropriate species selected and provided from the Greening Australia (Victoria) seed bank. It also provided the direct seeder.

Scientific Name	Common Name	Numbers
Trees		
<i>E viminalis</i>	Manna gum	400
<i>E globulus</i>	Blue gum	6200
<i>E nitens</i>	Shining gum	60
<i>E camaldulensis</i>	River red gum	20
<i>E regnans</i>	Mountain ash	200
<i>E saligna</i>	Sydney blue gum	350
<i>Casuarina cunninghamiana</i>	River she oak	300
<i>Acacia melanoxylon</i>	Blackwood	300
Sub Total		7830
Medium Shrubs & Understorey Trees		
Sub Total		
Small and Prostrate Shrubs		
Sub Total		
Grasses/Ground Cover		
<i>Poa labillardierei</i>	Silver tussock	200
<i>Themeda triandra (2004)</i>	Kangaroo grass	500
Sub Total		700
Total		8530

15. Land Management Works Plan

Provide a summarised action table of the identified key works to be undertaken. This will incorporate actions from the weed table (section 12), pest animals (section 13) and native vegetation (section 14). This table will be a perpetual action table for the life of the property so future landowners have a management tool to maintain and enhance the biodiversity on the property.

Land management works on Sandy Creek Farm have been undertaken over the last 34 years.

Sandy Creek Farm as it stands is a net sink of CO₂ mainly as a result of the large tree planting program which started in the 1990's. Using the University of Melbourne Farm Greenhouse Gas Calculator, the farm sequesters approximately 255 tonnes CO₂ equivalent per year. However, to remain a net sink new trees have to be planted as the original 8,000 reach a CO₂ sequestration equilibrium in approximately 30 years in our 700mm rainfall environment. Due to climate change impacting seasonal rainfall in the district particularly over autumn and winter and the increased incidence of below average rainfall years we changed the native species planted in conservation and farm forestry blocks. It is now becoming apparent that some local species may not be survivors in this environment due to climate change. For instance, *A. melanoxylon* planted over the last 20 years and is a local species, are dying. Similarly *E nitens* (Shining gum) grew well for 15 years but started dying after that.

Alternatively after approximately 2030 maintaining greenhouse gas neutrality will require lowering emissions from livestock and fossil fuels.

The shaded rows are examples – produce an action plan for your property.

Zone	Action	When	Who	How	Complete
Whole farm	Maintain weed and pest control program on continuous basis with interventions as described in sections 12 and 13.	Throughout the year as well as a late spring early summer survey of road verge weeds	Landowner	Involves manual removal of some weeds, herbicides for other, shooting and poisoning for feral pest plus destruction of harbour	Ongoing through the year

Appendix 1 – Additional Information

Ecological Vegetation Community (EVC)

To grow the correct indigenous plant species for your property, you should follow the plant species list of the Ecological Vegetation Community (EVC). The Environment Unit can assist in providing the information you require or visit the DELWP website below:

<https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks>

Native Vegetation – Conservation Protection Zones

Native vegetation conservation zones are required to be fenced to ensure protection from overgrazing from cattle, horses and sheep. It is recommended that wildlife friendly fencing is used to allow native fauna to migrate through the property.

Revegetation

Revegetation is an important part of your property plan and provides the following benefits:

- Habitat for local fauna
- Native vegetation structure and character
- Erosion control
- Enhancing existing biodiversity values by restoring shrub and grassy understorey
- Address salinity issues
- Shelter belts

If you are planning to undertake revegetation, develop a revegetation plan and identify these areas on your site plan. We recommend the use of local native plant species, refer to your Ecological Vegetation Community type as a guide.

Weeds and pasture grasses will need to be spot sprayed prior to planting to reduce competition with tube stock. Once weeds show visible signs of brown off (dying) then individual holes can be made with mattock, crow bar or Hamilton Tree Planter.

Pest Plants

Declared noxious weeds in Victoria are listed under the Catchment and Land Protection (CaLP) Act 1994. These plants cause environmental or economic harm or have the potential to cause such harm. All weed treatment with herbicides/chemicals is to be conducted in accordance with the Agricultural and Veterinary Chemical Code Act 1994. They can also present risks to human health. The Act defines four categories of noxious weeds:

- | | |
|-------------------------------------|----------------------------|
| • State Prohibited Weeds (SPW) | • Restricted Weeds (R) |
| • Regionally Prohibited Weeds (RPW) | • Environmental Weeds (EW) |
| • Regionally Controlled Weeds (RC) | • Agricultural Weeds (AW) |

Weeds of National Significance (WoNS) were prioritised using a series of questions that measured each weeds invasiveness, impacts, potential for spread and socio and economic impacts.

Useful Resources

Weed Spotters Victoria website to learn about new and emerging weeds and for more information about weeds in your local area.

<http://agriculture.vic.gov.au/agriculture/pests-diseases-and-weeds/weeds/weed-spotters>

Weeds of Central Victoria – A booklet about the main weeds occurring in Macedon Ranges.
<https://www.mrsc.vic.gov.au/Live-Work/Environment/Weeds-Native-Plants/Weed-Control>

Pest animals

Pest animals include rabbits, cats, deer, hares, foxes and other declared pest animals in accordance with the CaLP. Rabbits and foxes are typically associated with blackberry and gorse for food and shelter, and as such an integrated weed approach is required. Pest animals degrade land quality and agricultural productivity.

The management principles for pest animals are:

- Reduce numbers
- Destroy burrows and harbor
- Prevent reinvasion

Rotational Grazing – Biodiversity Enhancement

Planned grazing is an effective tool to reduce grassy fuel loads. It is best to occur in late summer to allow indigenous plants to set seed. Ensure trees/shrubs are large enough to cope with the pressure of animals being included into the zone. You could install tree guards/temporary fencing around small plants and regenerating areas so they are not overgrazed. If possible, eucalypt plants should be a minimum of 1.2-1.5m in height; this allows strong root systems to cope with the pulling action of browsing by stock.

NOTE: the number of cattle/sheep/horses is subject to the size of your conservation zone. Contact the Environment Unit to assist in determining the number of animals.

Grazing Plan for Conservation Zones

- Mid Summer (February)- 1 week to 10 days
- Late Summer (May) – 1 week to 10 days
- Horse/Cattle/Sheep excrement to be picked up at end of week (to reduce weed outbreaks)

Wildlife friendly fencing

Wildlife friendly fencing is a recommended option to protect patches of native vegetation from impacts caused by stock and will enable local fauna to migrate through your property. To obtain a brochure about how to construct Wildlife Friendly Fencing, visit the Macedon Ranges website at the link below to download the brochure.

<https://www.mrsc.vic.gov.au/Live-Work/Environment/Native-Pest-Animals/Living-With-Wildlife>

Permanent protection/covenants

Have you considered a conservation covenant for the protection of native vegetation such as the Trust for Nature program? You can also permanently protect and restore native vegetation on your property in conjunction with the native vegetation offset program coordinated by the Department of Environment, Land, Water and Planning (DELWP). Visit the Trust For Nature website and DELWP for more information.

<https://www.trustfornature.org.au/>

<https://www.environment.vic.gov.au/native-vegetation/native-vegetation/offsets-for-the-removal-of-native-vegetation/i-want-to-establish-a-native-vegetation-credit-site>

NOTES /REFERENCES / EXTRA INFORMATION

1. SALE

An inspection of sales of farm land in the area shows properties of a similar size in Springfield, 12/10/21 and in Romsey, 10/9/20 sold for \$26,100 per ha and \$37,500 per ha respectively (<https://www.realestate.com.au/sold/property-mixed+farming-vic-springfield-700157594> and <https://www.realestate.com.au/sold/property-other-vic-romsey-700087118>)

The Romsey property had excellent fencing and good water infrastructure, neither had a dwelling or sheds or the revegetation that *Moffitts* has. It is reasonable therefore to conclude *Moffitts* would sell for at least the higher figure and more likely in excess of \$2,000,000.

To buy even half the existing *Moffitts* property over twenty years, including interest at 4% , would require monthly repayments of \$6,060 over the twenty years, that is \$1400 per week. The farm business returns less than a third of that amount.

[\\$1,000,000 Mortgage Loans for 20 years. Monthly Payments Calculator \(dollartimes.com\)](#)

Based on the above and Landholder descriptions in the Macedon Ranges Draft Land Use Strategy, it is a reasonable assumption that in the absence of approval of the Boundary Realignment, the buyer of both un-subdivided Lots will be an absentee owner looking to retire on the property. Not a farmer.

<https://www.mrsc.vic.gov.au/files/assets/public/council/our-council/meeting-attachments/2021/03/24/scheduled/scheduled-council-meeting-2021-03-24-pe3-attachment-2-draft-rural-land-use-strategy.pdf>

Page 36. Attachment Two Draft Rural Land Use Strategy

*Amongst surveyed owners of vacant land in the Farming Zone:
54% intend to build a house on the property in the next 10 years
47% currently live in metropolitan Melbourne
61% of survey respondents disagreed and 25% strongly agreed that dwellings should not be allowed on agricultural land unless required to support agriculture*

<https://www.tandfonline.com/doi/full/10.1080/1747423X.2021.1922525>

Moreover, the participants (particularly 63% of the participants in mid-to-elderly age brackets of 45–74 years) have a higher uncertainty of continuation of their farming business by any of their family members which potentially exposes these land uses to further urban sprawl. The additional factors considered on the owners' land-use decisions – lifestyle, health and family – further increases landowners' uncertainty for continuation of their farming industry. This demonstrates the effect of farmers' land-use decisions on local

socio-economic transitions and accommodation of urban sprawl into the city fringes.

2. AGEING FARMERS

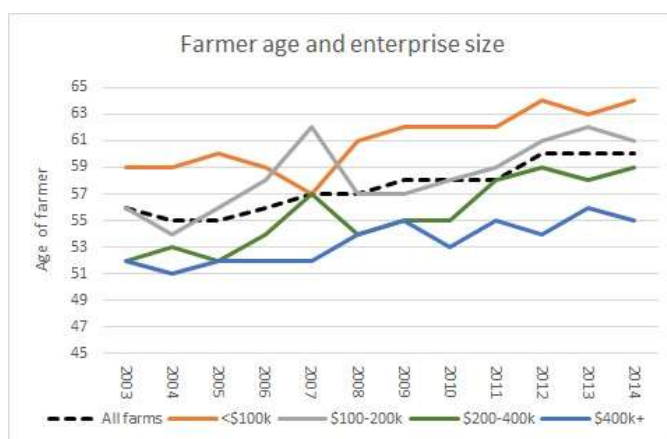
The issue of ageing farmers is of significance when it comes to changes in rates of farm productivity growth, with a number of commentaries inferring that the slowing rates of agricultural productivity growth observed since the mid-1990s in Australia may be related to the ageing farmer demographic, the assumption being that older farmers are less likely to adopt new technologies or seek opportunities to innovate.

“As the rural workforce continues ageing – the average age is 55 – there’s an increased risk of fatalities and serious injuries. This is due to the natural effects of loss of strength, eyesight, hearing, memory and an increase in recovery time from strenuous work.”

“Reaction times often decrease with age, as well as, the loss of agility, therefore working with animals during mustering, drafting, working in yards and husbandry practices can place you at a greater risk of injury.”

<https://www.farminstitute.org.au/will-ageing-farmers-limit-future-farm-productivity/>

.....The issue of ageing farmers is of significance when it comes to changes in rates of farm productivity growth, with a number of commentaries inferring that *“the slowing rates of agricultural productivity growth observed since the mid-1990s in Australia may be related to the ageing farmer demographic, the assumption being that older farmers are less likely to adopt new technologies or seek opportunities to innovate.”*



“At the other end of the scale, there are 25% of farms which have more than \$400,000 in annual output, and which collectively account for more than 75% of total agricultural output. Based on the ABARES data, the farmers and managers running these farms are an average of almost 10 years younger than

the average age of the farmers owning farms that are in the smallest annual output category, and five years younger than the 'average' Australian farmer.

*.....The implications of this in relation to the adoption of new technologies and innovation are important. If the rate of uptake of these is more likely to be higher among younger farmers, then the outlook for future farm productivity growth in the agriculture sector is much more positive than the somewhat gloomy scenarios that some have painted. **These younger farmers who account for more than three quarters of total agricultural output may be much more receptive to new technologies than farm-sector 'average age' statistics suggest**"*

Sheep are physically more difficult to handle and hold as you get older.

Lambing in particular requires a degree of physical strength especially in catching and holding ewes which are having lambing difficulty. These ewes weigh 70 to 80kg, are enormously strong animals and must be handled with care.

Lambing also requires considerable energy to supervise with inspections needed on welfare grounds at least four times a day - 9.00AM, Midday, about 5.00PM and finally about 10.00PM. Foxes also need to be controlled during lambing with baiting and scaring mostly at night. Lambing management to achieve the higher productivity we anticipate with additional strategies involves increased physical exertion which will need to be provided by our next generation.

Similarly catching and holding lambs at marking and drenching and vaccinating ewes and rams in a race. Climate change's impact on the frequency of droughts also has a production limiting effect as one becomes older - feeding sheep is not only an extra cost but is also extra physical work which at around 75, I would like to avoid. Over the last decade the Romsey district has experienced spring/summer rain failures (below average rainfall) in 2019, 2018, 2016, 2015, and 2013. The pattern of below average spring/summer rainfall is expected to continue due to climate change.

The cost effective solution to avoiding supplementary feeding in a drought is to have a smaller flock (33% reduction by 2025 and 100% reduction by 2030) so there is more pasture in the paddock to satisfy sheep nutrition while the dry period prevails.

3. SUCCESSION

All the research I read in preparing our Succession Plan strongly advised against jointly owned assets, whether directly or via Company or Trust structures. Because Moffitts Farm is located in a peri urban area, the land is overvalued relative to its productive capacity.

"Passing assets and entities (trusts, companies etc) to more than one child is likely to create numerous potential legal problems for those children in the future. The children can always agree to farm their assets together or with others. To force two or more children to share an asset can give rise to a range of legal problems which rarely have an inexpensive solution."

“Leaving land ownership to an off-farm heir provides them with the opportunity to earn regular rental income, as well as the appreciation in value of the land itself”

The option of not proceeding with the realignment and leaving both Lots to one of our three children is also not supported by the research

“Although non-succeeding children generally seem to value the continuation of the family farm and, in most cases, show little resistance to transferring the business to one of their siblings they do not necessarily evaluate the succession process and its outcome as fair. Anecdotal evidence reveals many disputes within families about the unequal distribution”.

“Succession Plan members may have the right to buy out non farming family members, but they may not have the capital or it may require going into deep debt to buy them out to keep the land together. Those situations put tremendous stress on the family and on the business as a whole.”

The realignment will allow two separate Titles to form part of my estate and facilitate a fair distribution of assets to my three children. It will guarantee the successor will own at least one Lot and should enable her to purchase the other Lot if the family owner of the second Lot ever needs or wants to sell it.

Our eldest daughter, the planned successor, has a Masters in Agricultural Science which she completed whilst working with the Victorian Department of Primary Industries. She has worked with small farmers around the state and was personal assistant to the Head of the Department for over a year. Our two daughters both assist with farm work and manage projects such as the Birds on Farms survey but a much greater commitment of time and effort will be required in the role of business successor and to implement programs to increase agricultural productivity through increased pasture and livestock output. Our son and his family are based in Ballarat and he visits the farm occasionally.

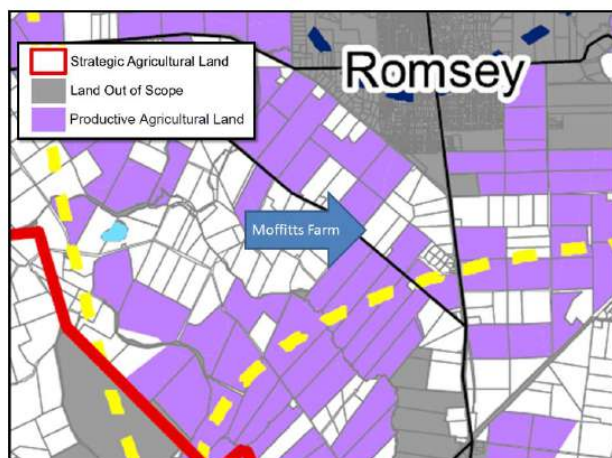
3 MACEDON RANGES LAND USE DRAFT STRATEGY

<https://www.mrsc.vic.gov.au/files/assets/public/build-amp-plan/planning-for-our-future/shire-wide-projects/draft-rlus.pdf>

Page 23 Describes Productive agricultural land as land with the following attributes:

*Land capability Class 2 and Class 3 access to irrigation supply
Land capability Class 2 and Class 3 and property size greater than 40ha
Land capability Class 2 and Class 3 and access to irrigation supply and property size greater than 40ha*

Page 24. Productive Agricultural Land



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<https://www.mrsc.vic.gov.au/files/assets/public/council/our-council/meeting-attachments/2021/03/24/scheduled/scheduled-council-meeting-2021-03-24-pe3-attachment-2-draft-rural-land-use-strategy.pdf>

Page 11 Attachment Two Draft Rural Land Use Strategy

LANDHOLDER SURVEY

64% purchased land for rural lifestyle

64% have holdings that are less than 40 ha

54% of those that purchased land in the last 5 years had not previously managed farmland

79% of respondents have a dwelling on their property and for 81% of this group, it is there primary place of residence.

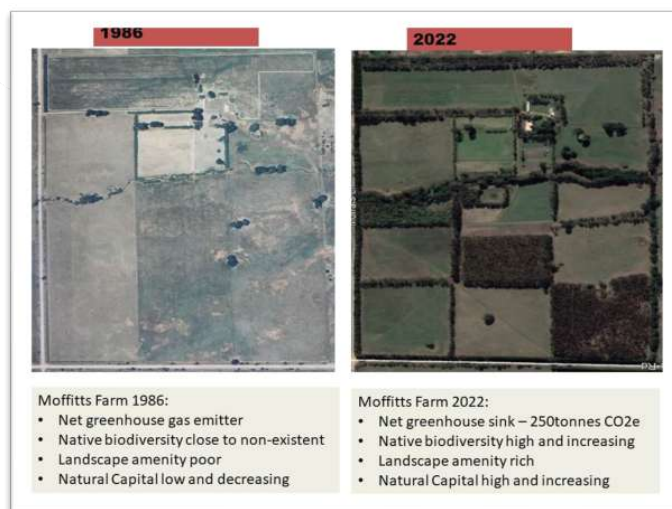
50% of respondents that have lived for less than five years on their property, previously lived in metropolitan Melbourne

21% have no dwelling on their land and just under half of these live in Metropolitan Melbourne

4 ONGOING IMPROVEMENT

Principles of multifunctional agriculture for supporting agriculture in metropolitan peri-urban areas: The case of Greater Melbourne, Australia - ScienceDirect

*Agriculture in metropolitan peri-urban areas is influenced by **structural changes associated with increased input costs, an aging farming population**, difficulty in retaining labour, and fluctuations in market conditions..... The concept of Multifunctional Agriculture (MFA) presents **a useful model to re-evaluate metropolitan peri-urban agriculture beyond food production functions by integrating the environmental and socio-cultural role into local and regional economies.***



5 SUPPORTING COMMUNITY

Patrick has made presentations and hosted farm walks for numerous Shire beginning farming groups, CMA and Melbourne Water farmer discussion groups, landcare groups, university and TAFE agricultural students, and consultancy groups over the last two decades. The farm has also hosted a delegation of Chinese agricultural scientists on a study tour. Our successor is a trained communicator with agricultural science qualifications and is likely to continue the extension of holistic productive environmentally responsible farming to the local landowner community as need demands.



Patrick has been involved in education of a large number of professional and new farmers using presentations and farm walks based on management undertaken since 1986 on Sandy Creek Farm and Moffitts Farm.

Counting down to ZERO

Our plan to reach ZERO net emissions by 2030

Stage 1 – December 2022



Acknowledgement of Country

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

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

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Executive Summary

Council committed to reaching a Zero Net Emissions status for its operations by 2030 when it adopted the refreshed Environment Strategy in October 2021. Council had already exceeded its original emissions reduction goal at 30 June 2021, having reduced emissions from its operations by almost 30%, from the baseline year of 2014-15.

The term 'zero net emissions' refers to achieving an overall balance between greenhouse gas emissions released into, and greenhouse gas emissions removed from, the atmosphere.

To track progress towards zero, there needs to be a starting point, which has been set as 30 June 2022. To increase accountability for Council's operations, the baseline greenhouse gas inventory will be expanded from the original inventory based on direct emissions, to include emissions from indirect sources, like emissions associated with contracted services for the collection and transport of different waste streams, and emissions associated with the operation of council-owned buildings tenanted to community groups.

Council's new emissions reduction target can therefore be framed as:

Zero Net Emissions for Council operations by 30 June 2030, from the baseline of 3,260.6* tonnes CO₂e at 30 June 2022.

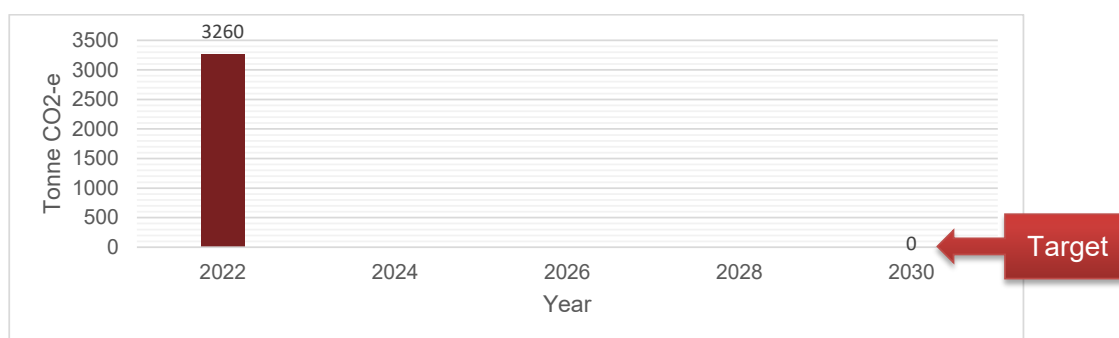
***OR as retrospectively amended to account for additional indirect sources of greenhouse gas emissions**

This Zero Net Emissions Plan, **Counting Down to Zero**, will guide Council to reach this target, through initially focusing on the following key actions:

- "Getting off gas" at Council-owned buildings, particularly the aquatic centres
- Transitioning Council's passenger fleet to zero emission vehicles
- Working with community groups to reduce emissions from tenanted facilities
- Increasing generation and supply of power through installing solar panels and battery power storage at Council-owned buildings, and potentially through larger renewable energy generation projects.
- Exploring options for creating offsets that provide co-benefits for local communities, economies and biodiversity.

Importantly, **Counting Down to Zero** is designed to be an evolving document. Council will monitor and report on implementation progress on an annual basis through the Annual Environment Report and Council's Annual Report, and communicate progress towards meeting its target for Zero Net Emissions, for example, in graphics like Figure 1. Additionally, this plan will be reviewed every two years until 2030, to enable Council to respond to rapidly evolving technologies and climate programs.

Figure 1: Tracking Council's greenhouse gas emissions to 2030.



Context

The need for climate action

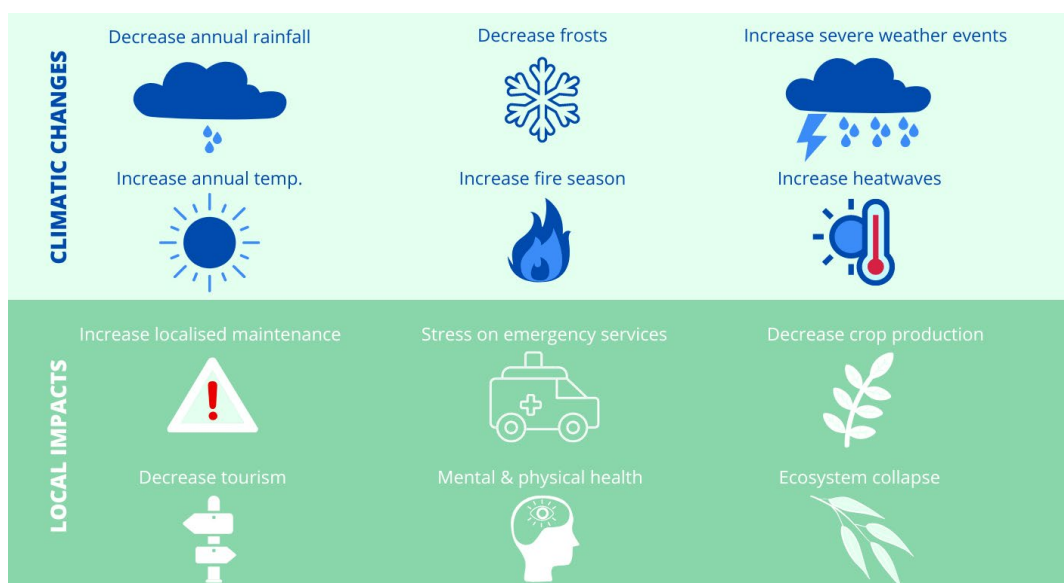
The forecast

Climate change impacts on everyone. The consequences of increasing temperatures, changed rainfall patterns and increases in the frequency and intensity of extreme weather events are being experienced more often, by more people, in more locations.

In the Macedon Ranges, forecast climate scenarios indicate hotter and drier conditions with greater variability in rainfall and increased fire danger ([Click here for DELWP climate predictions](#)).

Inevitably, this will mean our lives and livelihoods will be increasingly impacted upon, in terms of health and wellbeing, food production and distribution, water supply, buildings and infrastructure, biodiversity and landscapes, and many other aspects of everyday life. Figure 2 below illustrates these impacts.

Figure 2: Impacts of climate change on our lives and livelihoods



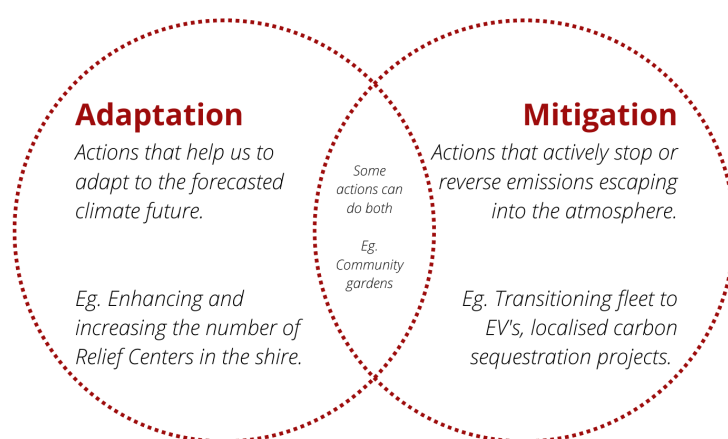
As the level of government working closest to the community, Council has a responsibility to do all it can to lessen the severity of impacts associated with climate change by reducing the amount of greenhouse gas emissions released into the atmosphere, and by preparing the community for forecast future climates. This plan is a guide for Council to reduce and eventually eliminate greenhouse gas emissions from its operations.

A declaration of climate emergency

Council officially recognised the urgency to address climate change by stating a Declaration of Climate Emergency at its meeting on 24 March 2021, thereby signalling its commitment to address climate change as a priority matter. Council recognises that action to reduce emissions can be, and should be, taken at every level of society. Council is committed to leading by example when supporting the community to prepare for forecast climatic changes.

Enacting the declaration involves both mitigation and adaptation action to address climate change (see Figure 3). The focus of this plan is on mitigation of emissions in relation to Council's operations.

Figure 3: Climate adaptation and mitigation



Legislative and policy context

A Declaration of Climate Emergency indicates a commitment to both lead in and advocate for climate action, and places climate considerations at the core of all decision making by Council how it delivers services and how it works with the community. In essence, the declaration is a trigger for switching how decisions are made within Council, for the shire and the community.

A key statutory driver for making this switch is in the Local Government Act 2020, in Part 2 Section 1, which requires councils to give effect to the stated overarching governance principles, one of which is "the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks".

Counting Down to Zero will guide how the governance principle stated above can be incorporated into Council's work for climate mitigation, namely, to reduce emissions released into the atmosphere. It also supports the intent of the Climate Change Act 2017 with its legislated target for zero net emissions for Victoria by 2050.

Counting Down to Zero has a clear line of sight to Council's key policy document, the Council Plan (see Figure 4).

Figure 4: Council's policy context for Counting Down to Zero

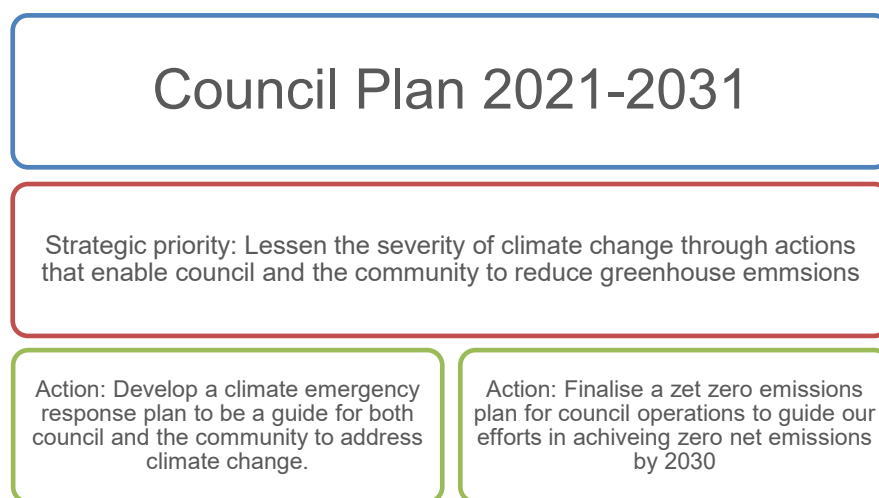
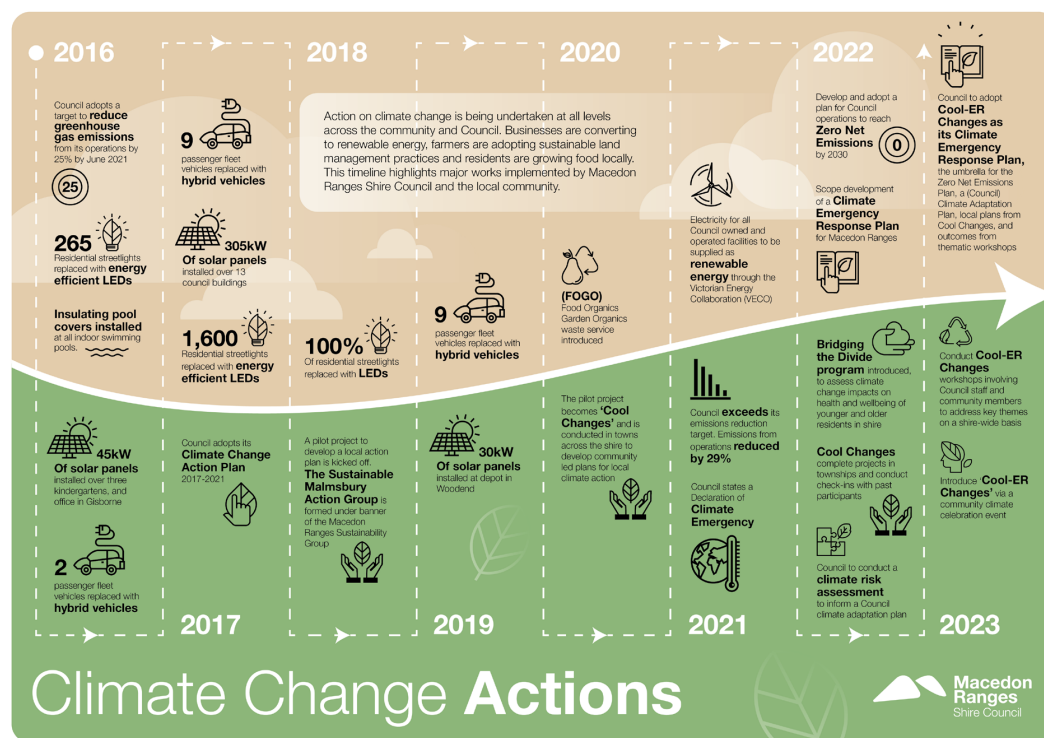


Figure 5 in the following section indicates how this plan will be a key component of the broader Climate Emergency Response Plan, to be developed in early 2023.

Background

Our journey so far

Figure 5: Summary of Climate Action in Macedon Ranges Shire (see appendix for full view)



25% reduction target

Council's adoption of the Environment Strategy in June 2016 included adoption of a target to reduce greenhouse gas emissions from its operations by 25% by 2020-21, from the baseline year of 2014-15. The Climate Change Action Plan, adopted by Council in June 2017, outlined the works required to reach this target. The target equated to 1,910 tonnes CO₂-e, from a baseline figure of 7,640 tonnes CO₂-e.

The target was established based on a limited inventory of sources of greenhouse gas emissions, namely, it only included emissions associated with consumption of fossil fuels that Council directly paid for (electricity and gas at Council-operated buildings, electricity by streetlights, and fuel consumption by the passenger vehicle fleet and heavy vehicle plant). The inventory also included an estimated amount for emissions from waste generated at Council worksites, based on available information about similar sized councils with measured data.

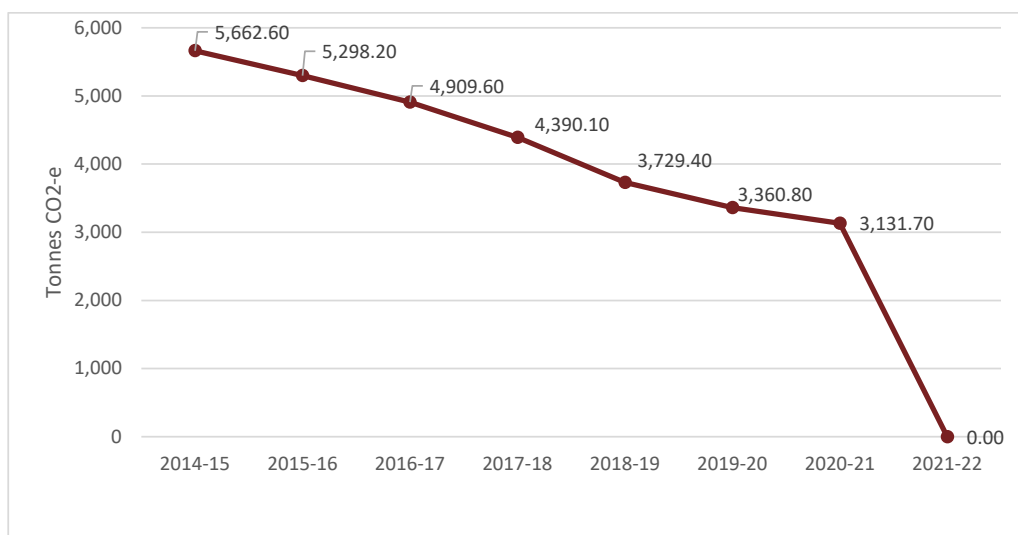
Our emissions at 30 June 2021

At 30 June 2021, emissions from Council's operations equated to 5,034 tonnes CO₂-e, a 34.1% reduction from the baseline year, based on its limited inventory of emission sources. As some of this reduction could be attributed to reduced use of work sites and community facilities due to pandemic-induced restrictions, a "business-as-usual" figure was calculated, resulting in emissions reduction of just below 30% (at 5,370 tonnes CO₂-e). With Council having exceeded its adopted emissions reduction target, the Climate Change Action Plan effectively "expired".

Our emissions at 1 July 2021

A new electricity supply contract commenced on 1 July 2021, ensuring that Council's electricity requirements would be met through the purchase of 100% renewable energy. The contract was secured through the Victorian Energy Collaboration (VECO), a Power Purchase Agreement involving 46 councils across Victoria procuring electricity from renewable energy generators until 30 December 2030. VECO effectively allows emissions associated with electricity consumption to be "cancelled out", a final step in Council's journey to reduce emissions from electricity consumption to zero, as shown in Figure 6.

Figure 6: Emissions from Council's use of electricity by year

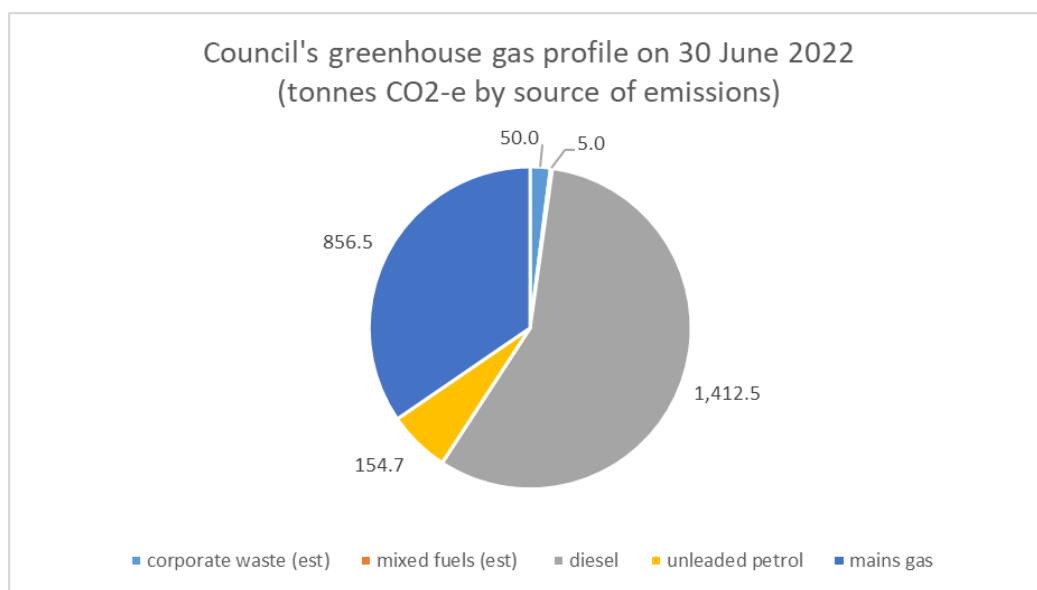


Emissions from Council's operations at 1 July 2021, based on its limited emissions inventory, would therefore have equated to approximately 1,902 tonnes CO₂-e, with the main sources of emissions being diesel and (mains) gas.

Where we are now (30 June 2022)

Council's emissions profile on 30 June 2022 is represented in Figure 7, showing total emissions associated with consumption of mains gas, unleaded petrol, diesel, and an estimated amount of emissions associated with consumption of mixed fuels and generation of waste at work sites. The total of 2,478.7 tonnes CO₂-e represents a starting point from which Zero Net Emissions is to be achieved, assuming a limited greenhouse gas inventory.

Figure 7: Council's greenhouse gas profile at 30 June 2022.



The next step

A new baseline

A “Zero Net Emissions by 2030” target implies that “zero” is relative to a baseline. Given the expiry of Council’s Climate Change Action Plan on 30 June 2021, and the commencement of the VECO contract to supply electricity as 100% renewable energy on 1 July 2021, it is logical to set 2021-2022 as the baseline year from which to measure emissions associated with Council operations.

As noted above, the original inventory of greenhouse gas emissions informing Council’s work to date was limited to operations directly controlled by Council.

To increase accountability for emissions associated with its operations, and enable Council to have a wider influence on emissions generated from its facilities and services, it is proposed to expand Council’s greenhouse gas inventory to include additional or indirect sources of emissions.

Expanding Council’s inventory to include additional sources of greenhouse gas emissions will occur over time as processes are established to obtain data. This means that the total amount of emissions for the baseline year will need to be revised as data on indirect sources of emissions becomes available, and estimates for 2021-22 are accounted for in a revised baseline figure.

A bigger and better inventory

Expanding Council’s greenhouse gas inventory is also better corporate practice, for several reasons:

- To increase accountability and transparency associated with Council operations
- To increase potential for Council to influence or drive action amongst community groups and service providers to reduce emissions
- To position Council to receive accreditation for carbon neutrality under the national Climate Active program, should it wish to do so in the future.

In order to be compliant with Climate Active, and be eligible to obtain accreditation for a carbon neutral status in future years, there are sources of emissions that Council needs to address in defining its greenhouse gas inventory. Sources of emissions need to be considered in terms of materiality, complexity of sourcing data, and potential for Council to reduce emissions from that

source. Preliminary investigations undertaken regarding the potential to include additional indirect sources of emissions in Council's greenhouse gas profile is summarised in Table 1.

Table 1: Key sources of emissions considered for inclusion in Council's greenhouse gas inventory are listed below, with a recommendation regarding their inclusion.

Source of emission	Recommendation for inclusion in Council's greenhouse gas inventory.
Emissions associated with fuel used for contracted services	✓ Include in Council's greenhouse gas inventory and baseline emissions profile
Emissions associated with electricity and mains gas consumption at council owned sites operated by community groups	✓ Introduce into greenhouse gas inventory and add to the baseline emissions profile over time
Emissions associated with consumption of bottled gas (bulk LPG)	✓ Include in Council's greenhouse gas inventory and baseline emissions profile
Legacy emissions associated with closed landfill sites	✗ Exclude from greenhouse gas inventory and baseline emissions profile
Emissions from goods and services required to support operations (refrigerants, concrete and asphalt, paper, etc)	✓ Introduce into greenhouse gas inventory and add to the baseline emissions profile over time
Emissions associated with water consumption and waste water treatment	✓ Introduce into greenhouse gas inventory and add to the baseline emissions profile over time
Emissions associated with travel for work, outside of fleet vehicle (air travel, taxi services)	✗ Exclude from greenhouse gas inventory and baseline emissions profile

The following action is proposed to improve Council's accountability for emissions associated with its operations:

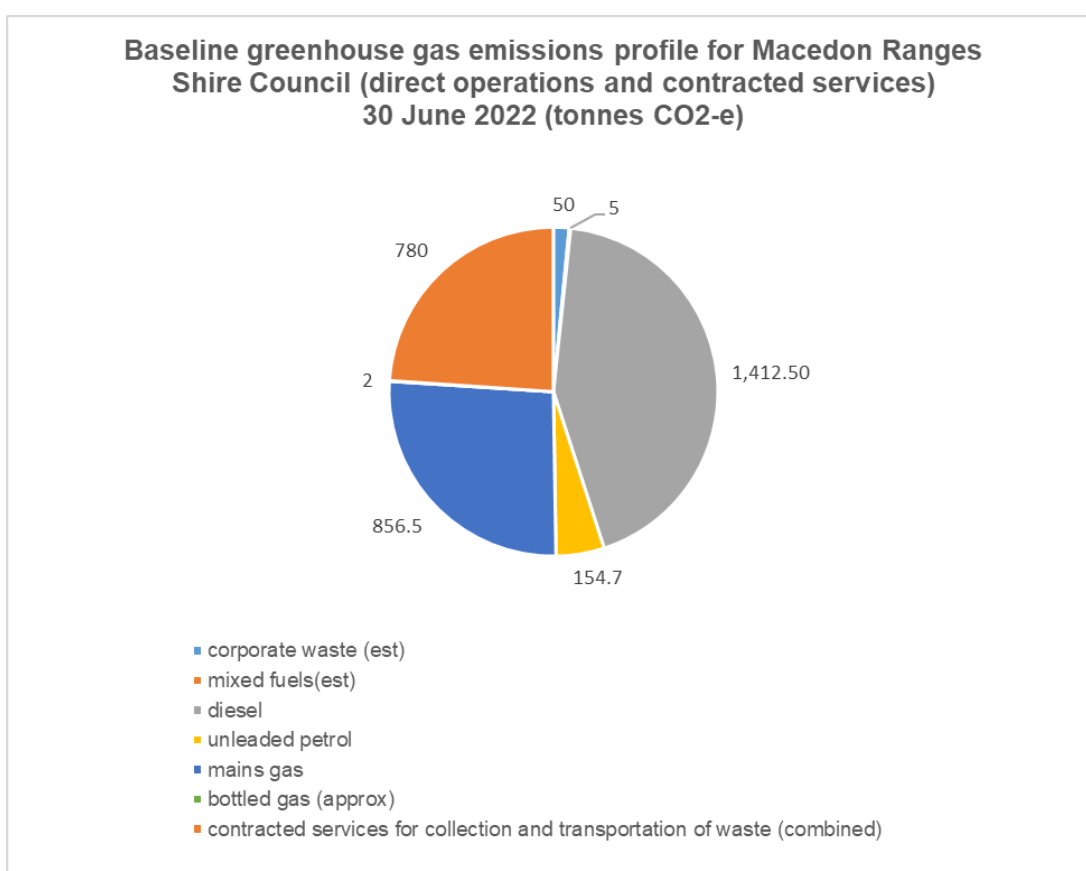
- > **Action 1:** Expand Council's greenhouse gas inventory to account for as many indirect sources of emissions as possible, according to feasibility and capacity to do, from 2022 to 2030. Adjust the baseline amount of emissions to account for the additional sources.

A new baseline emissions profile for Council

Based on preliminary investigations, the baseline emissions profile can immediately be amended to include emissions associated with contracted services to collect and transport waste streams, and emissions associated with use of bottled gas at council operated sites.

Adding these emissions to the profile means that the baseline base level of greenhouse gas emissions for 2021-22 is 3,260.6 tonnes CO₂-e.

Figure 8: Council's greenhouse gas profile at 30 June 2022, including contracted services for waste management



Council's new emissions reduction target can therefore be framed as:

Zero Net Emissions by 30 June 2030 for Council operations, from the baseline of 3,260.6* tonnes CO₂-e at 30 June 2022.

*OR as retrospectively amended to account for additional indirect sources of greenhouse gas emissions.

Getting to ZNE

The term 'zero net emissions' refers to achieving an overall balance between greenhouse gas emissions released into, and greenhouse gas emissions removed from, the atmosphere.

While it's the sum total of emissions that is measured, reducing the amount of emissions released into the atmosphere reduces the need to remove emissions from the atmosphere. From this perspective, adopting a hierarchal approach to reaching the sum total of "zero" can be adopted:

1. **Reducing emissions**
2. **Avoiding emissions**
3. **Offsetting emissions**

An additional approach, namely **Influencing emissions**, is also proposed for this plan, to extend Council's intentions to key stakeholders involved in its operations and the provision of services.

Reducing emissions

Reducing emissions is about works and practices at our facilities and within our operations that minimise the use of fossil fuels, thereby reducing the amount of greenhouse gas emissions generated from Council's current activities.

Key opportunities for reducing emissions are summarised below:

Electricity consumption and generation at Council managed sites

The procurement of electricity as 100% renewable energy effectively means there are no emissions associated with electricity consumption at facilities directly managed by Council, including streetlights. However, Council is still committed to reducing electricity consumption through improving energy efficiency at our facilities. Aside from savings gained (or costs avoided) from reduced power consumption, minimising electricity usage demonstrates efficiency in our operations, and responsible use of funds. Options for reducing emissions should be identified and explored in the early stages of planning works at council owned sites.

In addition to works like replacing streetlights and many indoor lights with energy efficient LEDs to reduce emissions, Council has invested in installation of roof top solar systems on 18 of its buildings, totalling just over 350kW. The benefits that these installations can deliver could be better realised if more resources were available to monitor the performance of buildings, for example, to manage time-of-use and to ensure power generation at key sites is being registered.

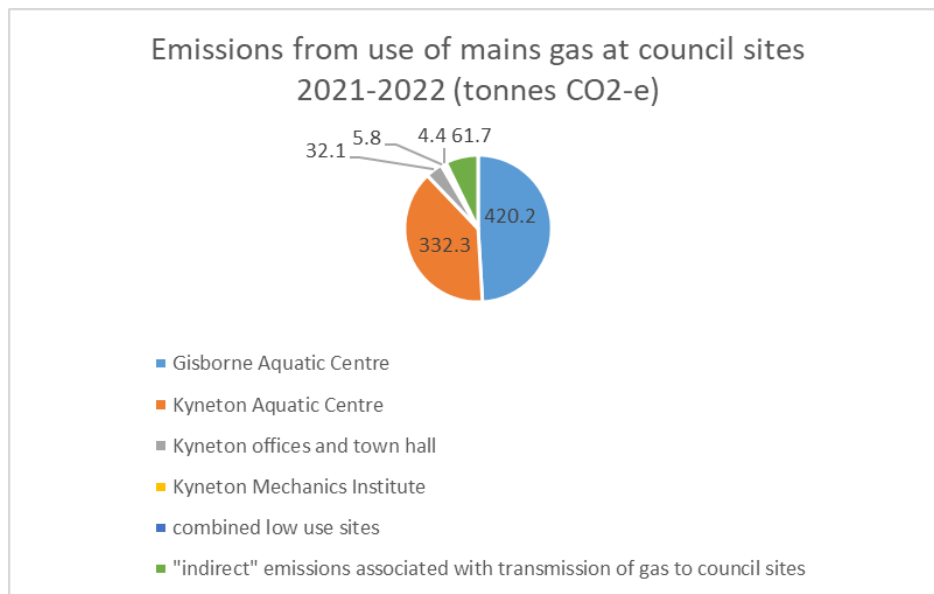
Another option for reducing emissions is to rationalise the number of assets owned by Council, so that funds from the sale of assets are made available for investment in energy efficiency at more utilised sites.

- > **Action 2:** Continue to invest in smaller scale works for energy efficiency (lighting, heating, cooling, and insulation) at key Council facilities and community use buildings where feasible to do so.
- > **Action 3:** Ensure that the performance of works and retrofits for energy efficiency is optimised on an ongoing basis, including regular checks on electricity consumption and generation, and address any maintenance issues as they are identified.
- > **Action 4:** Undertake a feasibility study of Council owned buildings to identify the potential and viability of installing additional roof top solar systems, and consider battery power storage for key community sites in the study. Ensure funds are allocated to ongoing investment in onsite power generation and storage at high priority sites.
- > **Action 5:** Embed climate considerations in all stages of the project life cycle management process and in the preparation of business case documents for projects and works. Consider how design options will impact on Council's greenhouse gas emissions profile, and ensure that Council's adopted Sustainable Buildings Policy is referred to and applied in all works.
- > **Action 6:** Undertake a review of under-utilised and poor-condition assets to identify potential for reducing the number of assets to be managed by Council, thereby reducing energy consumption and greenhouse gas emissions accountable to Council's operations.

Gas at Council-managed sites

Gas is only used at a few sites managed by Council, however it is a major source of greenhouse gas emissions. Figure 9 shows consumption of mains gas at Council sites for 2021-22, totalling 856.5 tonnes CO₂^e.

This equates to 34.5% of the total amount of direct emissions from Council operations in 2021-22 (excluding fuel from contracted services).

Figure 9: Emissions from use of mains gas at Council facilities.

The graph shows that the two aquatic centres are responsible for almost 95% of emissions associated with mains gas consumption by Council. In 2022, Council investigated alternatives for heating pool water and domestic water at these sites, with the aim of replacing the gas boilers with a low or zero carbon system.

The study indicated that electric heat pumps are the most feasible option for eliminating emissions associated with the operation of aquatic centres, and for ease of ongoing maintenance. Electricity is most easily and most reliably provided as zero emissions (when procured as 100% renewable energy) compared to other fuel sources, and many councils are employing heat pump technology when designing new aquatic centres or upgrading existing heating systems, in the aim of meeting emission reduction targets. The existing atmospheric gas boiler at Kyneton Toyota Sports & Aquatic Centre is close to its end of life, and replacement with a heat electric heat pump should be a priority project for Council. The condensing gas boiler at the Gisborne Aquatic Centre is likely to remain operational for another ten to 15 years, meaning that its replacement can be deferred until 2028-29, so that emissions associated with its operation are eliminated before the target date.

There are several challenges associated with the aim of phasing out gas at some of Council's sites, for example, a potential limitation may be the quantity of power that can be allocated to any one site by the host electricity distributor through the existing mains power infrastructure. Council will need to consult with the host distributor Powercor when planning individual projects for transitioning from gas to electricity. Other limitations may be presented by heritage controls at

many sites, and in the case of the depot at Woodend, replacing the use of cylinder gas (LPG) would require changes to Council's lease arrangements with a private landholder.

- > **Action 7:** Continue planning for the replacement of the gas boilers at the Kyneton Aquatic Centre and the Gisborne Aquatic Centre with electric heat pumps by 2028-2029. Schedule design and installation of heat pumps into the ten year capital works program.
- > **Action 8:** Conduct a scoping study for alternative heating sources at Kyneton Mechanics Institute and Kyneton Town Hall with the aim of replacing the gas heating system with a low or zero carbon alternative by 2027-2028.
- > **Action 9:** Continue to phase out the use of gas at Council operated sites. Replace gas appliances with electric alternatives as they become redundant, or in 2027-2028, whichever comes first.

Fuel – direct consumption

Council's direct consumption of fuel relates to its passenger vehicle fleet (diesel and unleaded petrol) and its heavy vehicles and equipment (diesel).

Given the increasing availability and uptake of electric vehicles, it is feasible to aim for reducing emissions from the passenger fleet by replacing existing vehicles with electric vehicles (EV). The transition to EVs by Council and across the community needs to be supported by the installation of charging infrastructure, and Council has commenced the development of a policy to guide and support the installation of infrastructure across the shire.

- > **Action 10:** Replace passenger vehicles with EVs as they reach their end of life, as funds and fit for purpose vehicles become available, or in 2029-2030.
- > **Action 11:** Develop a policy to guide the installation of charging infrastructure across the shire, aiming to maximize benefits for residents and visitors and the regional economy.

Almost 90% of emissions associated with direct fuel use for Council operations is through the use of diesel. While Council can remove the use of unleaded fuel by replacing the passenger fleet vehicles with electric vehicles, there are currently no viable alternatives for heavy vehicles to facilitate a reduction in emissions associated with use of diesel. However, advancements in hydrogen fuel cell vehicle technology and availability of refuelling infrastructure may present a viable low carbon options for at least some of Council's heavy vehicle plant in the coming years.

- > **Action 12:** Aim to replace heavy vehicles and plant equipment with lower carbon options as they reach their end of life, subject to availability of suitable options and available resources.

Fuel – contracted services

Emissions associated with transport of waste streams can only be reached through a reduced need for transport, through a reduction in the amounts of waste generated in each stream. Council can include this messaging in programs and communications to encourage best management practices for all waste streams, promoting the co-benefits of waste minimisation, for both resource efficiency and emissions reduction.

- > **Action 13:** Continue resource recovery education programs to promote waste minimisation and reduced requirements for waste transportation.

Corporate waste

All Council worksites are provided with bins for four streams of waste, managed as part Council's kerbside collection service. The current emissions profile assumes an estimate of greenhouse gas emissions associated with waste generated at worksites, based on known data from similar sized organisation (at 2017). The most feasible way of determining the actual emissions associated with waste generated by staff at worksites would be to conduct regular audits of bins. This may be an activity that can be undertaken by a reformed Environment team, with guidance from the Resource Recovery Unit.

- > **Action 14:** Continue waste reduction initiatives within Council, to facilitate best practice waste management amongst staff at all sites.
- > **Action 15:** Conduct audits of waste bins at Council work sites and calculate corresponding emissions to improve the accuracy of Council's greenhouse emissions profile.

Reducing emissions from Council-leased Facilities

A wide range of community groups use and operate Council-owned facilities, through several different arrangements (lease, licences, and user agreements, including seasonal user agreements for sports clubs). The community groups are generally required to procure and pay for electricity (may or may not include external lights and / or light towers at sports grounds), gas, and water (excluding watering of sports grounds).

In aiming to increase accountability for greenhouse gas emissions generated from management of its assets, Council would need to ‘bring-in’ payment of electricity and gas bills. The electricity accounts could be added to Council’s existing contract with Red Energy through VECO, procuring energy from renewable sources, thereby “cancelling out” emissions generated from use of electricity at the corresponding buildings. Additionally, accounts for mains gas could be added to Council’s contract for procuring gas, and Council can then work with community groups to phase out gas from the buildings.

However, there are several steps involved in establishing new administrative arrangements to allow Council to account for emissions at tenanted facilities. Two major projects, both involving extensive consultation with stakeholders, are needed to guide the change in administration of community operated buildings, subject to additional resources being provided:

- > **Action 16:** Undertake a comprehensive review of the Leasing and Licencing Policy to enable Council to “bring-in” utility bills currently paid by user groups, with the intent of accounting for and reducing greenhouse gas emissions associated with electricity and gas usage at the corresponding facilities.
- > **Action 17:** Undertake a comprehensive review of the Fees and Charges Policy to apply to the different categories of user groups, based on an assessment of costs and charges for electricity, gas and water proportional to a group’s use of a site, and reflecting the outcomes of the above investigation. Ensure that the policy is equitable to user groups, and feasible for staff to implement, and that adequate resources are provided for the review and implementation of the new resulting policy.

One category of tenanted buildings which Council could absorb responsibility for in the immediate future is the community halls, managed by ten committees of management working as a network. The accounts paid by the committees could be transferred to Council, and added to Council’s existing electricity supply contract, thereby delivering financial savings to the committees, which can then be used to support other community initiatives. Additionally, the committees would be able to claim climate friendly management of the facilities.

- > **Action 18:** Work with the Halls Committees of Management to establish a pilot project to “bring-in” electricity bills in 2023-2024.

Avoiding emissions

Avoiding emissions relates to new facilities and operations, either constructed by Council or coming into its management. In constructing new assets, Council should aim for a zero or low carbon life cycle, namely, purchasing materials and services for the construction should be as sustainable as possible, and operations of the new or acquired assets should be self-sufficient as possible, to avoid adding emissions to Council's total profile.

Avoiding emissions asks the question:

How can this new service be provided without adding to Council's greenhouse gas emissions profile?

Then exploring options for ensuring that additional emissions are avoided.

Council's Sustainable Buildings Policy

Council adopted a Sustainable Buildings Policy on 22 September 2021. The policy provides a guide to council to manage its large portfolio of over 280 buildings and over 200 minor structures in a way that minimises harm to the natural environment while improving the presence of its built environment. The policy sets minimum standards for different levels of works.

- > **Action 19:** Ensure that the implementation of the Sustainable Buildings Policy is embedded for all levels of works across Council,, through the project life cycle project management process, and through the procurement process.
- > **Action 20:** Ensure sufficient funds are provided to enable application of sustainable design principles in the design and construction of all works to buildings.

Project planning

In addition to using the life cycle project management process to embed sustainable design features into works, staff will need to allow for potential future upgrades, for example, to retrofit or connect EV charging stations to solar panels, or to add battery power storage to buildings.

- > **Action 21:** Ensure project planning and design for capital works and major upgrades allows for additional emission reduction measures to be added to the asset in the future, as resources and technology become available.

Decision making

A Declaration of Climate Emergency places climate change as a key consideration in Council's decision-making processes.

Introducing a Climate Impact Assessment to the template for Council reports will help prompt this consideration, through requiring staff to specify the implications of their recommendations to climate change.

As a question, a Climate Impact Assessment can be framed as:

How will greenhouse gas emissions associated with implementation of the recommendation be minimised and accounted for by Council?

- > **Action 22:** Introduce a requirement in the council report template for staff to address climate change, in the form of a Climate Impact Assessment.

Behaviour Change

In addition to avoiding and reducing emissions through planning and delivering projects involving Council owned and managed assets and facilities, emissions from Council's operations can be avoided through simple everyday practices by staff.

- > **Action 23:** Re-form a staff environment group to initiate and promote everyday sustainability in work practices across all units of Council. Include educational activities like learn-over-lunch presentations on topics related to climate change.

Offsetting emissions

Offsetting emissions involves purchasing accredited offsets (or carbon credits) to "cancel out" any residual emissions associated with Council operations that cannot be reduced through other means. As indicated above, these emissions are mostly from gas and fuel consumed at council owned sites and through use of the passenger fleet and heavy vehicle plant. As the last rung on the energy hierarchy, Council should aim to minimise the need to offset emissions through undertaking as many works as possible to reduce the generation of emissions from its operations.

A hypothetical offset scenario

Ideally at 30 June 2030, Council would have achieved a Zero Net Emissions status through a range of actions, and not need to purchase any offsets. Realistically though, based on current knowledge, Council will need to purchase offsets to cancel out residual emissions associated with

several aspects of its operations at that point in time. Table 2 below presents a summary of emissions likely to be offset on 30 June 2030, based on current information and the baseline emissions profile in Figure 8.

Table 2: Potential amount of offsets to be purchased at 30 June 2030 to meet the target for Zero Net Emissions

Source of emissions	Baseline at 30 June 2022 (tonnes CO ₂ -e) (a)	Potential reduction by 2030	Offset required on 30 June 2030 (tonnes CO ₂ -e) (a-b)
Electricity consumption at all council owned and operated sites, and at sites leased by Council for its operations. Note: Electricity consumption at council owned sites leased to community groups, will be added to the emissions inventory over time	0	0	0 Note: VECO expires 31 December 2030
Mains Gas consumption at all council owned and operated sites, and at sites leased by Council for its operations. Note: Mains gas consumption at council owned sites leased to community groups will be added to the emissions inventory over the next few years	856.5	850.5 (assume gas removed from all sites except KMI)	6 PLUS allow extra 10 to cover hot water systems at buildings tenanted to community groups
Bottled Gas consumption at all council owned and operated sites.	2	1.5 (assume bottled gas remains at depot)	0.5
Unleaded fuel consumption by passenger fleet vehicles	154.7	154.7 (assume all fleet vehicles are EVs)	0
Diesel consumption by heavy vehicle plant	1,412.5	0 (assume no change to plant or level of usage)	1,412.5
Diesel consumption by contracted services for collection and transport of waste	780	0 (assume no change to quantity of waste to be transported, or to vehicles used by contractors)	780

Mixed fuels (lubricants, oils, kerosene, etc)	estimate 5	0	5
Waste generated at council worksites	estimate 50	25 (assume behaviour change programs are effective)	25
TOTAL offsets required at 2030 (estimated)			2,239

Purchasing offsets

Offsets can be purchased through a range of means and providers. The carbon credit market is diverse and rapidly evolving, both in price / tonne CO₂-e and in the merits of offsets on the market. Factors like type, origin, and co-benefits of offsets influence their price. To guide Council in selecting offsets to purchase on 30 June 2030, and every year beyond then, it is proposed that a policy will be developed and presented to Council for adoption by June 2025.

The policy will be based on principles that deliver co-benefits, for example, preference should be given to offsets that promote biodiversity conservation, involve traditional owners, provide social benefits, and support the local economy and regional development goals.

- > **Action 24:** Develop a policy to guide the purchase of offsets for residual emissions by June 2025.

Creating offsets

An alternative to purchasing offsets is to create offsets. For example, Council may want to explore options for establishing a small-scale solar farm on land like a closed landfill site, which may be more feasible to do as power distribution networks are upgraded, and costs associated with establishing and operating a solar farm become more viable.

- > **Action 25:** Investigate the viability of creating offsets through the generation of renewable energy, for example a small scale solar farm on a closed landfill site or other cleared area of Council owned land.

Council may also partner with neighbouring local government councils to procure or create offsets for residual emissions on a larger scale. A recent preliminary feasibility study led by the City of Greater Bendigo and supported by the North Central Catchment Management Authority, outlined indicative costs and benefits for several approaches to creating offsets.

- > **Action 26:** Participate in the next stage(s) of the Cross-Council Carbon Offset Scoping Study partnership, including any pilot project that may be established to offset emissions at the regional level.

Influencing emissions

Tenanted sites

While Council works to improve the energy efficiency of tenanted facilities as resources allow over time, it can also encourage tenants and user groups to adopt practices for reducing emissions. Communications around good practices will need to complement communications around how council may account for associated emissions in its inventory.

- > **Action 27:** Support community organisations to reduce emissions from tenanted facilities.

Divestment

Council's Investment Policy includes an aim to have at least 20% of its investments with banks and financial institutions that do not invest in or finance the fossil fuel industry. In working towards a zero carbon future, Council can regularly review the policy with the aim of increasing the proportion of its investments with banks and financial institutions that do not invest in or finance the fossil fuel industry.

- > **Action 28:** Regularly review Council's investment policy with the aim to increase the proportion of funds invested with banks and financial institutions that do not invest in or finance the fossil fuel industry, 30

Sustainable purchasing

Section 3.2 in Council's Procurement Policy outlines the principles and requirements in regards to sustainable purchasing, with an aim to "reduce greenhouse gas emissions and contribution towards Council's carbon footprint". Additionally, a mandatory evaluation criteria for the assessment of major tenders relates to environmental benefit.

- > **Action 29:** Ensure that staff have the capacity and support to apply section 3.2 of the Procurement Policy when procuring goods and services and awarding contracts, so that the intended benefits can be realised.

Supporting the transition

One external limitation Council faces as it transitions away from fossil fuels is in relation to the capacity of existing electricity transmission and distribution infrastructure to deliver additional power loads to sites. Advocating to external stakeholders for policy and enabling mechanisms to support a transition to Zero Net Emissions will help increase support to everyone working towards this target.

- > **Action 30:** Advocate to state and federal governments and host distributors for upgrades to electricity infrastructure, either as the opportunity arises, or in relation to individual sites and project, and for policy and programs that support and facilitate the transition to a zero emissions and climate safe future.

Keeping the plan alive: Implementation, Monitoring and Reporting

Reaching the new target for Zero Net Emissions involves all units across Council. While different units may have different responsibilities, a central point of coordination to facilitate and support action would ensure the best outcomes. Council will also need to measure the impact of works it undertakes to reduce emissions from its operations on an annual basis, through internal processes, and through its subscription to an external utility monitoring service.

Council will continue to report on works and their impacts through the annual environment report and / or the Council Annual Report. Monitoring and reporting on work undertaken to meet the Zero Net Emissions target, alongside changes in available technology and development of climate action programs, will inform reviews of this plan every two years.

- > **Action 31:** Convert the Sustainability Officer role to a permanent position from 2023-2024 to facilitate the implementation of this plan, to monitor and report on its impact, and to regularly review and update the plan.
- > **Action 32:** Monitor and report on progress to achieve the Zero Net Emissions target through the annual environment report or Council Annual Report.
- > **Action 33:** Review the Zero Net Emissions Plan every two years until 2030.

The next section lists the actions summarised in this plan. The three priority actions for funding in 2023-2024 are highlighted.

Action plan for Council to get to ZNE

Action	Units in Council	Resource required	Timeframe
A bigger and better inventory			
Action 1: Expand Council's greenhouse gas inventory to account for as many indirect sources of emissions as possible, according to feasibility and capacity to do so, from 2022 to 2030. Adjust the baseline amount of emissions to account for additional sources.	- Environment	BAU	June 2024
Reducing Emissions			
Action 2: Continue to invest in smaller scale works for energy efficiency (lighting, heating, cooling, and insulation) at key Council facilities and community-use buildings where feasible to do so.	- Facilities Management	TBC - dependent on works required at a specific site	On-going
Action 3: Ensure that the performance of works and retrofits for energy efficiency is optimised on an ongoing basis, including regular checks on electricity consumption and generation, and address any maintenance issues as they are identified.	- Environment - Facilities Management	BAU	2 times / year
Action 4: Undertake a feasibility study of council owned buildings to identify the potential and viability of installing additional roof top solar systems, and consider battery power storage for key community sites in the study. Ensure funds are allocated to ongoing investment in onsite power generation and storage at high priority sites.	- Environment - Facilities Management	\$25,000*	June 2024
Action 5: Embed climate considerations in all stages of the project life cycle management process and in the preparation of business case documents for projects and works. Consider how design options will impact on Council's greenhouse gas emissions profile, and ensure that Council's adopted Sustainable Buildings Policy is referred to and applied in all works.	- Assets and Project Management Office	BAU	On-going

	<ul style="list-style-type: none"> - Facilities and Operations - Engineering and Resource Recovery - Open Space and Recreation 		
Action 6: Undertake a review of under-utilised and poor-condition assets to identify potential for reducing the number of assets to be managed by Council, thereby reducing energy consumption and greenhouse gas emissions accountable to Council's operations.	<ul style="list-style-type: none"> - Asset Management - Facilities Management 	\$20,000*	June 2026
Action 7: Continue planning for the replacement of the gas boiler at the Kyneton Aquatic Centre and the Gisborne Aquatic Centre with electric heat pumps by 2028-2029. Schedule design and installation of heat pumps into the ten year capital works program.	<ul style="list-style-type: none"> - Facilities Management - Aquatics and Fitness 	<p>Kyneton Aquatic Centre* \$1,180,000 for purchase and installation of heat pumps and associated electrical works in 2023-24</p> <p>Gisborne Aquatic Centre \$75,000 (estimated) for design works in 2027-28, approximately \$850,000 for purchase and installation of heat pumps in 2028-29.</p>	from 2023-29
Action 8: Conduct a scoping study for alternative heating sources at Kyneton Mechanics Institute and Kyneton Offices and Town Hall with the aim of replacing the gas heating system with a low or zero carbon alternative by 2027-2028.	<ul style="list-style-type: none"> - Facilities Management 	\$10,000*	June 2026

Action 9: Continue to phase out the use of gas at council operated sites. Replace gas appliances with electric alternatives as they become redundant, or in 2027-2028, whichever comes first.	- Facilities Management	TBC	June 2028
Action 10: Replace passenger vehicles with EVs as they reach their end of life, as funds and fit for purpose vehicles become available, or in 2029-2030.	- Infrastructure Operations	BAU	June 2030
Action 11: Develop a policy to guide the installation of charging infrastructure across the shire, aiming to maximize benefits for residents and visitors and the regional economy.	- Environment	BAU	June 2024
Action 12: Aim to replace heavy vehicles and plant equipment with lower carbon options as they reach their end of life, subject to availability of suitable options and available resources.	- Infrastructure Operations	BAU	June 2030
Action 13: Continue resource recovery education programs to promote waste minimisation and reduced requirements for waste transportation.	- Resource Recovery	BAU	On-going
Action 14: Continue waste reduction initiatives within Council, to facilitate best practice waste management amongst staff at all sites.	- Resource Recovery	BAU	On-going
Action 15: Conduct audits of waste bins at council sites and calculate corresponding emissions to improve the accuracy of council's greenhouse emissions profile.	- Resource Recovery	BAU	On-going
Action 16: Undertake a comprehensive review of the Leasing and Licencing Policy to enable Council to "bring-in" utility bills currently paid by user groups, with the intent of accounting for and reducing greenhouse gas emissions associated with electricity and gas usage at the corresponding facilities.	- Property and Valuations	A new role: 1 EFT for 2 years*	2024-26
Action 17: Undertake a comprehensive review of the Fees and Charges Policy to apply to the different categories of user groups, based on an assessment of costs and charges for electricity, gas and water proportional to a group's use of a site, and reflecting the outcomes of the above investigation. Ensure that the policy is equitable to user groups, and feasible for staff to implement, and that adequate resources are provided for the review and implementation of the new resulting policy.	- Property and Valuation	A new role: 1 EFT for 2 years (as in Action 16)*	2024-26
Action 18: Work with the Halls Committees of Management to establish a pilot project to "bring-in" electricity bills in 2023-2024.	- Environment	BAU#	June 2024

	- Arts + Culture	#may require additional resources subject to further investigation	
Avoiding Emissions			
Action 19: Ensure that the implementation of the Sustainable Buildings Policy is embedded for all levels of works across Council, through the project life cycle project management process, and through the procurement process.	- Assets and Project Management Office - Facilities and Operations	BAU	June 2024
Action 20: Ensure sufficient funds are provided to enable application of sustainable design principles in the design and construction of all works to buildings	- Assets and project Management Office - Facilities Management	BAU	On-going
Action 21: Ensure project planning and design for capital works and major upgrades allows for additional emissions reduction measures to be added to the asset in the future, as resources and technology become available	- Assets and Project Management Office - Facilities Management	BAU	On-going
Action 22: Introduce a requirement in the Council report template for staff to address climate change, in the form of a Climate Impact Assessment	- Environment - Governance	BAU	June 2023

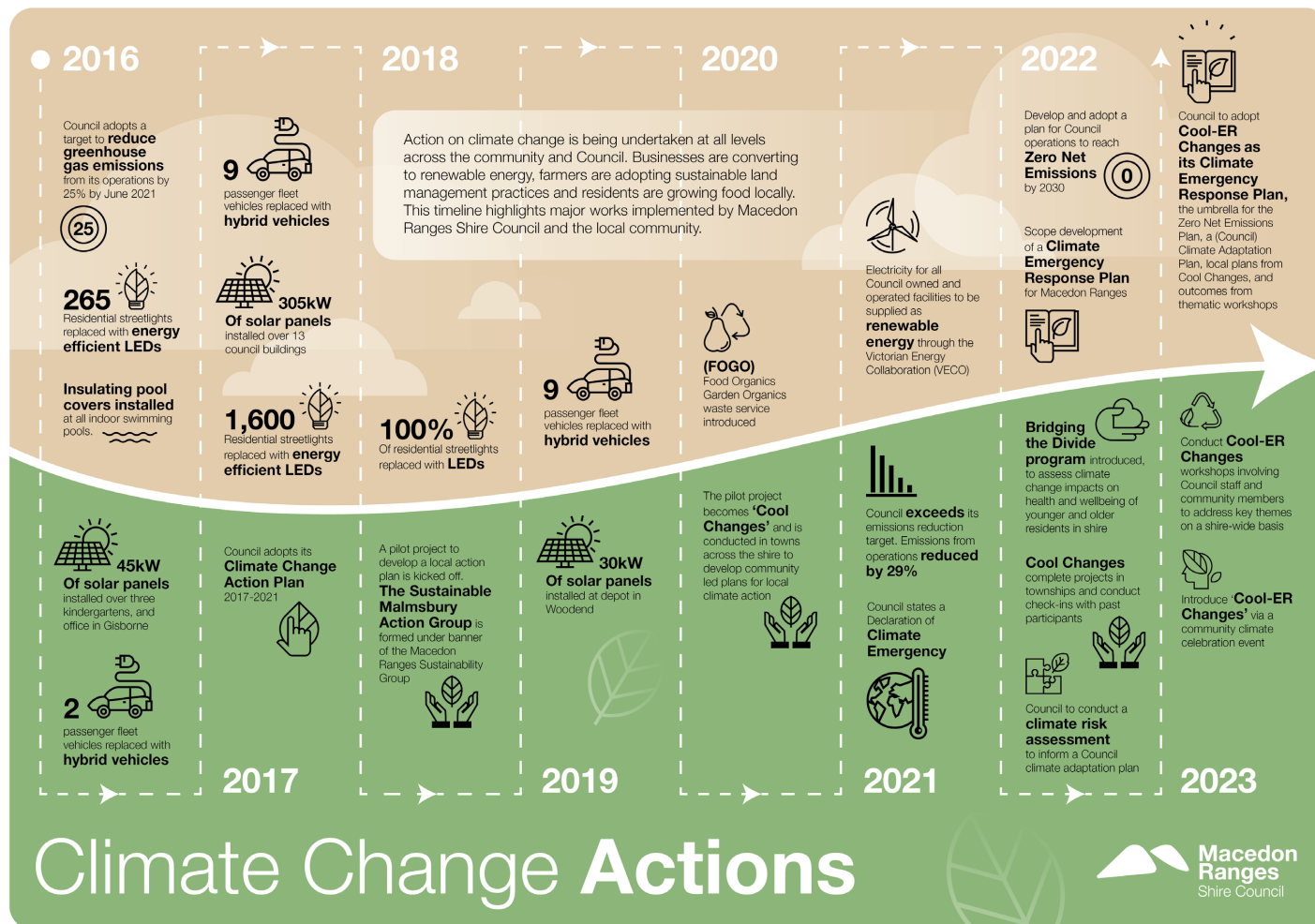
Action 23: Re-form a staff environment group to initiate and promote everyday sustainability in work practices across all units of Council. Include educational activities like learn-over-lunch presentations on topics related to climate change.	- Environment - Resource Recovery	BAU	June 2023
Action 24: Develop a policy to guide the purchase of offsets for residual emissions by June 2025.	- Environment	BAU	June 2025
Action 25: Investigate the viability of creating offsets through the generation of renewable energy, for example a small scale solar farm on a closed landfill site or other cleared area of Council owned land	- Environment	\$20,000*	June 2024
Action 26: Participate in the next stage(s) of the Cross-Council Carbon Offset Scoping Study partnership, including any pilot project that may be established to offset emissions at the regional level.	- Environment	\$40,000*	June 2024
Influencing emissions			
Action 27: Support community organisations to reduce emissions from tenanted facilities.	- Facilities Management - Arts + Culture - Open Space and Recreation - Community Development	BAU	On-going
Action 28: Regularly review Council's investment policy with the aim to increase the proportion of funds invested with banks and financial institutions that do not invest in or finance the fossil fuel industry. ,	- Finance and Reporting	BAU	On-going

Action 29: Ensure that staff have the capacity and support to apply section 3.2 of the Procurement Policy when procuring goods and services and awarding contracts, so that the intended benefits can be realised.	- Environment - Contracts - Accounting	BAU	On-going
Action 30: Advocate to state and federal governments and host distributors for upgrades to electricity infrastructure, either as the opportunity arises, or in relation to individual sites and project, and for policy and programs that support and facilitate the transition to a zero emissions and climate safe future.	- Environment	BAU	On-going
Monitoring and Reporting			
Action 31: Convert the Sustainability Officer role to a permanent position from 2023-2024 to facilitate the implementation of this plan, to monitor and report on its impact, and to regularly review and update the plan.	- Environment	\$100,000 / year*	from 2023-24
Action 32: Monitor and report on progress to achieve the Zero Net Emissions target through the annual environment report or Council Annual Report.	- Environment	BAU	Annually
Action 33: Review the Zero Net Emissions Plan every two years until 2030.	- Environment	BAU	June 2024 June 2026 June 2028

*Subject to funding availability and Council budget process.

Appendix

Figure 5: Summary of Climate Action in Macedon Ranges Shire





Roadside and Footpath Trading Policy



Date of Adoption			
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Safer Communities		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (<i>please specify</i>)
Last Endorsement Date	28 August 2019 (Amended 24 June 2020)		
Next Endorsement Date	by December 2027		

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.

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Purpose/Objective

This Policy provides guidance to individuals, businesses and organisations seeking to place temporary items on Council owned and managed land and roads (including footpaths) for the purpose of trading.

The objectives of this Policy are:

- Facilitate opportunities for roadside and footpath trading on Council owned or managed land, which add to the public's enjoyment and use of public places in the municipality, while not reducing safety or access to public land.
- Provide a consistent and coordinated process for the assessment of applications for roadside and footpath trading within the municipality.
- To ensure the objectives of Council's Local Laws are achieved in administering this Policy.

Background/Reasons for Policy

Council developed the Roadside and Footpath Policy in 2019 to replace the 2004 street furniture policy following extensive review and consultation with local businesses, disability advocates, and the community.

This 2022 policy is an update to improve the policy further, which includes guidance for mobile trading on Council owned and managed public land, as well as changes in response to the COVID-19 pandemic. The policy compliments Council's Local Law by providing clear and consistent requirements and processes for roadside and footpath trading permits in the municipality.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. Based on findings from the gender impact assessment, it was recommended that as far as is practical, action is taken to ensure that people of all genders, ages and abilities are able to use our public spaces and enjoy our vibrant streetscapes.

The Roadside and Footpath Trading policy includes specific safety/accessibility statements within the policy where applicable by:

- Providing clear requirements that are enforceable for all businesses to ensure safe and accessible footpaths are for all to use, and which are not negatively impacted by roadside and footpath trading,
- Requiring footpaths to be clear of trading related furniture items once the business closes, which helps create safer streetscapes after dark,
- Enabling safe and responsible roadside and footpath trading, creating vibrant streetscapes for all to enjoy, and
- Is applied equitably to all businesses who use Council land and roads for trading activities.

The Policy helps deliver safe and accessible access to Council roadsides and footpaths for both businesses and users of all ages, genders and abilities.

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.

Definitions

Term	Definition
Advertising Sign	Means a board, notice, banner or similar device used for the purpose of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.
Amenity	Means a desirable or useful feature or facility of a building or place.
Authorised Officer	Means a Council officer appointed under section 224 of the <i>Local Government Act 1989</i> .
Council	Means Macedon Ranges Shire Council.
Council Land	Means land owned, occupied, or vested in the Council or in respect of which Council has the care and management and includes roadsides, parks and reserves and footpaths within Macedon Ranges Shire.
Footpath zones	Includes pedestrian zone, trading zone and kerbside zone as defined in this Policy.
Kerbside Zone	Is the area between the face of the kerb and the Trading Zone.
Local Law	Means the Macedon Ranges Shire Council General Purposes and Amenities Local Law No 10 of 2013, and subsequent versions of local laws adopted by Council in accordance with the <i>Local Government Act 2020</i> .
Mobile Trading	Means any vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering goods or services for sale including any food and or drink (excluding alcoholic beverages).
Medium Strip	Means a dividing strip designed or developed to separate vehicles travelling in opposite directions.
Pedestrian Zone	Is the area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians.
Permit	In relation to a use or activity, means a permit issued under the Local Law that authorises that use or activity.
Public Place	Means a reserve, public highway, mall, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.
Roads	Has the same meaning as the Local Government Act 1989 and applies to roads for which the Council has responsibility under the Road Management Act 2004 but does not include a State road under the

	Road Management Act unless a provision in the Local Law is expressly applied to a State road.
Trading Zone	Is the area that the Council may permit for a trading use or activity. It is the area left between the Pedestrian Zone and the Kerbside Zone after these clearances are accounted for.
Trading	Means <ul style="list-style-type: none"> • Selling or offering or exposing or promoting the sale, supply, exchange or hire of any goods, merchandise, commodity, article, thing or service; or • Advertising for the purpose of soliciting sales, notifying people where goods and services may be obtained, or advertising or directing people to an event or festival; or • A fundraising stall or activity operating to raise money for a community group, charity or not-for-profit organisation (excluding highway collections)
Trader	Means any person, business or organisation that carries out trading activities.

References

- > Vision Australia
- > Access Institute
- > Baw Baw Shire Council
- > Ballarat City Council
- > Bendigo City Council
- > City of Stonnington
- > VicRoads
- > Australian Standards AS1428 – Design for access and mobility
- > Road Management Act 2004 – Operational Responsibilities for Public Roads
- > The Real Estate Institute of Victoria LTD Rules of Practice 2017

Related Policies

- > Smoke Free Outdoor Areas Policy 2017
- > Economic Development Strategy 2021 – 2031
- > Macedon Ranges Visitor Economy Strategy 2019 - 2029
- > Municipal Public Health and Wellbeing Plan 2021 - 2025

Related Legislation

- > *Local Government Act 1989 (Victoria)*
- > *Local Government Act 2020 (Victoria)*
- > *Macedon Ranges Shire Council General Purpose and Amenity Local Law No 10 of 2013 (and subsequent Local Laws made by Council)*
- > *Liquor Control Reform Act 1998 (Victoria)*
- > *Road Management Act 2004 (Victoria)*
- > *Road Safety Act 1986 (Victoria)*
- > *Disability Discrimination Act 1992 (Commonwealth)*
- > *Equal Opportunity Act 2010 (Victoria)*
- > *Gender Equality Act 2020*
- > *Tobacco Act 1987 (Victoria)*
- > *Food Act 1984 (Victoria)*
- > *Macedon Ranges Planning Scheme*

Introduction

Council recognises the important role and value that roadside and footpath trading contributes to creating vibrant and sustainable towns. This must also be balanced with legislative requirements, such as those found in local laws and complementary policies, which enhance accessibility and protect the safety of motorists and pedestrians alike.

This Policy takes into account the needs of motorists, pedestrians, people of all abilities, footpath and roadside trading, advertising, merchandise displays and kerbside dining.

Where permitted, footpaths may be used by local businesses for the display of goods, signs and outdoor eating areas, which can promote and enhance the vibrancy and diversity of the streetscape and area. In the context of the COVID 19 pandemic, Council recognises the importance of outdoor trading for many businesses to operate safely and sustainably.

While the trading activities on the footpath referred to are important parts of the retail environment, the primary purpose of footpaths is to provide for safe pedestrian access for people with all abilities, ages and genders. Footpath trading activities must be regulated to ensure that access and safety can be maintained. In considering the options that may be available for footpath trading it is important to recognise that any commercial use of public space is not a right, but a privilege that may be granted where access, community safety and amenity of the streetscape can be ensured.

Council Plans and Policies

The Council Plan 2021–2031 strives to achieve the community's vision of Macedon Ranges Shire 2021–2031, and is aligned with Council's four strategic priorities, developed through the Community Vision Assembly's deliberative engagement process:

- Connecting Communities
- Healthy Environment, healthy people
- Business and tourism
- Delivering strong and reliable government.

The Municipal Public Health and Wellbeing Plan 2021–2025 outlines the role that Council will play in improving the health and wellbeing of Macedon Ranges Shire residents.

The Roadside and Footpath Trading Policy supports the strategic directions of the Council as outlined in these plans.

How does the Policy relate to the Local Law?

The Local Law sets out requirements for the use of Council land and roads including the requirement to obtain a permit for certain uses and activities. The Policy complements the Local Law by setting out requirements and conditions for the use of Council land or roads in regard to roadside and footpath trading, including mobile trading activities.

The Policy provides a framework and guide against which applications for Local Law permits will be assessed and issued, and against which compliance will be measured. Compliance with the Policy is required as a standard condition for permits issued to trade on Council land or roads.

How does the Policy link with other legislations?

Under this Policy, compliance with other legislation relevant to the type of trading activity is also required including the following:

- **Planning and Environment Act 1987** – if liquor is to be consumed within a tenancy including within a Footpath Area or if buildings or works to the retail premises are proposed.
- **Liquor Control Reform Act 1998** – if liquor is to be consumed within a tenancy including within a Footpath Area.
- **Tobacco Act 1987** – smoke free outdoor dining areas.
- **(Note: Council's Smoke Free Outdoor Areas Policy also prohibits smoking in outdoor drinking areas on council land)**
- **Road Management Act 2004** – regarding the placement of hoardings

Statutory Planning and heritage considerations

A planning and/or building permit may be required to install fixed items. Some areas of Council are located within a Heritage Overlay, which may limit what can be permitted and controls the style, appearance, and visual impact created to ensure there is not a detrimental impact on the heritage value of buildings and the streetscape.

A building permit may be required to alter the existing built environment i.e. to install permanent fixtures or fittings attached to buildings (including verandas over the footpath zone) or to project over the street alignment such as awnings, signage, blinds, heaters, etc. Council's Building department must be contacted in the first instance to seek further information about the requirement of and obtaining a building permit.

The building permit process, if required, will ensure the structural stability of the existing and proposed structures, and ensure that any alterations do not detrimentally effect the building, the use of the building or the footpath and built environment generally.

Key Policy Principles

The following guiding principles have been used in developing this Policy.

Access

- Unobstructed pedestrian access to footpaths for people of all ages and abilities;
- Appropriate clearances for parking and traffic; and
- Meeting best practice standards as defined in Australian Standard AS1428 for pedestrian areas.

Design

- High quality furniture design and appearance that enhance streetscapes; and
- Enables passive observation; and
- Safe, clean, attractive, functional trading and kerbside dining facilities.

Management

- Complementary to the local business and residential amenity;
- Well maintained and hygienic public space;
- Minimal noise, interference or nuisance; and
- Compatible with low energy use and environmental sustainability policies.

Compliance

- Providing support, information and policy guidance for permit holders and those seeking permits;
- Ensuring traders are familiar with the requirements of roadside and footpath trading; and
- Maintaining a clear and straightforward compliance process; and
- Equitably applying requirements for all businesses.

Scope

To whom does this Policy apply?

This Policy applies to any person, business or organisation who uses Council land or roads for trading activities within the Macedon Ranges Shire, where another permit or formal permission is not in place.

Who does it not apply to?

- Traders with stalls in a Council approved market, who are carrying out trading within the market footprint;
- Traders permitted as part of a Council approved fair, event, or festival through Council's event notification process;
- Traders on privately owned land;
- Traders with Council consent, such as a seasonal user agreement, lease, or license to use the Council land or road (e.g. sports clubs);
- Council staff or contractors carrying out duties on behalf of Council; and
- Persons, businesses, or organisations using Council land or roads for activities other than trading (e.g. buskers, highway collectors, persons distributing advertising/promotional materials, or other uses not covered by this Policy.)
- **Note: A requirement to obtain a general local law permit with specific requirements still applies.**

What does the Policy cover?

The following furniture and trading categories are covered by this Policy:

Furniture Type / Trading Category	Description
Moveable or temporary advertising signs	Moveable boards, placards, A-frame signs
Real Estate Signs	Any temporary signs relating to the sale, lease, or auction of real estate (includes directional / indicator / auction / inspection signs, property advertising boards, etc, but does not include signs outside the real estate business)
Goods for display	Display tables, shelves, clothes racks, or other furniture item displaying goods (includes fundraising stalls / activities)
Tables and seats	Outdoor dining facilities
Flags	Portable upright banners, advertising flags
Dividing screens/barriers	Café screens, outdoor barriers
Umbrellas	Centrepost style umbrella, cantilever style umbrella
Heaters	Free-standing portable gas heaters
Outdoor Planters	Pot plants, planter boxes, etc.
Fundraising stalls	A site temporarily set up to raise money for a community group, charity or not-for-profit organisation
Mobile Traders	A trader who sets up a van, other vehicle or stall or similar structure for the purpose of trading on Council land or road.

What does it not cover?

- Advertising signs for community events that are erected in the designated locations across the Shire as per the VicRoads Community Event Signage Guidelines;
- Temporary event/Christmas decorations installed on roads (contact must be made with council to seek permission for this);
- Permanent art installations approved under the Public Arts Policy; and
- Any fixture, fitting, installation, sign, etc. on a building that would require a building and / or planning permit.

Where does this Policy apply?

This Policy applies to all Council land and roads (owned and managed) including roadsides, footpaths, and reserves.

Where does it not apply?

- Private land (including leased land) unless related to the guidelines for Real Estate Signs outlined in Appendix A;
- Public land not under the authority of Council (eg. Crown owned and managed land); and
- Declared roads, which are under the authority and management of VicRoads (e.g. Freeways, Arterial Roads, and Non-Arterial State Roads) under the *Road Management Act 2004*. Information about the VicRoads register of public roads can be found online at: <https://www.vicroads.vic.gov.au/about-vicroads/acts-and-regulations/register-of-public-roads>.
- *Note: Some declared roads have shared management responsibilities between Council and VicRoads, requiring permissions from both authorities for some uses and activities.*

How does this Policy apply?

The following zones set out areas with descriptions to assist traders in understanding where furniture and trading activities may be permitted on Council land.

Footpath areas

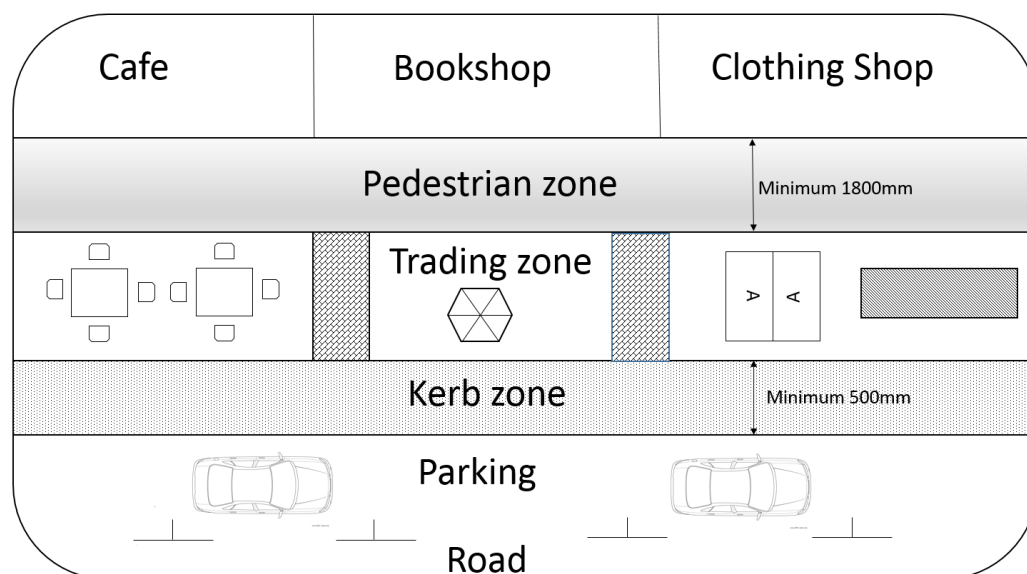
These are areas provided to enable safe, accessible, and defined paths for pedestrians to move along roadsides linking a variety of public, community, and commercial spaces.

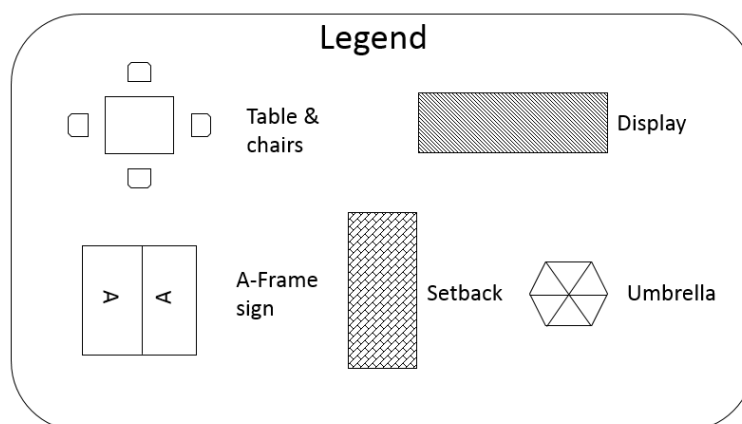
The footpath area has been divided into three zones:

- Pedestrian Zone;
- Trading Zone; and
- Kerbside Zone.

Existing trees, artwork, street furniture, public infrastructure and the footpath width may prohibit or limit footpath trading activity. Council will consider the requirements of this Policy when undertaking any future streetscape or landscaping works.

Due to the footpath width and parking restrictions, footpath trading may not be permitted in some instances.





Pedestrian Zone

The Pedestrian Zone is the area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians. A minimum width of 1800mm must be available in the Pedestrian Zone or greater if the footpath allows. Council reserves the right to increase the width of the Pedestrian Zone, dependent on pedestrian activity and size of the footpath.

The Pedestrian Zone is the area reserved for unobstructed access for pedestrians. It must be clear to provide for the safety of all pedestrians, including meeting the access needs of people with mobility aids, prams and shopping trolleys. It is also important the Pedestrian Zone is clear and furniture is not placed against building fronts for the safety of people who are visually impaired or have a disability.

A minimum gap of 1000mm must be left between adjoining Trading Zones to ensure that adequate access is provided for pedestrian safety when crossing the road or accessing vehicles.

Trading Zone

The Trading Zone is the area that the Council permits for trading activity and placement of associated furniture items. It is the area left between the Pedestrian Zone and the Kerbside Zone after the specified clearances are accounted for. The Trading Zone will vary in area from street to street depending on the overall width of the footpath, the Pedestrian Zone, the Kerbside Zone and any clearances from infrastructure that is located within the Trading Zone.

Approved items are only permitted within the Trading Zone and must not intrude on the Pedestrian Zone or Kerb Zone at any time.

Kerb Zone

The Kerb Zone is the area between the face of the kerb and the Trading Zone. This zone is important for the safety of pedestrians crossing the road and allowing passengers to gain access to parked vehicles. This zone must be a minimum of 500mm and remain clear of any footpath items approved within a Trading Zone. Parking spaces adjacent to a kerb help to protect footpath trading activity from moving traffic. Where there are no parking spaces next to a kerb, the footpath trading application will be considered taking into account traffic conditions and any safety risks at the site.

Council reserves the right to vary the setback of the Kerbside Zone, dependent on pedestrian activity and parking restrictions adjacent to the area.

Roadside areas

A roadside is a strip of land beside a road including nature strips, dividing strips, and road reserves. Not all roadsides are suitable as trading locations and permits to trade on a roadside will be considered on a case-by-case basis.

Roadside Trading site Requirements

A trading location on a roadside will only be approved if the following conditions are met as a minimum:

- Is readily and safely accessible to customers;
- Provides adequate parking for customers;
- Does not present a traffic hazard or danger to the public;
- Does not breach any regulatory or signposted car parking restrictions;
- Takes place where it will not impede pedestrians or vehicle movements; and
- Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

Council Infrastructure

Clearance from public infrastructure such as bins and public seating is required at all times for access purposes. Businesses may apply to have Council infrastructure removed, relocated or modified to assist applications in meeting the requirements of this Policy. Any removal, relocation or modification of Council infrastructure will be solely at the cost of the applicant. Where the infrastructure does not belong to Council, the business owner should contact the relevant infrastructure manager to discuss their application.

Clearance from existing public infrastructure

Where public infrastructure exists on the footpath, the following clearances are required:

Public infrastructure	Minimum clearances from object
Disability parking bay	1800mm
Litter bins	1000mm
Public seating	
Bicycle stands (from outer edges of stand)	
Fire hydrants	
Payphones	
Traffic lights	
Pedestrian-operated lights	
Way-finding signs	
Footpath ramps	
Trees and tree pit edge	500mm
Planters installed by Council	
Electricity boxes	
Street infrastructure	
Electricity poles	
Street light poles	

Fixed and semi-fixed furniture

Fixed furniture refers to any item that is affixed (through bolting or other means) to Council infrastructure, including to footpaths and kerbs, making it immovable. Fixed furniture (except when installed by Council or approved as part of a Planning Permit) is not permitted by Council under this policy for the following reasons:

- Creates an inflexible environment that cannot be changed easily to suit conditions or needs of the Council or businesses.
- Presents obstructions on the footpath and roadside outside of business hours.
- Damages Council infrastructure incurring costs to repair and restore.
- May damage underground utilities infrastructure (eg. power, gas, internet, phone, stormwater).
- Items may attract anti-social behaviours, be damaged, or subject to graffiti creating safety and amenity issues.
- Restricts access for street cleaning and maintenance.
- Affects heritage values for some streetscapes.

Council has a no tolerance approach for items unlawfully fixed to Council assets. Businesses who affix items to Council infrastructure may have their roadside and footpath trading permit suspended or revoked, and may not be eligible for future permits. Council may take enforcement action that can include seizure of items, issuing infringements, and/or initiating court proceedings. The business will also be charged the cost for Council to remove the items, and to repair and restore any damage caused to Council assets by affixed items. Businesses are encouraged to speak with Council about alternative options.

Semi-fixed furniture refers to any item temporarily secured to Council infrastructure by means of a socket and sleeve system installed into the ground. From 2024, businesses may be eligible to install in-ground sockets for securing outdoor dining furniture. Please contact Council for further information about the application process and associated fees.

Where Council approved in-ground sockets have been installed, the business may obtain a roadside and footpath trading permit to use furniture in the sockets in accordance with the requirements of this policy.

Unlawfully installed in-ground sockets will be removed, and reinstatement works undertaken at the business owner's expense.

General Permit Information

Before submitting a permit application for roadside and footpath trading, applicants are advised to read this Policy and have an understanding of all requirements, legal obligations, responsibilities and costs associated with trading on Council land and roads. Applicants are encouraged to seek advice from Council before submitting a new application for a permit.

Applications are available via Council's website or at Council service centres. Traders must submit their application with all necessary documentation, including a current Public Liability Insurance Certificate, and payment of fees.

Once an application for a permit is submitted, an Authorised Officer will consider that application in accordance with the Local Law. The following will also be taken into consideration when a permit application is assessed:

- Compliance with this Policy and other relevant Council policies;
- Compliance with the Local Law and other relevant legislation;
- Whether approvals are required from the Planning or Building department;
- Consistency with the general use of the street overall;
- The effect on pedestrian traffic flows and safety;
- The impact on the appearance of the street and its surroundings;
- The impact on residential amenity;
- The duration of use;
- The effect on vehicular traffic flows and safety;
- Compatibility with other uses in the street (including Heritage Overlay value);
- Whether it is complementary to the primary adjoining use;
- Whether it is less intensive than the primary adjoining use;
- The applicant's previous record of compliance;
- Application form is completed correctly and all required documents attached; and
- Any other matter relevant to the application.

A site inspection may be required in considering a new permit application. An Authorised Officer will either approve or refuse the permit application and advise the applicant in writing. Permit applications are normally processed within 28 days, but may take longer in some circumstances.

If a permit is refused, advice will be provided about the reasons for refusal. In accordance with the Local Law, the applicant may appeal a decision to refuse to grant a permit within 21 days of being notified. Refunds will not be given for permits that are refused.

Display of permit registrations

Annual permit holders will be issued a permit registration sticker. The current permit registration sticker must be displayed clearly and legibly on the shop-front window or front of the business so that it is visible to the public and Authorised Officers. If the permit registration sticker is damaged a request should be made to council for a replacement.

Fundraising stall permit holders will be issued a temporary trading permit. A copy of the permit must be available at the fundraising site and produced for inspection upon request.

Transfer of ownership

The following points apply:

- A permit for roadside and footpath trading only applies to the permit holder at the premises for which it is issued;
- Permits are not transferable from one premises to another. A new permit must be applied for at the new premises; and
- Permits are not transferrable on the sale or transfer of ownership of a business. The new proprietor must apply for a new permit.

Period of Permit

The following points apply:

- The Local Law prescribes the maximum time a Local Law permit may be issued for;
- The duration of a permit is at the discretion of an Authorised Officer;
- Permits related to roadside and footpath trading (excluding fundraising stall permits and mobile trading permits) expire on the date designated by the issuing Authorised Officer and must be renewed annually unless specified otherwise on the permit;
- Permits automatically expire upon expiry of Public Liability Insurance for the business holding the permit;
- No refunds will be given for permits if the business has transferred ownership, the permit is no longer required, the permit expires due to insurance expiry, or if the permit is cancelled or amended by Council or an Authorised Officer; and
- Upon expiry of a permit, it is the permit holder's responsibility to remove all furniture and cease trading on Council land or road until such time a permit is renewed or re-issued for the premises.

Renewal of existing permit

The following points apply:

- It is the permit holder's responsibility to renew a permit prior to the expiry date. Renewal notices will be issued to the permit holder approximately one (1) month before expiry;
- Renewal applications must be completed correctly with a certificate of currency for public liability insurance supplied to Council at time of renewal; and
- All fees must be paid to Council at the time of renewal.

Amendments to an existing permit

A trader may apply to amend an existing permit to place additional furniture and/or change the furniture being placed out. The business must submit an application to amend an existing permit and receive a Council approved permit with an updated layout prior to placing out additional furniture. Fees may apply for amending permits.

Permit Fees

Fees apply for permits issued for roadside and footpath trading. The fees are determined by Council as part of its annual budget process. Information about fees for permits is available on Council's website mrsc.vic.gov.au.

Applicable permit fees are payable in full before a permit will be issued, and are non-refundable if a permit is refused, suspended, or cancelled.

Public Liability Insurance

The business must supply a current copy of their Public Liability Insurance on application for the permit. The minimum amount of Public Liability Insurance required is \$10,000,000. If the Public Liability expires during the Permit period, the business must supply a new certificate before the expiry or the permit is no longer valid.

Compliance and Enforcement

Traders will be regularly audited for compliance against the Local Law, permit conditions and this Policy. Authorised Officers also investigate if Council receives a complaint from a member of the public or has any reason to believe a trader is not adhering to requirements.

If non-compliance is identified, an Authorised Officer may take enforcement action in accordance with the Local Law and Council policies and procedures. Council will attempt to work with permit holders in the first instance to achieve compliance. Failure to comply with conditions of the permit or this Policy may result in cancellation of the permit.

If a permit expires or is cancelled, the permit holder is responsible for immediately ceasing use of Council's land or road for trading. All furniture items must immediately be removed by the trader. It is an offence under the Local Law to use Council land or road without a permit. Failure to comply with the Local Law may lead to enforcement action resulting in fines, prosecution in court, and/or impoundment of furniture items.

Appendix A – Guidelines for Footpath and Roadside Trading

All furniture and trading categories - General requirements

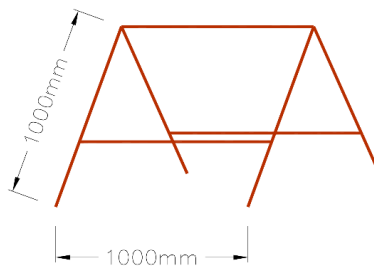
- Any signage, goods or furniture must only be displayed during business operating hours to assist with creating a safe environment, especially after dark. All items must be removed within 30 minutes of the business closing time (excluding real estate signs that are placed according to the Real Estate Signs additional requirements below);
- Items may only be displayed in the Trading Zone unless permitted in an alternative location to the trading zone. Items must not be placed in the Pedestrian Zone at any time;
- Generally, items will not be permitted to be placed within 10 metres of a road intersection so as not to interfere with traffic visibility (except Real Estate Signs) – applications for items within 10 metres will require a site distance inspection assessment by an Authorised Officer;
- No items may be placed against the building line at any time as this interferes with accessibility requirements;
- All items on the footpath must be placed in front of the business' building and not impede on the trading area of any other business unless an expanded trading area is approved by Council in consultation with neighbouring businesses;
- All items displayed on Council land or roads must be self-supporting, windproof and/or weighted down. Displays must not be affixed to any footpath, building, furniture, pole or other structure; except for flags in approved sleeves or brackets;
- All items must be of a safe design, clearly visible, and constructed without sharp edges, projecting pieces, or any other hazard that could cause injuries to pedestrians;
- Items must not cause damage to any Council infrastructure, land or roads. Any damage caused by signage, goods or furniture will be repaired at the cost of the permit holder;
- All items must be kept in a state of good repair and promptly removed or replaced if damaged, faded, or deemed unsafe or unsightly by an Authorised Officer;

- All items must be regularly maintained so as to be clean, tidy, litter free and graffiti free;
- Items must not be offensive in any way, negatively impact on amenity or contain any words or illustrations that could be considered offensive, disrespectful or discriminatory; and
- The use of any sound amplification equipment (including speakers) is not permitted.

Movable or Temporary Advertising Signs - Additional requirements

The following conditions must be met in order to display movable signage (excluding real estate signs – refer to Real Estate Signs – Additional requirements):

- Signs must not be affixed or attached to any infrastructure including footpaths, street furniture, buildings or poles;
- Signs must not be placed in the pedestrian zone;
- Signage must not exceed 1000 mm x 1000mm in size;
- A maximum of two (2) signs are permitted per business;
- Signs may be single or double sided;
- Signs must not be displayed when the business is closed; and
- No sign or display is to have any moving, rotating, illuminated or reflective components.



Movable signage must be placed within the trading zone. Applications may be considered, granting special conditions for businesses to place signage outside of the Trading Zone. Businesses that are set back from the roadside or are adjacent to a service road outer separator may apply to place a movable sign on the roadside, outer separator or road reserve. Signs are not permitted on median strips or roundabouts. Applications will be considered on a case by case basis taking into consideration traffic conditions and any safety risks at the site.

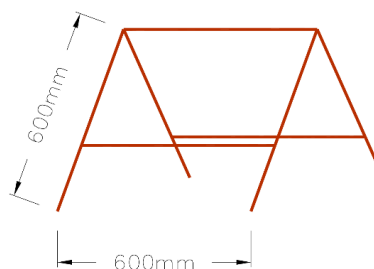
See Appendix B for visual representation.

Real Estate Signs - Additional requirements

Real estate agents can apply for a Local Law permit to place signs for advertising or promoting properties they are selling or leasing when they wish to use Council land or roads for this purpose. Other advertising is not permitted. In addition to complying with the Real Estate Institute of Victoria LTD Rules of Practice 2017, real estate agents and their representatives must adhere to the following conditions when placing out Real Estate Signs:

Moveable Real Estate Signs (e.g. A-Frame or sandwich board style open for inspection, auction, and directional / indicator signs)

- Signs must be identified with the name of the business of the acting agent and the contact details of the Permit Holder or the current Local Law Permit number;
- Signs may only be placed out on the day of the Open for Inspection or Auction;
- Signs must not be placed out before 6:30am or sunrise (whichever is later) on the day of the Open for Inspection or Auction and must be removed within 45 minutes after the inspection or auction has concluded;
- Signs must not exceed 600 mm x 600 mm in size;
- Signs may be single or double sided;
- Signs must not have any animated, moving, rotating, illuminated or reflective components;
- Signs must not be anchored, affixed or attached into the ground or onto any Council / Utility Company infrastructure including trees, footpaths, street furniture, buildings or poles;
- Signs must not be placed on any roundabout, median strip, traffic island, pedestrian refuge, Council reserve, footpath, footpath ramp, or within the pedestrian zone;
- Signs must not be placed in a way that impairs the vision of road users or impedes the safe use of footpaths and roads in any way;



- Only two (2) signs may be placed at any corner of an intersection at any one time; and
- A maximum of four (4) signs are permitted to be placed out per open for inspection or auction event, which may be placed at nearby intersections and directly outside the property being sold or leased.

Property Advertising Boards (e.g. onsite boards and estate signage)

The Macedon Ranges Shire Council Planning Scheme in conjunction with the Local Law prescribe the legal requirements for property advertising boards. The following summarises requirements, but agents are responsible for ensuring Planning Scheme requirements for signs are complied with and planning permits are obtained when legally required.

- Advertising boards are not allowed on Council land or roads;
- Only one (1) advertising board can be displayed on the land that is for sale or lease (except for apartments that may display one (1) board per unit);
- The board must be securely erected on the land;
- The board must not exceed 10 square metres in size;
- The board must not have any animated, internally illuminated, floodlit, or reflective components;
- The board may have a mounting point for a flag provided it is on or within the boundary of the property;
- A flag not exceeding two (2) square metres in size may be displayed from the mounting point on the board provided it meets the following conditions:
 - The flag must be safely secured in the mounting point placed upright at a 45 degree angle or less from the sign; and
 - The flag must not be placed in the mounting point prior to 6:30am or sunrise (whichever is later), on the day of the Open for Inspection or Auction and must be removed directly following the inspection or auction time; and
 - When the agent is not attending the property, the flag must not overhang or protrude into any footpath or pedestrian zone; and

- The flag must not impair the vision of pedestrians and/or road users; and
- The flag must not impede the safe use of footpaths and roads in any way; and
- The board must be removed within seven (7) days of the sale or letting of the property.

Note: a planning permit may be sought for signs that would not comply with the conditions outlined (e.g. for illumination, additional signs, larger signs, etc). Refer to the Macedon Ranges Shire Council Planning Scheme for further information about sign requirements: <http://planningschemes.dpcd.vic.gov.au/schemes/macedonranges>.

Goods for display - Additional requirements

Display of goods gives the businesses the opportunity to display items that are sold within the premises. The following conditions apply:

- Displays must not exceed a height of 1200mm, width of 800mm and a length of 1500mm;
- Where the business has multiple displays a gap of 1000mm between each display must be allowed for access;
- Displays must not cause a tripping hazard to pedestrians; and if food is displayed, the permit holder must comply with the Food Act 1984.

Tables and Seats - Additional requirements

- A permit is issued subject to the premises being registered under the Food Act 1984, proof of which must be supplied to an Authorised Officer of Council on request;
- The number of tables and seats permitted on the footpath is determined by the size available in the Trading Zone. Table dimensions and size must be specified in the application process;
- Tables and seats must be portable, yet sturdy and windproof;
- The feet on tables and chairs must not be a type that causes damage to the footpath;

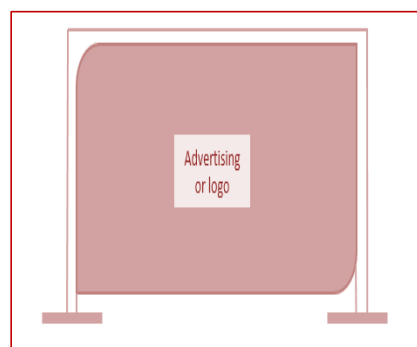
- No alcohol can be served on Council land unless the footpath area is included in the Liquor Licence Redline plan and has planning approval;
- The number of tables and seats permitted may be restricted by numbers approved under the Planning Permit;
- Smoking is banned in all outdoor areas with tables and seats on the footpath including outdoor drinking areas under Council's Smoke Free Outdoor Areas Policy . The permit holder is responsible for ensuring patrons comply with these provisions and any other Council policies, laws, or regulations relevant to tobacco use and vaping; and
- Patrons with a dog must ensure the dog remains within the trading zone. The permit holder is responsible for ensuring patrons utilising tables and seats do not allow their dog to impede the pedestrian zone.

Flags - Additional requirements

- Pre-existing sleeves or brackets which have been approved by Council are permitted to be used;
- Flags must not overhang a roadway or parking bay at a height less than 3 metres;
- Flags must not be located within 20m of an intersection; and
- Flags must not be of a size, shape, quantity or placement that, in the opinion of an Authorised Officer, impedes traffic or create a hazard.

Dividing screens or barriers - Additional requirements

- Dividing screens or Barriers must not exceed 1200mm in height;
- Dividing screens or Barriers must not adversely impact the openness of the streetscape;
- Dividing screens or Barriers must only be positioned in the Trading Zone;



- Advertising on screens must be kept to a minimum. The name of the business or of the sponsor of the screen is acceptable;
- Glass screen barriers are discouraged, but may be approved on a case-by-case basis for use with a Council approved / installed in-ground sleeve system. Glass screen barriers must be made of toughened glass and meet Australian New Zealand safety standards; and
- Dividing screens secured to in-ground sockets must be removed at the end of business each day, and the socket lid must be closed flush to the ground so as to prevent a trip hazard.

Umbrellas - Additional requirements

- Umbrellas will only be approved where existing shelter such as verandas, canopies or trees do not provide protection from the elements;
- Umbrella circumference must be wholly contained in the Trading Zone;
- Advertising on umbrellas must be kept to a minimum. The name of the business or of the sponsor of the screen is acceptable; and
- Umbrellas secured to in-ground sockets must be removed at the end of business each day, and the socket lid must be closed flush to the ground so as to prevent a trip hazard.

Heaters - Additional requirements

Council encourages Permit holders to consider limiting the use of outdoor gas heaters due to reducing the contribution to greenhouse gas emissions. Only gas heaters will be permitted.

- Heaters must be free standing, stable and capable of automatically shutting down if overturned;
- Heaters must comply with the Australian Standards;
- Heaters must only be used a safe distance from flammable items;
- Heaters must be removed and stored appropriately when the business is closed;
- Permit holder must ensure the safe use of gas heaters and have written operating instructions available to all staff;

- All gas heaters must have a registered Australian Gas Association Number (AGA No.) or SAI Global approval;
- Gas heaters must only be used outdoors in a well ventilated area;
- Gas heaters must be serviced every 12 months or earlier as required; and
- Permit holder must comply with Gas Safety (Gas Installation) Regulations 1999, Dangerous Goods Act 1985, Australian Standard for Gas Cylinders, Occupational Health and Safety Regulations 2007 and any other relevant policies and code of practice.

Outdoor Planters - Additional requirements

Council encourages permit holders to consider drought resistant, native plants. Plant species should be chosen for their hardiness, evergreen type and that are slow growing for easy maintenance.

- Plants must not be allowed to stain the ground where the planter box sits;
- Plants must not be declared noxious weeds or toxic plants;
- Area around outdoor planters must be kept clean and clear of any fruit or flowers that may fall from the plant;
- Plants with needles or thorns are not permitted; and
- Planter boxes must be a portable design and where on wheels or casters, must have a lock/brake.

Fundraising stalls - Additional requirements

- Fundraising stalls must only occupy the approved fundraising site location identified in the permit and operate according to the requirements set out in this Policy and the permit;
- Fundraising stalls must only occupy and operate on the days and times specified in the permit;
- If applying to set up in front of an existing business, written permission from that business must be submitted with the permit application;

- Stalls / displays must not be set up against the building line and can only be positioned in the Trading Zone;
- Stalls / displays must not exceed a height of 1200mm, width of 800mm and a length of 1850mm;
- If food is displayed the permit holder must comply with The Food Act 1984; and
- Members of the public must not be badgered or harassed in any way whilst undertaking fundraising activities.

Mobile Trading - Additional requirements

From 1 July 2023, mobile trading may be permitted on Council land and roads subject to the following requirements.

- Mobile traders can apply to operate at a specific site on Council land or roads, which will be considered on a case-by-case basis. It is important that use of public space for commercial activities is complimentary to the area's purpose and is not detrimental to fixed businesses in the area. In deciding whether to grant permits for mobile trading, the general location, potential impact on area businesses, safety of road users, safety of pedestrians, visual amenity, litter control and nature of the vehicle, stall or other structure will be considered. The issue of a permit is at the discretion of a Council Authorised Officer.
- A permit may be granted for a period of up to three (3) months to operate at an approved site during specified days and times. Ice cream vans may be granted a permit to operate in a specified region at specified times. Council may also determine to promote/activate a public site within the municipality, and may nominate sites as determined.

Mobile trading as defined in the Local Law is currently allowed on private land where it is done in accordance with the Macedon Ranges Planning Scheme, and may also be approved as part of events, festivals, markets, and recreational lease agreements. This policy does not limit mobile trading in these circumstances.

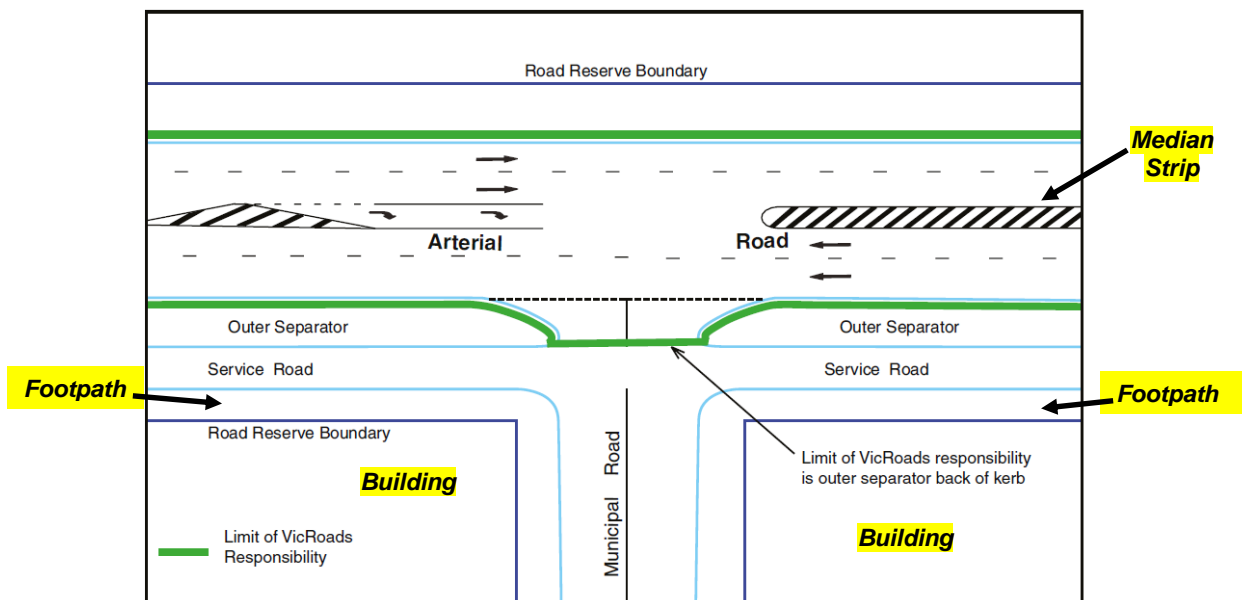
Mobile Trading Site Location

- Sites must not be located within 100 metres of an existing and operating hospitality or like business, unless its hours of operation are outside the existing trading hours of nearby businesses;

- Sites must be at least 15 metres away from bus stops and taxi ranks;
- Sites must be at least 25 metres away from a school crossing, traffic control device, or intersection;
- Sites must comply with the requirements of the *Road Safety Act 1986* and *Road Safety Road Rules 2017* with respect to (but not limited to) the obstruction of sight lines, traffic signals and road signage as well as comply with any parking restrictions;
- Sites cannot be located on or interfere with a footpath or shared path;
- The site and general area should be able to be monitored at all times and provide an inviting, clean and safe place for people to use; and
- Mobile traders must only operate at the site/s permitted and must leave the site outside of permitted operating hours. In addition to the general requirements, the following conditions will also apply to Mobile Trading to ensure safety and amenity:
 - A permit for Mobile Trading will be issued to a specified vehicle/stall and is non-transferrable to additional vehicles/stalls;
 - Trading that includes the use of a mobile food truck/van/cart, must have a current Registration under the *Food Act 1984* with their principle Council, be registered on the Streatrader website or other State health systems, and lodge a Statement of Trade nominating the location and date/s of trading;
 - The food truck/van/cart must meet the requirements of the *Food Act 1984* and requirements of the FSANZ Food Standards Code;
 - All electrical and gas fittings must comply with Energy Safe requirements;
 - The operator must not create or allow an obstruction on any road, thoroughfare, or footpath;
 - The vehicle opening for the service of customers shall open toward the footpath/nature strip and at no time open out to the road;
 - Any noise generated from the mobile trading activity must be kept to a minimum at all times and must not create a nuisance;

- The operator is responsible for keeping the area immediately surrounding the vehicle or stall free of litter during the hours of operation and must clean the surrounding area before leaving to ensure no litter has been left by patrons;
- The operator must comply with relevant State legislation and Council policies in relation to using sustainable materials and phasing out the use of single-use plastics; and
- The operator must supply suitable bins for deposit of rubbish by patrons and will remove the bins for disposal of waste offsite upon leaving the site each day. The operator must dispose of rubbish and waste lawfully, which must not be disposed of in Council bins;
- Wastewater must be collected and lawfully removed/disposed from the site;
- Mobile Trading activities must not adversely affect nearby residents or businesses; and
- Operators must not place any furniture items or signs on Council land or roads without a permit for the item/s (with the exception of bins approved as part of the Mobile Trading permit).

Appendix B – Visual Representation



This diagram was supplied for use by VicRoads.



**Macedon
Ranges**
Shire Council

Macedon Ranges Shire Council Governance Rules



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Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
1	Approved	28/08/2020	Council	D22-91434	New. Required under section 60 of <i>Local Government Act 2020</i> .
2	Approved	24/08/2022	Council	D22-101343	Updated to allow for electronic meetings.
3					Re-structured and improved clarity around various provisions

Part 1: Preliminary

1. Context

- a) The purpose of these Governance Rules is to provide for:
- i) the conduct of Council meetings;
 - ii) the conduct of meetings of delegated committees;
 - iii) the form and availability of meeting records;
 - iv) the election of the Mayor and the Deputy Mayor;
 - v) the appointment of an Acting Mayor;
 - vi) an election period policy;
 - vii) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of Council or a delegated committee;
 - viii) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of Council or a delegated committee;
 - ix) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
 - x) the consideration and making of decisions on any matter being considered by Council fairly and on the merits;
 - xi) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered; and
 - xii) any other matters prescribed by the regulations made under the Act.
- b) These Governance Rules should be read in conjunction with:
- i) the overarching governance principles specified in section 9(2) and (3) of the Act; and
 - ii) related policies prepared under the Act that relate to Councillor and staff conduct at Council meetings and during decision-making, such as the Councillor Code of Conduct, Public Transparency Policy, and Councillor Gifts, Benefits and Hospitality Policy.

2. Definitions and key terms

In these Governance Rules:

Term	Definition
Absolute majority	As defined in the <i>Local Government Act 2020</i> this is the number of Councillors which is greater than half the number of the Councillors of Council. For Macedon Ranges Shire Council an absolute majority is five (5) Councillors.
Abstain	Means when a Councillor who is present at a meeting does not vote on a matter. Under section 61(5)(e) of the <i>Local Government Act 2020</i> , if a Councillor is present at the meeting and does not vote on a motion, this is taken to be a vote against the motion.
Act	Means the <i>Local Government Act 2020</i> .
Agenda	Means the notice of meeting setting out the business to be transacted at the meeting.
Alternative (motion)	Means a new or substantially different motion to the motion being considered by Council.
Amendment (motion)	Means proposed changes to a motion being considered by Council.
Broadcast	Means the visual or aural transmission of proceedings on any medium, including radio, television and the internet.
Carried	Means that the relevant motion or amendment is determined in the affirmative.
Chair	Means the person presiding over the meeting. In these Rules this is ordinarily the Mayor for Council meetings and Chair for delegated committee meetings.
Chief Executive Officer	<p>Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the <i>Local Government Act 1989</i> or section 44 of the <i>Local Government Act 2020</i>, whichever applies.</p> <p>If the Chief Executive Officer or Acting Chief Executive Officer is absent or unable to perform a function required under these Governance Rules, the Director of Corporate must perform that function.</p> <p>Note: The Chief Executive Officer, at the time of preparing these Governance Rules, was appointed under the <i>Local Government Act 1989</i>.</p>
Closed meeting	Means a meeting of Council at which confidential items as defined in section 3 of the Act are considered. The public is unable to attend closed meetings. There will be no livestream or recording of a closed Council meeting.

Term	Definition
Community Asset Committee	Means a Community Asset Committee established by Council under section 65 of the Act
Council	Means Macedon Ranges Shire Council.
Councillor	Means a Councillor of the Macedon Ranges Shire Council.
Council Meeting	Meetings defined in section 61 of the Act to conduct Council business, including scheduled and unscheduled meetings of Council.
Delegate	Means a Council staff member nominated by the Chief Executive Officer to assist with meeting functions and requirements.
Delegated Committee	Means a delegated committee established by Council under section 63 of the Act. Part 8 outlines how the Governance Rules apply to a delegated committee meeting.
Deputy Mayor	Means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.
Division	Means the counting and identifying the way Councillors have voted on a matter i.e for or against.
Electronic meeting	Means the attendance at Council meetings virtually via videoconferencing technology, where Councillors can be seen and heard by all other Councillors present at the meeting.
Foreshadowed motion	Means a motion, whether fully formed or an intention, identified by a Councillor, in a Council meeting, that they intend to raise at a later point in the meeting. It is not a motion considered by Council until it is moved and receives a seconder.
Hybrid	Means a combination of an in-person and electronic format (usually for a meeting) undertaken concurrently.
Lapses	Means a motion before Council has not been progressed that is it is on the agenda but has not been moved or moved but not seconded.
Lost	Means a motion before Council that has not been supported by a majority of Councillors present at a meeting.
Majority	Means a number of votes that is more than one-half of the number of Councillors in attendance in the meeting when the vote is taken.
Mayor	Means the Mayor of Council, any person appointed by Council to be the Acting Mayor and, in the context of a meeting, any Councillor who is a temporary Chair.
Member	Means a member of a delegated committee.

Term	Definition
Minutes	Means the official record of the proceedings and decisions of a Council meeting.
Motion	Means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted. In the <i>Local Government Act 2020</i> motions are referred to as a 'question' before Council for decision.
Notice of amendment	Means a notice to amend a decision of Council. The motion is consistent with the original motion but allows for details such as dates, figures and locations to be amended.
Notice of motion	<p>Means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.</p> <p>A 'notice of motion' is a formal notice by a Councillor of their intention to propose a motion to be resolved upon at a meeting. The process is a direct method for a Councillor to ensure a particular matter is brought before the meeting.</p> <p>The 'Good Governance Guide' produced by the Municipal Association of Victoria, Victorian Local Governance Association and LGPro provides the following advice on the appropriate use of notices of motion:</p> <p><i>[A notice of motion] can be a useful way for a Councillor to raise an issue, which doesn't require advice or a lot of consideration on a Council agenda. For example, it might involve asking the Council to recognise a significant achievement of a local community member which is already generally well-known.</i></p>
Notice of rescission	Means a notice of motion to rescind (revoke, cancel, repeal) a decision of Council.
Overarching governance principles	<p>Means the overarching governance principles outlined in section 9(2) of the Act. The following are the overarching governance principles—</p> <ul style="list-style-type: none"> a) Council decisions are to be made and actions taken in accordance with the relevant law; b) priority is to be given to achieving the best outcomes for the municipal community, including future generations; c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk, is to be promoted; d) the municipal community is to be engaged in strategic planning and strategic decision making; e) innovation and continuous improvement is to be pursued; f) collaboration with other Councils and Governments and statutory bodies is to be sought; g) the ongoing financial viability of the Council is to be ensured;

Term	Definition
	<p>h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;</p> <p>i) the transparency of Council decisions, actions and information is to be ensured.</p> <p>Note: The overarching governance principles stated in the Act override any omissions in these Governance Rules.</p>
Officer recommendation	<p>Means the recommendation provided to Councillors to consider moving in a Council meeting.</p> <p>An amended officer recommendation may be prepared to address errors or updates identified after publication of the agenda and provided to Councillors to move in the meeting.</p>
Point of order	Means a query in the debate as to whether a correct procedure is being followed or factual information is being expressed.
Procedural motion	Means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.
Quorum	Means the minimum number of Councillors or members who must be present in order to constitute a valid meeting of the Council. For Macedon Ranges Shire Council a quorum for a Council meeting is five (5) Councillors.
Recording	Means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera, mobile phone and portable computer.
Record of meeting	Means a document, in a form approved by the Chief Executive Officer, providing a high level account of a meeting attended by five (5) or more Councillors and at least one (1) staff member.
Regulations	Means any regulations established for the <i>Local Government Act 2020</i> .
Resolution	Means a decision of Council made at a Council meeting.
Scheduled Council meeting	Means a Council meeting fixed by Council from time to time in accordance with Rule 13.
Supporting Principles	<p>Means the overarching governance principles outlined in section 9(3) of the Act. In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—</p> <p>a) the community engagement principles;</p> <p>b) the public transparency principles;</p> <p>c) the strategic planning principles;</p>

Term	Definition
	d) the financial management principles;
	e) the service performance principles;
	Note: The supporting principles stated in the Act override any omissions in these Governance Rules.
Unscheduled Council meeting	Means a Council meeting called in accordance with Rule 14.

3. Role of Council

- a) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Macedon Ranges municipal community.
- b) Council will provide good governance through —
 - i) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - ii) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- c) In performing its role, Council may—
 - i) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - ii) perform any other functions that Council determines are necessary to enable Council to perform its role.
- d) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

4. Purpose of Council meetings

- a) Council holds scheduled meetings and, when required, unscheduled meetings, to conduct the business of Council.

5. Principles of Council decision-making

- a) Council will, before making a decision that will directly affect the rights of a person, consider and make decisions on, any matter being considered by Council fairly and on its merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- b) Any person whose rights will be directly affected by a decision of Council is entitled to:
 - i) communicate their views; and
 - ii) have their interests considered.
- c) For the purposes of sub-rules (a) and (b), a decision of Council means a resolution made at a Council meeting.

6. Meeting roles**a) Mayor**

- i) Subject to the Mayor's discretion, the Mayor takes precedence at all municipal proceedings within the municipal district, unless outlined in the terms of reference for a committee, and must chair all Council meetings at which they are present.
- ii) The Mayor will ensure good Council decision-making by endeavouring to ensure:
 - 1) decision making is transparent to Councillors and observers;
 - 2) Councillors have sufficient information to make good decisions;
 - 3) Councillors are supported to contribute to decisions;
 - 4) any person whose rights are affected have their interests considered;
 - 5) debate and discussion are focused on the issues at hand;
 - 6) meetings are conducted in an orderly and courteous manner; and
 - 7) decisions are made on the merits of the matter.

b) Chief Executive Officer

- i) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Mayor and Councillors.
- ii) The Chief Executive Officer should:
 - 1) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - 2) advise if there are operational, legal, financial or other risks, including non-compliance with statutory obligations, arising from a proposed resolution;
 - 3) help clarify the intent of any unclear resolution to facilitate implementation; or
 - 4) on request, assist with procedural issues that may arise.

c) Deputy Mayor

- i) If the Mayor is not in attendance at a Council meeting, the Deputy Mayor (if one has been elected) will chair the meeting and assume the role of Mayor.
- ii) If a Deputy Mayor has been elected, the references in these Rules to the Mayor include references to the Deputy Mayor when performing the role of the Mayor.

d) Acting Mayor

- i) If the Mayor or Deputy Mayor is not in attendance at a Council meeting, the Acting Mayor will chair the meeting and assume the role of Mayor.
- ii) If an Acting Mayor has been appointed, the references in these Rules to the Mayor include references to the Acting Mayor when performing the role of the Mayor.

e) Councillors

- i) Councillors contribute to good governance and decision making by:

- 1) seeking views of community members and reading the agendas prior to the meeting;
- 2) preparing by reviewing materials provided and seeking information on matters from Council officers at briefing sessions;
- 3) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers or during the meeting;
- 4) attending meetings and participating in debate and discussion;
- 5) demonstrating respect for the role of the Mayor and the rights of other Councillors to contribute to the decision-making; and
- 6) being courteous and orderly.

f) Community

- i) Community members may participate in Council meetings in accordance with Rules 34-37.
- ii) Community members are encouraged to participate in Council's engagement processes.
- iii) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.
- iv) Community members may attend open Council meetings or view livestream Council meetings online.
 - 1) At times due to exceptional circumstances the public gallery may be closed.
 - 2) If the public gallery is closed, Council meetings will be livestreamed and recordings will be available online.

Part 2: Election of the Mayor

7. Scheduling the Mayoral election

- a) Following a local government election, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor in compliance with section 26 of the Act.
- b) Council will resolve the date, time and venue for the election of the Mayor not covered by sub-rule (a) as part of the annual schedule of meetings.
- c) If the office of the Mayor becomes vacant, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor.
- d) The election of the Mayor will be conducted in person only, unless exceptional circumstances require Council to resolve a different format.
- e) The date, time and venue for the election of the Mayor will be made publicly available on Council's website.
- f) The agenda for the meeting for the election of the Mayor will be made public five (5) days prior to the meeting.

8. Chairing the Mayoral election

- a) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and chair the election as required in section 25 of the Act.
- b) Prior to the election of the Mayor, Council will agree the term of the Mayor; which will be either one (1) or two (2) years as required in section 26 of the Act.

9. Nominations for Mayor

- a) The Chief Executive Officer must invite nominations for the office of Mayor.
- b) Councillors can self-nominate or be nominated by another Councillor for the office of Mayor.
- c) A nominee will be required to accept or refuse the nomination.
- d) Nominations must be seconded.
- e) The Chief Executive Officer may invite each candidate to make a speech.
- f) Candidates must speak in the order in which they were nominated.
- g) Candidates may speak for 3 minutes in support of their nomination.

10. Determining the election of the Mayor

- a) The election of the Mayor must be carried out by a show of hands.
- b) If there is only one (1) nomination, the nominated candidate must be declared to be elected.
- c) If there is more than one (1) nomination, the Chief Executive Officer must conduct an election in the following manner:
 - i) each Councillor present at the meeting must vote for one (1) of the candidates;
 - ii) if one (1) candidate receives an absolute majority of the votes, that candidate must be declared to be elected; or

- iii) if no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes must be declared to be a defeated candidate;
 - iv) each Councillor present at the meeting must then vote for one (1) of the remaining candidates;
 - v) if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected; or
 - vi) if none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to be elected; or
 - vii) if none of the remaining candidates receives an absolute majority and two (2) or more candidates have an equal number of fewest votes, each Councillor present at the meeting must vote for one (1) of the candidates with the equal fewest votes. The candidate who receives the fewest of those votes must be declared to be a defeated candidate.
 - viii) if after conducting a vote to declare a candidate defeated under sub-rule (vii), two (2) or more candidates receive the equal fewest votes, the determination of which of those candidates must be declared to be defeated must be determined by lot;
 - ix) following the elimination of the candidate with the fewest votes in either sub-rule (vii) or (d) a further vote must be taken on the remaining candidates, each Councillor present at the meeting must vote for one (1) of the remaining candidates.
- d) If a lot must be conducted under this rule, the Chief Executive Officer shall arrange for the conduct of the lot and the following provisions must apply:
- i) each candidate will draw one (1) lot;
 - ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names; and
 - iii) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle.
 - iv) the word **Defeated** shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word **Defeated** written on it must be declared the defeated candidate
- e) The process of voting in sub-rules (c) and (d) is to be repeated until two (2) candidates remain. If one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected.
- f) If there are only two candidates remaining and an absolute majority of the votes has not been attained by either candidate, the Chief Executive Officer will conduct a second ballot in an attempt to achieve an absolute majority.
- g) If no candidate receives an absolute majority of the votes, the Council may resolve to conduct a new election at a later specified time and date.
- i) The date and time must be no sooner than 24 hours later and no later than 7 days post the meeting at which the election was held.

- h) Once the Mayor has been elected, the Chief Executive Officer shall invite the elected Mayor to address Councillors and the community.
- i) The elected Mayor may speak for 3 minutes on their upcoming term as Mayor.
- j) After their speech, the Mayor will take the chair and oversee any election of the Deputy Mayor.

11. Determining a Deputy Mayor

- a) At the meeting to elect the Mayor, Council may resolve:
 - i) to establish the position of Deputy Mayor;
 - ii) the term of the Deputy Mayor, which shall be the same as the term of the Mayor; and
 - iii) elect a Councillor to the position of Deputy Mayor.
- b) Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor save that the Mayor will chair the election.
- c) At the conclusion of the election for Deputy Mayor the Mayor will continue to preside over the meeting.

12. Acting Mayor

- a) If Council has not established position of Deputy Mayor and it needs to appoint an Acting Mayor, it can do so by:
 - i) resolving that a specified Councillor be appointed for a specified period of time; or
 - ii) following the procedure set out in Rules 9 and 10.
 - 1) if an Acting Mayor is elected under Rule 12(a)(ii) Council will resolve the specified period for the appointment.

Part 3: Meeting Preparation

13. Scheduled Council meeting

- a) The dates, times and places of scheduled meetings will be fixed by a Council resolution from time to time.
- b) Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of Council.

14. Unscheduled Council meeting

- a) Council may by resolution call an unscheduled meeting of Council.
- b) The Mayor or three (3) Councillors may by a written notice delivered to the Chief Executive Officer call an unscheduled meeting of Council.
- c) A notice delivered under sub-rule (b) must specify the date and time of the meeting and the business to be transacted.
- d) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.

15. Notice of meetings

- a) A schedule of Council meetings, as resolved by Council at least once each year, must be published on Council's website.
- b) Any changes to the published schedule of Council meetings resolved by Council will be included on Council's website as soon as practicable after the resolution.
- c) Public notice will be given at least seven (7) days before a scheduled or unscheduled meeting of Council.
- d) If an extraordinary circumstance prevents the giving of seven (7) days' notice, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.

16. Determine to hold an electronic meeting

- a) Council may determine by resolution, the proposed and preferred format style of meetings (in-person, electronic, or hybrid).
- b) If Council has determined a meeting to be a certain format, Council may by resolution change the format.
- c) If circumstances require the format of a meeting to be changed from that resolved by Council, the Chief Executive Officer, after consultation with the Mayor, may advise a change in format to all Councillors and include changes on the website and agenda for the meeting.
- d) The Chief Executive Officer must include in the minutes of the meeting with a changed format the nature of the circumstances for the change.
- e) Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. Council must determine, by resolution, if a meeting is to be held solely in person, prior to public notice being given of the meeting (noting that Mayoral elections are in person only under Rule 7(d)).
- f) If Council determines that a meeting is to be conducted electronically, the Mayor may, with consent of the meeting (through a resolution), modify the application of any of these

Governance Rules to facilitate the most efficient and effective transaction of the business of the meeting.

- g) Hybrid Council meetings are dependent on the availability of appropriate technology within Council to enable broadcasting and livestreaming simultaneously.

17. Business at meetings

- a) The agenda for a Council meeting, including the order of business, is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.
- b) The Chief Executive Officer may include any matter on an agenda for consideration by the meeting following consultation with the Mayor.
- c) An agenda must include:
 - i) a description of the date, time and place of the meeting;
 - ii) the proposed meeting format;
 - iii) a description of the matters to be considered at the meeting;
 - iv) any validly lodged notice of motion (including a notice of amendment or rescission), noting the following:
 - 1) a notice of motion that has been lodged must be included on the agenda for the next available meeting.
 - 2) each notice of motion before any Council meeting shall be considered in the order in which they were received, unless there are similar motions that can be considered together, in the order they were received.
 - 3) if more than one notice of rescission or amendment is received in regard to a particular matter, the notices of motion must be listed on the agenda in the order they were received.
 - v) any leave of absence request (notice of motion) received from a Councillor:
 - 1) a leave of absence not included in a Council meeting agenda may still be considered by Council if a written request (notice of motion) has been received by the Mayor prior to the meeting.
 - vi) reports prepared for consideration at the meeting.
- d) At least five (5) days before a meeting is scheduled to occur, an agenda must be:
 - i) delivered electronically to each Councillor; and
 - ii) published on Council's website.
- e) If it is not possible to comply with sub-rule (d) for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as is reasonably possible.
- f) Once an agenda has been sent to Councillors and published on Council's website, the order of business for that Council meeting may only be altered by resolution of Council.
- g) If a Councillor is on leave or absent, an agenda does not have to be delivered electronically to the Councillor unless they have requested delivery.

18. Urgent business

- a) At a scheduled Council meeting, business that is not included in the agenda must not be considered unless a majority of Councillors present at the meeting resolve to admit the business and only then if:
 - i) it relates to or arises out of a matter which has arisen since the distribution of the agenda; and
 - ii) deferring the item until the next Council meeting will have any effect on the matter; or
 - iii) it involves a matter of urgent community concern; or
 - iv) it cannot be safely or conveniently deferred until the next Council meeting; or
 - v) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - vi) it cannot be addressed through an operational service request process.
- b) Despite sub-rule (a), a matter that is not included in the agenda must not be considered at the meeting if it will:
 - i) directly and significantly affect the exercise of a person's rights; or
 - ii) alter the Council Plan or the Budget.
- c) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3pm on the day of the Council meeting.
- d) The Chief Executive Officer will advise the Mayor of any matter they determine as appropriate for Council to consider admitting as urgent business.
- e) Prior to the consideration of the urgent business item, Council must resolve to accept the urgent business item and will require a mover and a seconder:
 - i) A Councillor shall explain why the item has been classified as urgent business without speaking to it and then move it without speaking to it.
- f) At an unscheduled Council meeting, business that has not been included on the agenda may only be considered if all the Councillors that are present unanimously resolve that the matter is urgent.
- g) The Chief Executive Officer may prepare a written supplementary report on any item of business that has arisen since the preparation of the agenda.
- h) Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the meeting.

19. Notice of motion

- a) A notice of motion given by a Councillor must be given in writing to the Chief Executive Officer no later than 5.00 pm on the seventh (7) day before the meeting at which it is to be proposed to be considered.
- b) A Councillor may give a notice of motion on any matter the Councillor wants to be considered at a scheduled Council meeting.
- c) A notice of motion must relate to the objectives, roles and functions of Council as outlined in the Act.

- d) If a Councillor proposes to use a notice of motion for a significant item, consideration should be given by the Councillor to a motion requesting that a report on the matter be presented to a subsequent meeting.
- e) A notice of motion must call for a Council report if the notice of motion proposes any action that:
 - i) impacts the levels of Council service;
 - ii) commits Council to either a loss of income or expenditure that is not included in the adopted Council Budget, to the value of \$25,000 or greater;
 - iii) proposes to establish, amend or extend Council policy;
 - iv) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - v) would commit Council to any contractual arrangement; or
 - vi) concerns any litigation in respect of which Council is a party.

20. Notice of motion may be rejected

- a) The Chief Executive Officer must reject a notice of motion if:
 - i) it is vague or unclear in its intention;
 - ii) it is outside the powers of Council;
 - iii) it is defamatory or otherwise objectionable in language or nature;
 - iv) it would result in the direct allocation of funds outside Council's adopted Budget or would otherwise have a material financial impact on Council;
 - v) its passage would result in Council otherwise acting invalidly;
 - vi) it can be addressed through the operational request process;
 - vii) it is not lodged in accordance with Rule 19; or
 - viii) it is similar in form or substance to a notice of motion which has been put to the vote and lost in the past three months.
- b) If the Chief Executive Officer rejects a notice of motion, they must:
 - i) notify the Councillor of the reason for the rejection; and
 - ii) if reasonably possible before the agenda is published, give the Councillor an opportunity to amend the notice of motion.
- c) A notice of motion must be moved as written and listed in the agenda and requires a seconder. If the proposer in the agenda is the mover, they may amend the motion verbally in the meeting when moving the motion.
- d) Where a notice of motion has been submitted but is not moved at the relevant Council meeting the notice of motion lapses.
- e) A notice of motion may be amended in accordance with Rules 49 and 53.

21. Notice of rescission

- a) A notice of rescission is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of rescission except as expressed in the sub-rules of this Rule 21.
- c) A Councillor may give notice of a motion to rescind a resolution of Council provided:
 - i) it is in writing and has been signed and dated by at least two Councillors, including the Councillor proposing the rescission.
 - 1) this condition is satisfied by receiving an email from the Councillor in support of the rescission.;
 - ii) the resolution proposed to be rescinded has not been acted on; and
 - iii) the notice of rescission is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
 - 1) the resolution to be rescinded; and
 - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of rescission motion is required to provide written justification, as part of the notice of rescission, why one or more of the following reasons apply:
 - i) the vote may not have accurately reflected the opinion held by Council due to misunderstanding of the motion or for some other reason;
 - ii) new information not previously available has come to hand that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion; or
 - iii) vital information that was missing, or had been overlooked that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion.
- e) The Chief Executive Officer must reject a notice of rescission that does not comply with sub-rules (c) and (d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of Council at any time after the close of the meeting at which it was made. A resolution of Council will therefore be deemed to be acted on if:
 - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
 - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of rescission has been given in writing no further action is to be taken on the resolution, if sub-rules (f)(i) or (ii) do not apply. Further:
 - i) a Councillor considering submitting a notice of rescission should advise the Chief Executive Officer ahead of preparing the written notice of rescission (either verbally or in writing via an email or other means); and
 - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of rescission being submitted within 48 hours of the resolution.

- h) The lodgement and acceptance by the Chief Executive Officer of a notice of rescission does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to rescind has been lodged.

22. Notice of amendment

- a) A notice of amendment is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of amendment except as expressed in the sub-rules of this Rule 22.
- c) A Councillor may give notice of a motion to amend a resolution of Council provided:
 - i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the amendment;
 - 1) this condition is satisfied by receiving an email from the Councillor in support of the amendment;
 - ii) the resolution proposed to be amended has not been acted on; and
 - iii) the notice of amendment is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
 - 1) the resolution to be amended; and
 - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of amendment motion is required to provide written justification, as part of the notice of amendment, why one or more of the following reasons apply:
 - i) the motion is consistent with the intent of the resolution but clarifies the decision on matters such as dates, timing, figures and location; or
 - ii) the motion is consistent with the intent of the resolution but includes vital information that was not included or was overlooked when making the decision and should be included for the fullness of the decision.
- e) The Chief Executive Officer must reject a notice of amendment that does not comply with sub-rules (c) and (d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of Council at any time after the close of the meeting at which it was made. A resolution of Council will therefore be deemed to be acted on if:
 - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
 - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of amendment has been given in writing no further action is to be taken on the resolution, if sub rules (f)(i) or (ii) do not apply. Further:
 - i) a Councillor considering submitting a notice of amendment should advise the Chief Executive Officer ahead of preparing the written notice of amendment (either verbally or in writing via an email or other means); and
 - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior

to the written notice of amendment being submitted within 48 hours of the resolution.

- h) The lodgement and acceptance by the Chief Executive Officer of a notice of amendment does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to amend has been lodged.

23. Attendance - electronically

- a) Councillors who wish to attend a meeting via electronic means must submit a written request to the Mayor and/or the Chief Executive Officer by 5pm on the day of the meeting except when attending electronic only meetings.
- b) The Mayor must grant any reasonable request from a Councillor to attend a meeting by electronic means, except for attendance at those meetings resolved to be in-person.
- c) At the commencement of each meeting, the Mayor will advise the meeting of any Councillors who have been granted approval to attend the meeting by electronic means.
- d) It will remain the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications. This includes ensuring that they are in a private and secure place when attending a closed meeting.
- e) A Councillor who has applied to attend the meeting electronically can only be recorded as present where they can confirm that they can:
 - i) hear proceedings
 - ii) see other members in attendance and can be seen by other members; and
 - iii) be heard (to speak).
- f) If a Councillor is unable to meet the conditions in accordance with sub-rule (e)(i)-(iii) they will be recorded as absent.
- g) Where a Councillor loses connection when they are attending a meeting electronically they will be recorded as having left the meeting. If they rejoin the meeting their attendance will be noted.
- h) If the Councillor who loses connection is the Mayor, then the Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor is able to reconnect, at which time they will resume the chair.
- i) The Mayor may adjourn the meeting at any time, in accordance with Rule 26, if a lost connection is preventing the meeting from conducting its business efficiently and effectively.

24. Apologies

- a) Councillors who are unable to attend a meeting may submit an apology:
 - i) in writing to the Mayor or Chief Executive Officer who will advise the meeting accordingly; or
 - ii) by seeking another Councillor to submit it at the meeting on their behalf.
- b) An apology submitted to a meeting will be recorded in the minutes.

25. Leave

- a) A Councillor intending to take a leave of absence should submit it in writing to the Mayor or

Chief Executive Officer:

- i) A notice of motion from the Councillor (requesting to take leave) should be lodged, outlining the period of leave requested and any other relevant matters.
- b) Council will not unreasonably withhold its approval for a leave of absence request.
- c) A Councillor who has not submitted an apology, in accordance with Rule 24, or had a leave of absence approved under sub-rule (a), and who is not in attendance at a Council meeting will be recorded as absent.

26. Adjourned meeting

- a) Council may adjourn any meeting.
- b) If a Council meeting is adjourned to another day for any reason:
 - i) Rules 13 and 14 apply to the adjourned meeting; and
 - ii) Rule 14 applies to the adjourned meeting to the extent that it is reasonably practicable.

27. Postponement or cancellation of Council meetings

- a) The Chief Executive Officer may postpone or cancel a Council meeting after consulting the Mayor if:
 - i) they have been informed by Councillors that a quorum will not be reached; or
 - ii) other circumstances exist which mean the Council meeting cannot be safely or effectively convened or if exceptional circumstances apply.
- b) If the Council meeting is postponed or cancelled under sub-rule (a) the Chief Executive Officer or their delegate must give notice of that postponement or cancellation as soon as reasonably practicable, provided that all Councillors must be notified.

Part 4: Meeting Procedures

28. Matters not provided for

- a) Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.
- b) If there is a typographical error or omission in a Council Report, a Council resolution or any document endorsed or adopted by Council, the Chief Executive Officer may, at any time, correct the error or omission without a resolution of Council.

29. Time limits for Meetings

- a) A scheduled or unscheduled Council meeting must not continue after 10.30 pm or for more than 3½ hours after commencement unless a majority of Councillors present votes in favour of its continuance:
 - i) by a motion stating the length of the continuance; and
 - ii) which motion must be seconded.
- b) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Mayor.
- c) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

30. Addressing the meeting

- a) Councillors must conduct themselves in a courteous and respectful manner during meetings.
- b) Any person addressing the Mayor should refer to the Mayor as:
 - i) Mayor; or
 - ii) Mayor 'last name'
- c) All Councillors, other than the Mayor, should be addressed as Cr (last name).
- d) All members of Council staff should be addressed by title/position.

31. Quorum

- a) If, after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
 - i) those Councillors present; or
 - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- b) A Councillor attending a meeting by electronic means with the approval of the Mayor is deemed present for the purposes of a quorum.

- c) If, during any Council meeting or any adjournment of such meeting, a quorum cannot be maintained:
- i) those Councillors or members present; or
 - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,
- may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- d) If Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in relation to a matter, Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- e) For the purposes of sub-rule (d), an alternative manner as outlined in section 67 of the Act may include—
- i) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - ii) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- f) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must establish a delegated committee under section 63(2) of the Act to make the decision in regard to the matter consisting of—
- i) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - ii) any other person or persons whom Council considers suitable.

32. Disclosure of a conflict of interest by a Councillor

- a) If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council, the Councillor must, if they are attending the meeting, disclose the conflict of interest in accordance with sub-rule (b), and if applicable, sub-rule (c).
- b) A Councillor who has a conflict of interest and is attending the meeting of Council must make a full disclosure of that interest by either advising:
- i) Council at the meeting immediately before the matter is considered at the meeting; or
 - ii) the Chief Executive Officer in writing before the meeting
- whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.
- c) If the Councillor advised the Chief Executive Officer of the details under paragraph (i) of sub-rule (b), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- d) A Councillor who makes a disclosure under sub-rule (b) must complete and submit a conflict of interest form.
- e) The Chief Executive Officer must—
- i) keep written disclosures received under this sub-rule (d) in a secure place for 3

years after the date the Councillor who made the disclosure ceases to be a Councillor; and

- ii) destroy the written disclosure when the 3-year period referred to in paragraph (i) has expired.
- f) While the matter is being considered or any vote is taken in relation to the matter, the Councillor must—
- i) leave the meeting and notify the Mayor of their departure; and
 - ii) remain outside the room and any gallery or other area in view or hearing of the meeting.
- g) The Mayor must cause the Councillor to be notified that they may return to the meeting after—
- i) consideration of the matter; and
 - ii) all votes have been cast on the matter.

33. Broadcast and recording of meeting

- a) Council may resolve to record and/or broadcast its scheduled and unscheduled meetings in any form.
- b) Despite sub-rule (a), a meeting that is closed to the public under section 66 of the Act must not be broadcast or a recording made available to the public in any form.
- c) Without the authority of Council (as the case may be) a person must not:
 - i) make or distribute a recording of any Council meeting; or
 - ii) broadcast any Council meeting.

34. Public question time

- a) Any member of the public may submit up to two written questions to the Chief Executive Officer at each scheduled Council meeting (other than the meeting to elect the Mayor).
- b) No questions will be submitted to an unscheduled Council meeting, unless the purpose of the meeting is to hear from the municipal community;
- c) Questions from a member of the public:
 - i) must be in writing (e.g. legible handwriting, typed, email, or other approved form) and state the name and address of the person submitting the question; and
 - ii) may relate to a matter of business on the agenda or another matter that is generally accepted to be within the jurisdiction of Council, either directly or indirectly.
- d) Questions must be received by the Chief Executive Officer no later than 5.00pm on the business day prior to the meeting day.
- e) The Mayor or a member of Council staff nominated by the Mayor may read a question and response, if available, to those present.
- f) The Mayor or Chief Executive Officer or delegate may reject a question that does not comply with sub-rule (c), or if it:

- i) relates to a matter outside the duties, functions and powers of Council;
 - ii) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - iii) seeks to intentionally embarrass a Councillor or a member of Council staff;
 - iv) relates to personnel matters;
 - v) relates to the personal hardship of any identifiable resident or ratepayer/s;
 - vi) relates to industrial matters;
 - vii) relates to contractual matters;
 - viii) relates to proposed developments, including statutory and strategic planning matters subject to established consultation processes;
 - ix) relates to legal advice;
 - x) relates to matters affecting the security of Council property; or
 - xi) relates to any other matter which Council considers would prejudice Council or any person.
- g) Questions relating to statutory or strategic planning matters on the agenda for a Council meeting will not be accepted due to the established consultation processes for these matters.
- h) Notwithstanding the provisions of sub-rule (f) Council will endeavour to, and where appropriate shall, answer questions from the public that relate to these matters in a way that does not disclose confidential information and or compromise any of the other parties.
- i) If multiple questions related to a decision made by Council or a matter to be considered by the Council at the meeting are asked and it is appropriate to do so, the Mayor or nominated staff member may collectively summarise these questions and make reference to the decision or the impending consideration of the matter.
- j) If a question cannot be dealt with adequately or appropriately during public question time, the Mayor or a nominated staff member may advise that they will provide a written answer in response to the question.

35. Public forum

- a) Council may, from time to time, hold a public forum for up to 30 minutes, or for a length of time as determined by the Mayor, at the beginning of a scheduled Council meeting to allow public submissions to Council on:
- i) matters listed on an agenda; or
 - ii) any other matter that is generally accepted to be within the jurisdiction of Council, either directly or indirectly.
- b) Public submissions under sub-rule (a) will not be allowed for any matter that has been heard or may be heard by the Planning Delegated Committee or a Submitters Delegated Committee.
- c) Public submissions relating to statutory or strategic planning matters on the agenda of a Council meeting will not be allowed due to the established consultation processes for these matters.

- d) Members of the public who wish to be heard at public forum are required to give prior notice to Council in writing to the Chief Executive Officer by 5pm on the business day prior to the meeting day.
- e) Any group or association that wishes to be heard at a public forum is required to nominate a spokesperson.
- f) Unless otherwise decided by the Mayor, the maximum speaking time for a member of the public addressing Council is three (3) minutes.
- g) There will be no discussion or debate with the member of the public, however the Councillors may ask questions of clarification.
- h) If a response is required, the Mayor will ask the Chief Executive Officer to prepare a response within 10 business days of the meeting, or via referral to another process.

36. Petitions (not electronic) and joint letters

- a) A member of the public may present a petition or a joint letter to a Councillor or the Chief Executive Officer.
- b) Where a petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- c) Petitions relating to planning issues or matters for which Council is engaging with the community shall be considered along with other submissions either supporting or objecting to the application/proposal.
- d) A petition must:
 - i) be signed by 10 or more people;
 - ii) be legible and in permanent writing (i.e. no pencil);
 - iii) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council;
 - iv) on the first page, contain the name and contact details of the person forwarding the petition plus the request for action being made of Council;
 - v) contain the date the petition commences as part of the request for action on each page;
 - vi) on each subsequent page of the petition contain the request for action being made of Council, so that any page not containing the request for action will not be considered part of the petition;
 - vii) contain the name, residential /property addresses and signature of each person signing the petition;
 - viii) contain signatures that are original signatures – they cannot be photocopies or scanned;
 - ix) include a page number on each page, and the total number of pages should be written on the front page of the petition when submitted;
 - x) not include any statement that is offensive, defamatory or disrespectful to Council or any Councillor or member of Council staff;
 - xi) not relate to matters outside the powers of Council;

- xii) not contain false or misleading information;
 - xiii) not contain alterations; and
 - xiv) be comprised of pages, including pages containing signatories of the petition that are original pieces of paper and not pasted, stapled or otherwise affixed to any other piece of paper.
- e) A petition that complies with the provisions of sub-rule (d) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- f) A petition may only be presented to a scheduled Council meeting.
- g) A Councillor who tables a petition must acquaint themselves with the contents of the petition and to ascertain that it complies with sub-rule (d).
- i) A Councillor presenting a petition to Council must write their name at the beginning of the petition.
- h) A petition tabled at a Council meeting may be dealt with as follows:
- i) a motion may be proposed to accept the petition, forward it to the relevant Director for investigation and reporting back to Council, and advising the head petitioner accordingly; or
 - ii) a motion may be proposed to receive and note the petition and refer it to another process, such as attending to the matter operationally.

37. Electronic and online petitions

- a) To be valid, an online or electronic petition must:
- i) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council
 - ii) contain the request of Council on every page of the petition, including the date the petition was commenced;
 - iii) contain the name, residential property and email address of each petitioner;
 - iv) be signed by at least fifty (50) electronic signatures;
 - v) not relate to matters outside the powers of Council;
 - vi) not be derogatory, defamatory or objectionable in language or nature;
 - vii) not contain alterations; or
 - viii) not contain false or misleading signatures or content.
- b) Council prefers and gives greater consideration to electronic petitions that have a majority of residents and ratepayers, firstly of the Shire of Macedon Ranges, secondly, of Victoria and thirdly, of Australia, rather than residents of other jurisdictions outside these areas who may not have a relevant understanding of the issues.
- c) A petition that complies with the provisions of sub-rule (a) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- d) Electronic petitions will be presented to Council and addressed in the same manner as written petitions under Rule 36(c), (f), (g) and (h).

38. Behaviour at meetings

- a) The Mayor may call to order any Councillor:
 - i) who is disruptive, discourteous or acting in an unruly manner during a meeting; or
 - ii) who makes a statement that is offensive, insulting or defamatory.
- b) Without detracting from sub-rule (a), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a Council meeting comprised solely of Councillors.
- c) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
 - i) to cease the actions for which the Councillor has been called to order; or
 - ii) to retract a statement, or apologise for a statement, or action.
- d) If a Councillor fails to comply with a direction under sub-rule (c), the Mayor may direct the Councillor to leave the meeting for a specified time.
- e) The direction by the Mayor under sub-rule (d) may be overruled by a resolution of the meeting.
- f) Unless sub-rule (e) applies, a Councillor who is directed by the Mayor to leave the meeting for a specified time must comply with that direction.
- g) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- h) A person directed to leave a meeting under sub-rule (g) must not return to the meeting unless authorised by the Mayor.
- i) The Mayor may adjourn a meeting at any time if a disruption is preventing the meeting from conducting its business in an orderly manner.
- j) Unless otherwise resolved by Council, an adjournment under sub-rule (i) will be for a period of 15 minutes.
- k) A member of the public addressing Council must extend due courtesy and respect to the Councillors, the Council and Council staff and must take direction from the Mayor.

Part 5: Meeting Conduct

39. Speaking times

- a) Unless a motion for extension of time has been passed, a Councillor or member must not speak longer than the time set out below:
 - i) the mover of a motion or an amendment five (5) minutes, and any other Councillor or member three (3) minutes; and
 - ii) the mover of a motion exercising a right of reply two (2) minutes
- b) An extension of speaking time for any Councillor may be granted by resolution of the meeting.
- c) A motion to extend speaking time must not be permitted after another Councillor or member has commenced speaking.
- d) An extension of speaking time:
 - i) must not exceed three (3) minutes;
 - ii) may only be granted once for each speaker on a motion or amendment.

40. Voting process

- a) All members of Council present at the meeting are entitled to a single vote on each motion and each amendment.
- b) As provided in section 61(5)(d) of the Act, if exactly half the Councillors present in the meeting vote in favour of a motion or amendment the Mayor may cast a second vote to determine whether the matter is carried.
- c) When putting a motion or amendment to a vote, the Mayor will first call for those in favour of the motion and then those opposed to the motion.
- d) Unless the meeting resolves otherwise, all voting must be by a show of hands and must not be by secret ballot.
- e) If a majority of the Councillors in the meeting votes in favour of the motion or amendment, the Mayor must declare the motion or amendment carried.
- f) If the motion or amendment is not carried, the Mayor must declare the motion or amendment lost.
- g) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- h) A Councillor intending to abstain from the vote may decide to leave or stay in the meeting while the matter is being considered.
- i) If a Councillor who abstains from the vote stays in the meeting but does not vote, their vote will be considered to have been a vote in the negative, in accordance with section 61(5)(e) of the Act.

41. Division

- a) Any Councillor may request a division immediately after a vote is taken under Rule 39.
- b) A division cannot be requested after the next item of business has commenced.

- c) If a division is requested:
 - i) the Mayor must first ask each Councillor wishing to vote in the affirmative to raise a hand (or indicate their vote in the affirmative by such other means as the Mayor permits) and upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands (or show their support by such other means as the Mayor permits);
 - ii) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the affirmative;
 - iii) the Mayor must then ask each Councillor wishing to vote in the negative to raise a hand (or indicate their vote in the negative by such other means as the Mayor permits) and upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands (or show their opposition by such other means as the Mayor permits); and
 - iv) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the negative.
- d) If a prior vote has been taken on the motion or amendment, a Councillor is not prevented from changing their original vote at the division.
- e) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

42. Introducing a Report

- a) Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may, at the request of the Mayor, introduce the report by outlining in not more than two (2) minutes:
 - i) its background; and/or
 - ii) the reason for any officer recommendation which appears.
- b) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

43. Debate from the Chair

- a) The Mayor may address a Council meeting from the chair on any matter under consideration including speaking in favour of or opposing a motion.
- b) If any point of order or procedural matter is raised while the Mayor is so addressing the Council meeting, the Mayor may remain in the chair but the Deputy Mayor (or, in the absence of a Deputy Mayor, a Councillor elected by Councillors for the purpose) must determine the point of order or procedural matter raised.
- c) The Mayor must, however, vacate the chair to move a motion or amendment and speak in support of that motion or amendment. In the event the Deputy Mayor (or, if the Deputy Mayor is absent or declines to act, a Councillor elected as temporary Chair) will chair the meeting until the Mayor has concluded their participation in the debate, at which time they will resume the chair.

44. Moving a motion

- a) The procedure for any motion is:
 - i) the Mayor calls for a motion to be put to Council;

- ii) the mover must state the motion without speaking to it;
 - iii) the motion must be seconded and the seconder must be a Councillor other than the mover; and
 - iv) if the motion is not seconded, the motion lapses;
 - v) if there is a seconder, then the Mayor must ask: "Is the motion opposed? Does any Councillor wish to speak on the motion?";
 - vi) if no Councillor indicates opposition or a desire to speak to it, the Mayor must declare the motion carried without discussion;
 - vii) a Councillor may seek leave from the Mayor to make a statement on the matter once the motion is carried in this manner;
 - viii) if a Councillor indicates opposition or a desire to speak to it, then the Mayor must call on the mover to address the meeting;
 - ix) after the mover has addressed the meeting, the seconder may address the meeting or reserve the right to speak later in the debate;
 - x) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder reserves their right to speak), the Mayor must invite debate by calling on any Councillor who wishes to speak for the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
 - xi) if after the mover has addressed the meeting, the Mayor has invited debate and no Councillor speaks to the motion, then the Mayor must put the motion to the vote.
- b) The Mayor may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.
- c) The Mayor may adjourn the meeting while a motion is being written or request that the matter be deferred until later in the meeting.

45. Rejecting a motion

- a) The Mayor must reject any motion or amendment which:
- i) is offensive or defamatory;
 - ii) is outside the powers of Council;
 - iii) is otherwise contrary to Council's legal obligations or is not relevant to the item of business on the agenda and has not been admitted as urgent business under Rule 18; or
 - iv) purports to be an amendment but would have the effect of negating the principal intent of the motion it seeks to amend.
- b) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

46. Lapsed motion or amendment

- a) A motion or amendment lapses under these Governance Rules if it is not moved or seconded.

- b) Lapsed motions or amendments are not required to be recorded in the minutes of the meeting.
- c) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a later meeting of Council.

47. Right of reply

- a) The mover of a motion has a single right of reply to matters raised during the debate.
- b) No new material or comments may be raised during the right of reply.
- c) If a Councillor (other than the mover) has not spoken against the motion there is no right of reply.
- d) After the right of reply has been exercised, the motion must be immediately put to the vote without further discussion or debate.

48. Debating the motion

- a) Debate must always be relevant to the motion and the Mayor may:
 - i) request a speaker to confine debate to the subject motion; or
 - ii) direct a speaker to cease speaking if they continue to debate irrelevant matters. The speaker must then cease speaking.
- b) No Councillor or member may speak more than once in debating a motion, except where the mover of the motion has a right of reply
- c) A Councillor with leave of the Mayor may briefly make comment on a motion adopted by Council for the purposes of informing the public and or highlighting the significance of the decision.

49. Moving an Amendment

- a) A motion, which has been moved or seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- b) An amendment to a motion cannot be negative, or substantially contrary, to the motion.
- c) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- d) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and the debate of the motion continues in accordance with Rules 44, 47 and 48.
- e) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply:
 - i) the amendment must be moved and seconded;
 - ii) debate will proceed in accordance with Rules 44, 47 and 48; and
 - iii) a Councillor may speak on any amendment once, whether or not they have spoken to the substantive motion, but debate must be confined to the terms of the amendment.

- f) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Mayor at any one time. No second or subsequent amendment, whether to the motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on.
- g) The mover of an amendment does not have a right of reply.
- h) If an amendment is carried, then the motion is altered accordingly and becomes the matter before the meeting (known as the substantive motion).
- i) Unless subject to further amendment and debate on the proposed amendment, the motion (as amended) must be put to the vote by the Mayor.
 - i) Prior to the vote in sub-rule (i) above, only Councillors who did not speak to the original motion, prior to the amendment debate and vote, may speak on the original or amended motion.
- j) The mover of the original motion retains the right of reply to the motion (either the original or the substantive motion following amendment).

50. Foreshadowing motions or amendments

- a) At any time during debate, a Councillor may foreshadow their intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- b) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed as a motion and seconded.

51. Withdrawal of motion or amendment

- a) Before any motion or amendment is put to the vote it may be withdrawn by the mover.

52. Separation of motions

- a) Where a motion contains more than one part the Mayor may decide to put the motion to the vote in separate parts, achieved by:
 - i) proposing an alternate motion for each part, seeking a mover and seconder and voting; or
 - ii) the motion is moved and seconded but the Mayor seeks a vote on each part of the motion.
- b) If a motion is to be separated due to conflict of interest of one or more Councillors, in accordance with Rule 31, those Councillors with a conflict of interest cannot move or second the part of the motion in which they have a conflict of interest.
- c) Sub-rule 52(a)(ii) cannot be used to manage a conflict of interest situation.

53. Debate for notice of motion, rescission or amendment

- a) Debate on notices of motion and notices of rescission or amendment shall be conducted in accordance with the Rules outlined in Part 5.
- b) If a notice of motion or motion for rescission or amendment is lost a similar motion may not be put before Council for at least three (3) months from the date it was last lost.
- c) Council may resolve that a lost motion be re-listed at a future meeting.

- d) If a notice of motion or motion for rescission or amendment is not moved at the meeting for which it is listed, it lapses.
- e) A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor present.
- f) Where the notice is moved by a Councillor other than the Councillor listed for the notice in the meeting agenda, that Councillor moving the notice cannot amend the notice.
 - i) Amendments to a notice of motion will be made in accordance with Rule 49.
 - ii) Notices of motion seeking leave may only be amended to correct errors in fact or omission.

54. Rescission motion not required

- a) A motion for rescission or amendment is not applicable where Council wishes to change policy.
- b) Notwithstanding sub-rule (a), the following standards should generally apply if Council wishes to change policy:
 - i) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to Council; and
 - ii) any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected (and this may include publication and consultation, either formally or informally).
- c) Council may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

55. Raising a point of order

- a) A Councillor may raise a point of order at any time if they consider that:
 - i) a procedural error has occurred, where the Act or these Governance Rules are not being complied with;
 - ii) there has been an error in fact, or misrepresentation of facts;
 - iii) the speaker lacks relevance to the motion before Council; or
 - iv) a Councillor should be called to order under Rule 38.
- b) A Councillor raising a point of order must:
 - i) state the point of order; and/or
 - ii) state the relevant rule or provision supporting the point of order.
- c) A Councillor raising a point of order is not deemed to be speaking to the motion or amendment before the meeting.
- d) All other matters before Council are suspended until the point of order is decided; it is not necessary to suspend standing orders.
- e) The Mayor must decide all points of order without entering into discussion or debate.

- f) The Mayor may adjourn the meeting to consider a point of order or otherwise must rule on it as soon as it is raised.
- g) The decision of the Mayor in respect to a point of order is final and conclusive unless the meeting dissents.

56. Dissenting a decision

- a) A Councillor may move a motion of dissent in the Mayor's decision on a point of order.
- b) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Mayor.
- c) A motion of dissent in relation to a point of order is not a motion of dissent in the Mayor.
- d) The Mayor remains in the chair and may exercise a second vote if exactly half the Councillors vote in favour of the motion of dissent.

57. Points of clarification

- a) A Councillor may, when no other Councillor is speaking raise a point of clarification through the Mayor in order to clear up confusion, ask a question about a motion or report, or enquire as to the correct motion.
- b) A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report.
- c) A point of clarification may relate to the facts on a notice of motion or item of urgent business.
- d) A point of clarification may be raised to understand the point in the process of debate on a motion or an amendment.
- e) Points of clarification may not be used to further debate of a motion, or air opinion beyond what is required to ask the question to provide clarification.
- f) Where a Councillor is determined by the Mayor to be:
 - i) intentionally mischievous and/or disruptive to the meeting by calling for frivolous or repetitive points of clarification;
 - ii) calling points of clarification as a means to further debate; or
 - iii) calling for points of clarification where the relevant information or response has already been provided,

the Councillor may be called to order and refused any further requests for clarification by the Mayor.

- g) The Mayor has the right to limit points of clarification and direct that debate be commenced or resumed.

58. Procedural motions

- a) Subject to sub-rule (b), a procedural motion may be moved at any time and must be dealt with immediately by the Mayor.
- b) A procedural motion must not be moved:
 - i) during the election of the Mayor, unless it is to adjourn a meeting; or

- ii) while any Councillor is speaking.
- c) A procedural motion cannot be moved:
 - i) by the Mayor; or
 - ii) by a Councillor or member who has moved, seconded or spoken on the motion or amendment to which the procedural motion relates.
- d) A procedural motion must be seconded.
- e) Unless otherwise provided, debate on a procedural motion is not permitted.
- f) Unless otherwise provided, a procedural motion cannot be amended.
- g) Table 1 (below) outlines common procedural motions and the methodology for each.

Table 1: Procedural Motions

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral) ...'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

59. Adjourning a matter

- a) A Councillor may move that the matter be adjourned.
- b) If a motion to adjourn a matter under this rule is passed the motion under consideration and any amendments proposed to that motion are adjourned.
- c) A motion under sub-rule (a) may specify that the matter be adjourned until a specific meeting or until a specific time or place.
- d) If a motion under sub-rule (a) does not state when debate will be resumed, it may be included on the agenda for another meeting:
 - i) if so resolved by Council; or
 - ii) at the discretion of the Chief Executive Officer.
- e) A motion under this rule may be debated but may only be amended in respect to the time and place when debate will be resumed.

60. Setting aside a motion

- a) A Councillor may move that the motion be NOT put.
- b) A motion under sub-rule (a) that relates to a motion:
 - i) if carried, prevents the motion from being dealt with and the meeting proceeds to the next matter; or
 - ii) if lost, allows debate on the motion to continue.
- c) A motion under sub-rule (a) that relates to an amendment:
 - i) if carried, prevents the amendment from being dealt with and the meeting proceeds with debate on the motion; or
 - ii) if lost, allows debate on the amendment to continue.
- d) A motion under this Rule 60 must not be debated.

61. Putting the motion

- a) A Councillor may move that the question be now put.
- b) A motion under sub-rule (a):
 - i) if carried, requires the motion or amendment that is currently before the meeting to be voted upon immediately; or
 - ii) if lost, allows debate on the motion or amendment to continue.
- c) The Mayor may reject a motion to put the motion if the Mayor considers that the matter is contentious and has not been adequately debated.
- d) A motion under this Rule 61 must not be debated.

62. Adjourning a meeting

- a) A Councillor, including the Mayor, may move that the meeting be adjourned.

- b) A motion under sub-rule (a) may specify when the meeting will resume, which may be:
 - i) at a specific time, date and place;
 - ii) at the conclusion of another scheduled meeting; or
 - iii) at a time to be determined by the Chief Executive Officer.
- c) A motion to adjourn a meeting may be debated but may only be amended in respect to the time and place when a meeting will be resumed.

63. Suspension of standing orders

- a) Council may, by resolution, suspend standing orders for:
 - i) the purposes of enabling a full discussion of an issue; or
 - ii) any other reasonable purpose determined by the meeting.
- b) During a period when standing orders are suspended, no decision, motion or other formal proceeding may be allowed, other than:
 - i) the raising of a point of order; or
 - ii) a motion to resume standing orders.
- c) The minutes of a meeting do not have to include a detailed account of matters considered during a period when standing orders are suspended.
- d) The suspension of standing orders should not be used purely to dispense with the processes and protocol of Council. An appropriate motion is contained in Table 1.
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion is contained in Table 1.

Part 6: Record Keeping

64. Keeping of minutes

- a) The Chief Executive Officer must ensure that minutes of Council meetings are kept.
- b) The minutes of a Council meeting must record:
 - i) the date, place, and time of a Council meeting;
 - ii) the names of Councillors and whether they are present, an apology, on leave of absence, or absent;
 - iii) the titles of the members of Council staff present who are not part of the gallery;
 - iv) the disclosures of conflicts of interest made by a Councillor and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed;
 - v) the arrivals and departures of Councillors during the course of the meeting, including at temporary departures or arrivals, including lost connections if attending electronically;
 - vi) every motion and amendment moved, including procedural motions;
 - vii) the outcome of any motion moved;
 - viii) where a division is called the names of every Councillor and the way their vote was cast – noting that under the Act abstaining is a vote against the motion;
 - ix) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion – noting that under the Act abstaining is a vote against the motion;
 - x) details of any failures to achieve or maintain a quorum;
 - xi) a summary of any question asked and the response provided as part of the public question time;
 - xii) details of any petitions made to Council but not the petition signatories;
 - xiii) details of any extraordinary circumstances regarding an unscheduled meeting;
 - xiv) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public; and
 - xv) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes.
- c) The draft (unconfirmed) minutes of Council meetings, excluding those parts of meetings that are closed to the public, must be published on Council's website within five (5) business days after the relevant meeting.
- d) Minutes of any closed Council meetings should record the same information where appropriate, however these minutes remain confidential and are not made available on Council's website.

65. Confirmation of minutes

- a) The Chief Executive Officer must ensure that the draft (unconfirmed) minutes of Council

meetings, are submitted to the next scheduled Council meeting for confirmation.

- b) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- c) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- d) Following confirmation, the confirmed minutes are to be displayed on Council's website.
- e) Council will confirm the minutes of any closed Council meeting at the next scheduled Council meeting, however these minutes will only be circulated to Councillors and not publicly available.

66. Other meeting records

- a) The Chief Executive Officer must ensure that a written record of the matters discussed at other specified meetings organised by Council, which involve Councillors and Council staff, will be kept.
- b) For the purposes of sub-rule (a) the specified meetings are as follows:
 - i) meetings of an advisory committee of Council, if at least one Councillor is present; or
 - ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
 - 1) the subject of a decision of Council; or
 - 2) subject to the exercise of a function, duty or power of Council that has been delegated to a person or committee

but does not include a meeting of Council, a delegated committee of Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.
- c) For the purposes of sub-rule (a), the written record of meetings must include:
 - i) the names of attending Councillors, staff members and other persons;
 - ii) a short title of the matters discussed; and
 - iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.
- d) The Chief Executive Officer must ensure that the written record of meetings is, as soon as practicable, reported at a scheduled meeting of Council and incorporated in the minutes of that Council meeting.

67. Conflict of interest register

- a) Disclosures of conflicts of interest by Councillors in accordance with these Governance Rules will be captured in a conflict of interest register, a summary of which will be available on Council's website.
- b) Disclosures of conflicts of interest by Council staff in accordance with these Governance Rules will be captured in the Council staff conflict of interest register.

Part 7: Meetings under the auspice of a Council meeting

68. Disclosure of a conflict of interest at a meeting under the auspices of Council

- a) At a meeting under the auspices of Council that is not a meeting of Council, the Chief Executive Officer must ensure that a written record is kept of—
 - i) the names of all Councillors and members of Council staff attending;
 - ii) the matters considered;
 - iii) any conflict of interest disclosures made by a Councillor attending under sub-rule (c);
 - iv) whether a Councillor who has disclosed a conflict of interest as required by sub-rule (c) leaves the meeting.
- b) The Chief Executive Officer must ensure that the written record of a meeting held under this rule is, as soon as practicable—
 - i) reported at a meeting of Council; and
 - ii) incorporated in the minutes of that Council meeting.
- c) If a Councillor attending a meeting held under this Rule knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in sub-rule (d), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- d) A Councillor must disclose the conflict of interest either—
 - i) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - ii) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.
- e) A Councillor who makes a disclosure under sub-rule (c) or (d) must complete and submit a conflict of interest form.
- f) The Chief Executive Officer must—
 - i) keep written disclosures received under this Rule 68 in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor; and
 - ii) destroy the written disclosure when the 3-year period referred to in paragraph (i) has expired.

Part 8: Delegated Committees

69. Rules apply to Delegated Committees

- a) The Governance Rules will apply to delegated committee meetings:
 - i) with the exception of:
 - 1) Part 2: Election of the Mayor;
 - 2) Part 7 Meetings under the auspice of a Council meeting;
 - 3) Part 9: Community Asset Committee;
 - 4) Part 10: Joint Council Meetings;
 - 5) Part 12: Election Period Policy; and
 - ii) with any necessary modifications outlined in the terms of reference for the individual delegated committee
- b) For the purpose of sub-rule (a):
 - i) a Council meeting is to be read as a reference to a delegated committee meeting;
 - ii) a Councillor is to be read as a reference to a member of a delegated committee;
 - iii) a reference to the Mayor is to be read as a reference to the Chair of the delegated committee.
- c) Public notice will be given at least seven (7) days before a meeting of any delegated committee comprised entirely of Councillors.
- d) If a delegated committee is not comprised entirely of Councillors, the Chair must provide reasonable notice of a meeting of the delegated committee to the public.
- e) An agenda for a meeting of a delegated committee which is not comprised solely of Councillors must be prepared by or on behalf of the Chief Executive Officer and be provided to each member at least 48 hours before the meeting.
- f) A member of a delegated committee may give a notice of motion on any motion the member wants to be considered at a meeting of the delegated committee.
 - i) A notice of motion given by a member must be given in writing to the Chief Executive Officer in sufficient time for the Chief Executive Officer to include it in the agenda for the meeting at which it is proposed to be considered.
- g) At a delegated committee meeting, business that is not included in the agenda must not be considered unless the committee solely comprises all the elected Councillors, in which case sub-rules (a) and (b) apply.
- h) The approved minutes of a delegated committee that is not comprised of all Councillors must be submitted to the next practicable Council meeting.

Part 9: Community Asset Committees

70. Community Asset Committees

- a) A community asset committee established by Council under section 65 of the Act:
 - i) is not required to comply with these Governance Rules unless the committee is exercising delegated authority conferred by the Chief Executive Officer. In that event Rule 32 will apply concerning the disclosure of a conflict of interest, and a reference to a Councillor in Rule 32 is to be construed as a reference to a member of the community asset committee.
 - ii) is required to keep meeting minutes which must be submitted to the Chief Executive Officer following confirmation of the minutes at the next meeting; and
 - iii) must act in accordance with its Charter, any Instrument of Delegation and any Terms of Reference established by the Chief Executive Officer.

Part 10: Joint Council Meetings

71. Participate in Joint Council Meetings

- a) Council may resolve to participate in a Joint Council meeting to consider:
 - i) matters subject to discussion of any existing alliance;
 - ii) collaborative projects;
 - iii) collaborative procurement; or
 - iv) a collaborative response.
- b) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- c) Where the Macedon Ranges Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to chair the Joint Council meeting.
- d) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- e) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavor will be made by the Chief Executive Officer to facilitate a joint briefing.
- f) A joint briefing arranged in accordance with sub-rule (e) may be held electronically.

Part 11: Disclosure of Conflicts of Interest for Staff

72. Disclosure of a conflict of interest by a member of Council staff

- a) A member of Council staff who is providing information to:
- i) a meeting of Council, a delegated committee or a community asset committee; or
 - ii) another member of Council staff exercising a power of delegation or performing a statutory function –
- and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (i) or another member of staff referred to in paragraph (ii).
- b) A disclosure made by a person under sub-rule (a) must be recorded:
- i) in the minutes of the applicable meeting referred to in paragraph (a)(i);
 - ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer; and
 - iii) if the information is provided to another member of Council staff, referred to in paragraph (a)(ii), in a conflict of interest disclosure register maintained by the Chief Executive Officer.
- c) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—
- i) not exercise the power or discharge the duty or function;
 - ii) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
 - 1) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
 - 2) Council by no later than the next meeting of the Council; and
 - iii) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.
- d) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—
- i) the adoption or amendment of a policy relating to Council staff generally;
 - ii) the adoption of a code of conduct for Council staff; or
 - iii) a decision to delegate a power, duty or function to a member of Council staff.

Part 12: Election Period (Caretaker) Policy

73.Election Period (Caretaker) Policy

- a) Council's Election Period (Caretaker) Policy adopted under section 69 of the Act is contained in Appendix 1.



POLICY PROCEDURE

Policy Title:	Election Period (Caretaker) Policy	
Date of Adoption:	26 August 2020	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> CEO <input type="checkbox"/> Other (please specify)	
CEO Signature:		Date: December 2022
Responsible Officer and Unit:	Coordinator Governance	
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other: 12 months prior to each General Election	
Last Review Date:	December 2022	
Next Review Date:	To be completed by 23 September 2023. (At least once in each Council term and, no later than 12 months prior to the commencement of an election period.)	
Purpose / Objective:	To ensure that the ordinary business of Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker conventions'.	
Background / Reasons for Policy:	<p>Section 69 of the <i>Local Government Act 2020 (Vic)</i> (the Act) requires Council to include an election period policy in its Governance Rules. The Act stipulates that: the policy prohibit certain decisions during the election period (ss.69(2) and (3); that certain decisions if made in the election period will be invalid (69(4)) and that any person who suffers loss or damage as a result of acting in good faith on an invalid Council decision is entitled to compensation (69(5)).</p> <p>These statutory requirements are minimum governance standards only and this policy, to be read in conjunction with the Councillor Code of Conduct, further defines the expectations on Council, Councillors and Council staff during the period prior to the conduct of Council elections.</p>	
Related Policies:	Councillor Code of Conduct Staff Code of Conduct Councillor Support and Expenses Policy Community Engagement Policy Media Policy Social Media Policy Social Media Guidelines	
Related Legislation:	<i>Local Government Act 1989 (Vic)</i> <i>Local Government Act 2020 (Vic)</i> (the Act)	

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Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
		7/11/2019	Chief Executive Officer		Correct date of commencement of election period
		06/2020	Chief Executive Officer		Replace repealed provisions and terminology from the <i>Local Government Act 1989</i> and incorporate new provisions of <i>Local Government Act 2020</i>
			Council		Minor updates as part of review of Governance Rules reflecting changes to the Local Government Act 2020 in force.

Introduction

The election period starts at the time that nominations close on nomination day; and ends at 6pm on election day.

1. Definitions

Term	Definition
Caretaker conventions	Arrangements implemented in the period prior to an election that aim to ensure Council actions do not interfere with the integrity of the election process and aim to protect the authority of the incoming Council.
Election day	Means the day of an election determined under section 257 or 260 of the <i>Local Government Act 2020</i> .
Election Manager	The Victorian Electoral Commission (VEC) or a person appointed in writing by the VEC.
Election period	The period that starts at the time that nominations close on nomination day and ends at 6pm on election day. This period is commonly referred to as the caretaker period.
Electoral material	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition, electoral matter is to be taken to be matter intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ol style="list-style-type: none"> The election; or A candidate in the election; or An issue submitted to, or otherwise before, the voters in connection with the election.
Events and functions	Gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities and social occasions such as dinners, receptions and balls.
Prohibited decision	Any Council decision during the election period for a general election that— <ol style="list-style-type: none"> relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or the Council considers could be reasonably deferred until the next Council is in place; or the Council considers should not be made during an election period; and

	Any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
Publish	Includes publication on the internet.

2. Scope

This policy applies during an election period to cover:

- decisions that are made by Council, a committee having Council delegated power, or person acting under delegation by Council
- any material that is published by Council or on Council's behalf
- public consultation activities
- scheduling, attendance and participation in functions and events
- the use of Council resources
- access to Council information
- media services issues (including media advice, media releases / spokespersons) and publicity campaigns.

Any such decisions or actions, if allowed at all, must only be made or taken subject to the following principles.

3. Policy principles

This policy must be complied with during an election period, or such longer period as resolved by Council, if any of the following apply:

- a prohibited decision is being considered
- written material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election) is about to be published
- a Council publication is being created
- a public consultation process is being considered
- a sitting Councillor is planning to attend a function or event
- Council staff supply administrative or resource support to Councillors
- a Councillor requests access to Council information
- a sitting Councillor requests media advice or services.

4. Decisions during the election period

Council, a committee acting under delegation given by Council, or a person acting under delegation given by Council or the Chief Executive Officer, must not make a prohibited decision during the election period for a general election.

4.1 Prohibited decisions during election period

Section 69(2) of the Act requires that the election period policy prohibits Council making certain decisions during the election period for a general election. These are defined in clause 1 of this policy and are outlined further below in clauses 4.1.1 to 4.1.4.

Additionally, section 69(3) of the Act requires that the policy prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election. These matters are considered below in clauses 5-10 of this policy.

4.1.1 Decisions regarding appointment and remuneration of the Chief Executive Officer

Decisions that relate to the appointment or remuneration of the Chief Executive Officer will not be made during the election period for a general election.

4.1.2 Decisions regarding Council expenditure

Decisions that commit Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year will not be made during the election period for a general election.

4.1.3 Decisions that could be reasonably deferred until the next Council is in place

Decisions that could reasonably be deferred until the next Council is in place will be scheduled for determination by the incoming Council. In determining whether a decision could be reasonably deferred, consideration will be given to whether the matter under consideration is urgent and cannot be deferred without having a negative impact on Council, the municipality or the local community.

4.1.4 Decisions that should not be made during the election period

The following is a non-exhaustive list of decisions (whether made by Council, a delegated committee of Council or a staff member with delegated authority) that Council considers should not be made during the election period:

- allocation of community grants or other direct funding to community organisations
- allocation of discretionary funding
- major planning scheme amendments
- sale or discontinuance of roads
- sale or exchange of land
- leasing of land
- changes to strategic objectives and strategies in the Council Plan.

4.2 Scheduling of Decisions

Unless 'extraordinary circumstances' apply the CEO will ensure that the types of decisions outlined in 4.1.3 and 4.1.4 are either:

- considered by Council prior to the election period, or
- scheduled for determination by the incoming Council.

4.3 Planning decisions that can be made

During the election process, the normal processing of planning applications and planning scheme amendments may, subject to this policy, continue, so that Council can comply with statutory obligations in a timely manner.

4.4 Decisions by the CEO

In the case of a decision referred to the CEO for approval during the election period, in deciding whether to give approval, the CEO will have regard to a number of factors including:

- the urgency of the issue (that is, can it wait until after the election?)
- the possibility of financial repercussions if it is deferred
- whether the decision is likely to be controversial
- the best interests of Council
- Council's legislative responsibilities.

4.5 Announcement of decisions made prior to the election period

This policy applies only to the actual making of decisions, not the announcement of decisions which have been made prior to the election period. However, as far as practicable such announcements should be made before the election period begins.

4.6 Conduct of Council Meetings

The following adjustments will be made to the conduct of Council meetings during the election period:

- public question time will be suspended.
- Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.
- Councillors will not raise items that contain or relate to electoral matter.
- no Officer Report shall be presented to Council during the election period unless it contains an express statement by the CEO that a decision on the matter would not constitute, in the CEO's opinion, a prohibited decision.

5. Council publications

5.1 Prohibition on publishing materials during the election period

Section 304(2) of the Act prohibits a Councillor or a member of Council staff using Council resources to intentionally or recklessly print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, Council, unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Councillors are, however, able to publish campaign material on their own behalf and at their own cost, but must assume responsibility for compliance with the relevant sections of the Act and cannot purport for that material to be originating from, or authorised by Council (i.e. by use of Council logos).

The word 'publication' should be read broadly to include printed material, electronic information and web-based productions.

5.1.1 Publication approval process

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials during an election period.

All advertisements, handbills, pamphlets or notices for printing, publication (including updates to Council's websites) or distribution during the election period will be approved by the CEO using the *Request for approval of publication* form (see sample form in Attachment 1) during the election period and the process for approval will be as follows:

- publication authors are to check that no electoral matter is included when preparing a publication and submit the completed publication to the Coordinator Governance for review
- the Coordinator Governance is to confirm that no electoral matter is included, and return the publication to the author (if electoral matter is present) or submit it to the CEO for approval (if it complies with the requirements of the Act).
- the CEO is to approve or reject the publication and return it to the Coordinator Governance
- the Coordinator Governance is to maintain a register of all documents approved under this section.

5.2 Considerations of CEO in granting publication approval

Except as described more specifically elsewhere in this policy, in considering whether to grant approval for the publication of material during the election period, the CEO will not permit any materials to be published which include reference to the following:

- a candidate in the election

- a current Councillor
- the strengths or weaknesses of a candidate
- response to claims made by a candidate
- advocacy for, or criticism of, the policies of Council or of a candidate
- publicity for the achievements of the elected Council or Councillor
- an issue before the voters in connection with the election.

5.3 Council websites

During the election period Council websites will not contain material precluded by this policy under clause 5.2. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

5.4 Social media

For the duration of the election period, administrator access to Council's social media channels will be restricted to the Communications Unit to ensure the risk of publishing material in breach of the policy is minimised. The CEO will determine any other processes and resourcing necessary to moderate social media in accordance with this policy.

5.5 Email usage

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials via the Council email system during an election period. Such information will include support in recognition of material that may be defined as 'electoral material', such as described in clause 5.2, and instruction to ensure that material that may be considered pertinent to the election is not circulated more widely than normal without authorisation.

5.6 Annual Report

Should the publication date of the Annual Report occur during the election period, information about Councillors will be restricted to what is required by *the Local Government (Planning and Reporting) Regulations 2020* and membership of delegated committees and other bodies to which they have been appointed by Council.

5.7 Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the Coordinator Governance, Manager Communications or the CEO to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain content that may be construed as electoral matter.

5.8 Council noticeboards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that only contains information about the election process itself or information that would not reasonably be determined to be 'electoral material'.

6. Consultations

Public consultation of a limited kind normally associated with the routine administration of planning, building, traffic, or other matters will continue through the election period. However, significant community or ward-wide consultation on major strategy or policy issues will not occur, or if already commenced should be discontinued, during the election period.

Public consultations required by Section 223 of the *Local Government Act 1989* or by the *Planning and Environment Act 1987* may need to occur during the election period. If required, these processes will be conducted in accordance with the legislative requirements and Council's Community Engagement Policy.

7. Events and functions

Councillors are able to continue to attend meetings, events and functions during the election period which are relevant to Council and the community.

Council's annual program of events will continue during the election period but speeches will be limited to a short welcome, and should not contain any express or implied reference to the election. Any publicity will be mindful of the controls on electoral material outlined in these guidelines.

Councillors are able to attend events or functions conducted by external bodies during the election period, however when attending as a representative of Council Councillors must be mindful that they do not use that opportunity to promote their election campaigns.

8. Council resources

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.

Staff, including support staff for the Mayor and Councillors, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Coordinator Governance or the CEO.

8.1 Council resources

Council resources, including Officer resources, support staff, hospitality services, equipment (including mobile telephones, computers and any other technology), email addresses, and stationery must be used exclusively for normal Council business during the election period, and must not be used in connection with an election.

8.2 Correspondence

Councillors will sign only the necessary minimum, if any, correspondence during the election period, (e.g. the Mayor cannot sign letters of congratulations during the election period). Consistent with current standard practice, correspondence addressed to Councillors that relates to operational matters will be referred to the relevant Director for response. Correspondence in respect to significant, sensitive or controversial matters, or to policy matters, should be signed by the CEO. Replies will be prepared in all cases to protect Council staff from any perception of electoral bias.

8.3 Expenses incurred by Councillors

Payment or reimbursement of costs relating to Councillors' out-of-pocket expenses incurred during the election period should only apply to necessary costs that have been incurred in the performance of normal Council duties, not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO will only approve a partial reimbursement to cover Council activities.

8.4 Council branding and stationery

Council logos, letterheads, or other Council branding must not be used for, or linked in any way, to a candidate's election campaign.

8.5 Photographs and images

Photographs and images taken by or provided by Council are not to be used by Councillors for the purpose of electioneering or in support of their election campaign.

This applies equally to images on the Council website that may be able to be copied.

8.7 Forums

No local community forums, ward meetings or any other forums where matters affecting Council services, major projects, planning matters and issues with Shire-wide impacts will be held by Councillors during the election period.

9. Access to Council information

All candidates have equal rights to access public information relevant to their election campaign from the Council administration. Council information sought by candidates will be listed on Council's website. Candidates may seek, through the CEO, copies of the Council information listed on the website and provided to another candidate or candidates. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

9.1 Information and briefing material

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

9.2 Information requests from Councillors and candidates

The Coordinator Governance will maintain an Information Request Register during the election period. This Register is a public document and will record all requests for information by Councillors or candidates, and the response given to those requests. Staff will be required to provide details of requests and responses to the Coordinator Governance for inclusion in the register.

Any enquiries by staff regarding information requests or briefing material perceived to be of an electoral nature or related to election issues will be referred by staff in the first instance to the Coordinator Governance for a determination. The *Candidate Information request form* as approved by the CEO and available on Council's website (see sample form in Attachment 2), is to be completed for this purpose.

10. Media and media services

Council's media services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

10.1 Media advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO or the Manager Communications. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

10.2 Media releases/spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO or the Manager Communications will determine the appropriate person.

10.3 Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO or Manager Communications. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

10.4 Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

10.5 Council staff

During the election period no Council staff members may make any public statement that relates to an election issue unless statements have been approved by the CEO or Manager Communications.

11. Equity in assistance to candidates

All candidates for the Council election will be treated equally.

11.1 Candidate assistance and advice

Any assistance and advice to be provided to candidates as part of the conduct of the election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

11.2 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Coordinator Governance.

11.3 Misuse of position

Using Council resources for campaigning may be a misuse of a Councillor's position under section 123 of the Act. Serious penalties are prescribed for any Councillor who intentionally or recklessly makes use of their position (or information obtained in the role of Councillor), to gain an advantage for themselves or for any other person.

12. Council staff member standing for election

In accordance with section 34(2)(d) of the Act, a person is not qualified to be a Councillor if they are a member of Council staff. However, staff members are not prevented from nominating as a candidate (s.256(8)).

In the event that a member of Council's staff stands for election as a Councillor, they are required to:

- take leave from their position to stand for election to the office of Councillor for the duration of the election period (with leave commencing, at the latest, from the time of nominating as a candidate);
- not perform any duties of their position for the duration of the election period; and
- if elected, resign from their position before taking the oath or affirmation of office.

13. Election signage

The content of election signage must meet the requirements for electoral material under section 291 of the Act. Council provides guidance in relation to the provisions which apply to signage that promotes candidates in an election, or relates to election issues.

13.1 Election signs on private land

Election signs are allowed to be displayed on private land without a permit with permission from the owner of the land, subject to the following restrictions which are set out in clause 52.05-10 of the Macedon Ranges Planning Scheme:

- the advertisement area of the sign must not exceed 5 square metres
- only one sign may be displayed on the land
- the sign must not be animated or internally illuminated, and it must not be displayed longer than 14 days after the event is held or 3 months without a permit (whichever is sooner).

13.2 Election signs on public land and roads

The placement of election signs on land that is owned or managed by Council (including recreation reserves, halls, facilities, nature strips, median strips, and road reserves) is prohibited. The erection of such signs will be dealt with as a breach of Council's General Purposes and Amenities Local Law No.10.

In relation to roads and road infrastructure, penalties may also apply under section 66 of the *Road Management Act 2004*, which outlines the controls on advertising, signs and bills on roads and road infrastructure.

13.3 Election signs on vehicles and trailers

Portable or moveable election signs that are attached to a vehicle, trailer or similar may only be displayed if a permit is granted in accordance with Council's General Purposes and Amenities Local Law No. 10 and provided that:

- the sign does not unreasonably restrict the use of the road, or endanger the safety of members of the public; and
- the relevant parking restrictions and requirements are observed.

14. Notification and distribution of policy

A copy of this policy will:

- be given to each Councillor as soon as possible after it is adopted;
- be available for inspection by the public at the Council Customer Service Centres; and
- be published on Council's website.

Additionally, as soon as possible and no later than 30 days prior to the commencement of the election period, the CEO will ensure that all staff are informed of the requirements of this policy.

15. Suspension of matters during election period

In accordance with section 173 of the Act, any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct or serious misconduct of a person who is a Councillor must be suspended during the election period.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is not returned to the office of Councillor as a result of the general election, the application made against that person who was a Councillor before the election lapses.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is returned to the office of Councillor as a result of the general election, the application made against the Councillor may resume, whether or not any applicant was returned to the office of Councillor as a result of the general election.

16. Monitoring, enforcement and amendment

The implementation of this policy shall be overseen by the Coordinator Governance.

Breaches of the policy shall be brought to the attention of the CEO without delay. Breaches of the policy sufficient to constitute a breach of the Act shall be referred to the Local Government Inspectorate.

The CEO has the discretion to introduce additional provisions to this policy where they believe the new provisions are necessary to support the achievement of its stated policy objectives.

Any changes made by the CEO will be reflected in an update to this policy and published on Council's website and a notification of this change will be sent to all Councillors and candidates.

Attachment 1

Request for approval of publication during the election period

1 Author to complete

Document description (<i>attach document</i>):	
Intended distribution channel:	

I declare that this material contained in the attached document has been checked by me and to the best of my knowledge does not contain any electoral matter.

Name and title:	
Signature:	
Date:	

2 Coordinator Governance (or delegate) to complete

- ☐ I have reviewed the material contained in the attached document and have returned the document to the author as I am of the view it contains electoral matter.
- ☐ I have reviewed the material contained in the attached document and can advise that to the best of my knowledge it does not contain any electoral matter.

Name and title:	
Signature:	
Date:	

3 CEO to complete

- ☐ I have reviewed the material contained in the attached document and do not approve that it be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.
- ☐ I approve that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.

Name and title:	
Signature:	Chief Executive Officer
Date:	

Attachment 2



Candidate information request form

1

Council officer to complete

Name of Councillor or candidate
making the request:

Date of request:

Information requested (*attach
documents if required*):Was information provided?
Date information provided:

Yes

☐

No (if no, go to 2)

☐Information provided (*attach
documents if required*):**2**

Submit to Coordinator Governance (or delegate) within 24 hours

3

Coordinator Governance (or delegate) to place on register



Macedon Ranges Shire Council Governance Rules



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Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
1	Approved	28/08/2020	Council	D22-91434	New. Required under section 60 of <i>Local Government Act 2020</i> .
2	Approved	24/08/2022	Council	D22-101343	Updated to allow for electronic meetings.
3					Re-structured and improved clarity around various provisions

Part 1: Preliminary

1. Context

- a) The purpose of these Governance Rules is to provide for:
- i) the conduct of Council meetings;
 - ii) the conduct of meetings of delegated committees;
 - iii) the form and availability of meeting records;
 - iv) the election of the Mayor and the Deputy Mayor;
 - v) the appointment of an Acting Mayor;
 - vi) an election period policy;
 - vii) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee at a meeting of Council or a delegated committee;
 - viii) the procedure for the disclosure of a conflict of interest by a Councillor at a meeting under the auspices of Council that is not a meeting of Council or a delegated committee;
 - ix) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter;
 - x) the consideration and making of decisions on any matter being considered by Council fairly and on the merits;
 - xi) the institution of decision-making processes to ensure that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered; and
 - xii) any other matters prescribed by the regulations made under the Act.
- b) These Governance Rules should be read in conjunction with:
- i) the overarching governance principles specified in section 9(2) and (3) of the Act; and
 - ii) related policies prepared under the Act that relate to Councillor and staff conduct at Council meetings and during decision-making, such as the Councillor Code of Conduct, Public Transparency Policy, and Councillor Gifts, Benefits and Hospitality Policy.

2. Definitions and key terms

In these Governance Rules:

Term	Definition
Absolute majority	As defined in the <i>Local Government Act 2020</i> this is the number of Councillors which is greater than half the number of the Councillors of Council. <u>For Macedon Ranges Shire Council an absolute majority is five (5) Councillors.</u>
Abstain	<u>Means when a Councillor who is present at a meeting does not vote on a matter. Under section 61(5)(e) of the <i>Local Government Act 2020</i>, if a Councillor is present at the meeting and does not vote on a motion, this is taken to be a vote against the motion.</u>
Act	Means the <i>Local Government Act 2020</i> .
Agenda	Means the notice of meeting setting out the business to be transacted at the meeting.
Authorised Officer	Means a member of Council staff appointed under
Alternative <u>(motion)</u>	<u>Means a new or substantially different motion to the motion being considered by Council.</u>
Amendment <u>(motion)</u>	<u>Means proposed changes to a motion being considered by Council.</u>
Broadcast	Means the visual or aural transmission of proceedings on any medium, including radio, television and the internet.
Carried	Means that the relevant motion or amendment is determined in the affirmative.
Chairperson	Means the person who chairs a meeting and includes <u>Means the person presiding over the meeting. In these Rules this is ordinarily the Mayor for Council meetings and Chair for delegated committee meetings.</u>
Chief Executive Officer	Means the Chief Executive Officer or Acting Chief Executive Officer appointed under section 94 of the <i>Local Government Act 1989</i> or section 44 of the <i>Local Government Act 2020</i> , <u>whichever applies.</u> If the Chief Executive Officer or Acting Chief Executive Officer is absent or unable to perform a function required under these Governance Rules, the Director of Corporate must perform that function. <u>Note: The Chief Executive Officer, at the time of preparing these Governance Rules, was appointed under the <i>Local Government Act 1989</i>.</u>

Term	Definition
Closed meeting	<u>Means a meeting of Council at which confidential items as defined in section 3 of the Act are considered. The public is unable to attend closed meetings. There will be no livestream or recording of a closed Council meeting.</u>
<u>Community Asset Committee</u>	<u>Means a Community Asset Committee established by Council under section 65 of the Act</u>
Council	Means Macedon Ranges Shire Council.
Councillor	Means a Councillor of the <u>Macedon Ranges Shire</u> Council.
Council Meeting	<u>Meetings defined in section 61 of the Act to conduct Council business, including includes scheduled and unscheduled meetings of Council.</u>
Delegate	<u>Means a Council staff member nominated by the Chief Executive Officer to assist with meeting functions and requirements.</u>
Delegated Committee	Means a delegated committee established by Council under section 63 of the Act. <u>Part 8 outlines how the Governance Rules apply to a delegated committee meeting.</u>
<u>Deputy Mayor</u>	<u>Means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.</u>
Division	<u>Means the counting and identifying the way Councillors have voted on a matter i.e for or against.</u>
Electronic meeting	<u>Means the attendance at Council meetings virtually via videoconferencing technology, where Councillors can be seen and heard by all other Councillors present at the meeting.</u>
Foreshadowed motion	<u>Means a motion, whether fully formed or an intention, identified by a Councillor, in a Council meeting, that they intend to raise at a later point in the meeting. It is not a motion considered by Council until it is moved and receives a seconder.</u>
Hybrid	Means a combination of <u>an</u> in-person and electronic format (usually for a meeting) undertaken concurrently <u>at the same time.</u>
Lapses	<u>Means a motion before Council has not been progressed that is it is on the agenda but has not been moved or moved but not seconded.</u>

Term	Definition
Lost	<u>Means a motion before Council that has not been supported by a majority of Councillors present at a meeting.</u>
Majority	Means a number of votes that is more than one-half of the number of Councillors in attendance in the meeting when the vote is taken.
<u>Mayor</u>	<u>Means the Mayor of Council, and any person appointed by Council to be the aActing Mayor and, in the context of a meeting, any Councillor who is a temporary Chair.</u>
Member	Means a member of a delegated committee.
Minutes	<u>Means the official record of the proceedings and decisions of a Council meeting.</u>
<u>Minister</u>	<u>Means the Minister responsible for administering the Act.</u>
Motion	<u>Means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted. In the <i>Local Government Act 2020</i> motions are referred to as a 'question' before Council for decision.</u>
Notice of amendment	<u>Means a notice to amend a decision of Council. The motion is consistent with the original motion but allows for details such as dates, figures and locations to be amended.</u>
Notice of motion	<p><u>Means a notice setting out the text of a motion which a Councillor proposes to move at a Council meeting.</u></p> <p>A 'notice of motion' is a formal notice by a Councillor of their intention to propose a motion to be resolved upon at a meeting. The process is a direct method for a Councillor to ensure a particular matter is brought before the meeting.</p> <p>The 'Good Governance Guide' produced by the <u>Municipal Association of Victoria</u>, <u>Victorian Local Governance Association</u> and LGPro <u>provides the following advice</u> on the appropriate use of notices of motion:</p> <p><i>[A notice of motion] can be a useful way for a Councillor to raise an issue, which doesn't require advice or a lot of consideration on a Council agenda. For example, it might involve asking the Council to recognise a significant achievement of a local community member which is already generally well-known.</i></p>
Notice of rescission	Means a notice of motion to rescind (revoke, cancel, repeal) a decision of Council.
Overarching governance	<u>Means the overarching governance principles outlined in</u>

Term	Definition
principles	<p><u>section 9(2) of the Act. The following are the overarching governance principles—</u></p> <ul style="list-style-type: none"> a) <u>Council decisions are to be made and actions taken in accordance with the relevant law;</u> b) <u>priority is to be given to achieving the best outcomes for the municipal community, including future generations;</u> c) <u>the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risk, is to be promoted;</u> d) <u>the municipal community is to be engaged in strategic planning and strategic decision making;</u> e) <u>innovation and continuous improvement is to be pursued;</u> f) <u>collaboration with other Councils and Governments and statutory bodies is to be sought;</u> g) <u>the ongoing financial viability of the Council is to be ensured;</u> h) <u>regional, state and national plans and policies are to be taken into account in strategic planning and decision making;</u> i) <u>the transparency of Council decisions, actions and information is to be ensured.</u> <p><u>Note: The overarching governance principles stated in the Act override any omissions in these Governance Rules.</u></p>
Officer recommendation	<p><u>Means the recommendation provided to Councillors to consider moving in a Council meeting.</u></p> <p><u>An amended officer recommendation may be prepared to address errors or updates identified after publication of the agenda and provided to Councillors to move in the meeting.</u></p>
Point of order	<u>Means a query in the debate as to whether a correct procedure is being followed or factual information is being expressed.</u>
Procedural motion	<u>Means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.</u>
Penalty unit	<u>Means penalty units as prescribed in the Sentencing</u>
Quorum	Means the minimum number of Councillors or members who must be present in order to constitute a valid meeting of the Council or committee . <u>For Macedon Ranges Shire</u>

Term	Definition
	<u>Council a quorum for a Council meeting is five (5) Councillors.</u>
Recording	Means a recording of proceedings made using any device that is capable of recording speech or actions, including a tape recorder, video camera, mobile phone and portable computer.
Record of meeting	<u>Means a document, in an form approved by the Chief Executive Officer, providing a high level account of a meeting attended by five (5) or more Councillors and at least one (1) staff member.</u>
Regulations	<u>Means any regulations established for the <i>Local Government Act 2020</i>.</u>
Resolution	<u>Means a decision of Council made at a Council meeting.</u>
Scheduled Council meeting	Means a Council meeting fixed by Council from time to time in accordance with Rule 13.
Supporting Principles	<p><u>Means the overarching governance principles outlined in section 9(3) of the Act. In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—</u></p> <ul style="list-style-type: none"> a) <u>the community engagement principles;</u> b) <u>the public transparency principles;</u> c) <u>the strategic planning principles;</u> d) <u>the financial management principles;</u> e) <u>the service performance principles;</u> <p><u>Note: The supporting principles stated in the Act override any omissions in these Governance Rules.</u></p>
Unscheduled Council meeting	Means a Council meeting called by the Mayor or 3 Councillors in accordance with Rule 14.
Urgent business	Business that relates to a matter which has arisen since the distribution of the agenda and cannot safely or conveniently be deferred until the next Council meeting.
In writing / written	<p>When referring to a notice of motion, amendment or rescission submitted by a Councillor, includes a notice that is conveyed by an electronic means and that can be identified as originating from the Councillor. This includes an email from a Councillor's Council email address.</p> <p>When referring to a notice issued by the Council, includes a</p>

Term**Definition**

~~notice that is published on the Council website or a notice issued by a member of Council staff authorised to issue the notice and sent from an email address with a Council domain address.~~

3. Role of Council

- a) The role of Council is to provide good governance in its municipal district for the benefit and wellbeing of the Macedon Ranges municipal community.
- b) Council will provide good governance through —
 - i) the performance of its role in accordance with the overarching governance principles and supporting principles of the Act; and
 - ii) the Councillors of the Council performing their roles in accordance with the requirements of the Act.
- c) In performing its role, Council may—
 - i) perform any duties or functions or exercise any powers conferred on Council by or under the Act or any other Act; and
 - ii) perform any other functions that Council determines are necessary to enable Council to perform its role.
- d) If it is necessary to do so for the purpose of performing its role, Council may perform a function outside its municipal district.

4. Purpose of Council meetings

- a) Council holds scheduled meetings and, when required, unscheduled meetings, to conduct the business of Council.

5. Principles of Council decision-making

- a) Council will, before making a decision that will directly affect the rights of a person, consider and make decisions on, any matter being considered by Council fairly and on the its merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations.
- b) Any person whose rights will be directly affected by a decision of Council is entitled to:
 - i) communicate their views ~~by written submission~~; and
 - ii) have their interests considered.
- c) For the purposes of sub-rules (a) and (b), a decision of Council means a resolution made at a Council meeting.
 - ~~iii) a resolution made at a meeting of a delegated committee; or~~
 - ~~iv) the exercise of a power or the performance of a duty or function of Council by a member of Council staff or a Community Asset Committee under delegation.~~
 - ~~a) In any matter which a decision must be made by Council ((including persons acting with the delegated authority of Council)), Council must consider the matter and make a decision;~~

- ~~i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and~~
- ~~ii) on the merits, free from favouritism or self-interest and without regards to irrelevant or unauthorised considerations.~~
- ~~b) Council must, when making any decisions to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interest considered).~~
- ~~c) Without limiting anything in sub-rule (b):~~
 - ~~i) before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make, and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;~~
 - ~~ii) if a report to be considered at a Council meeting concerns subject matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;~~
 - ~~iii) if a report to be considered at a Delegated Committee meeting concerns subject matter which will directly affect the rights of a person or persons, the report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and~~
- ~~a member of Council staff proposes to make a decision under delegations and that decision will directly affect the rights of a person or persons, the member of Council staff must when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to a person or persons and such persons or persons were provided with an opportunity to communicate their views and their interests considered~~

6. Meeting roles

a) Mayor

- i) Subject to the Mayor's discretion, the Mayor takes precedence at all municipal proceedings within the municipal district, unless outlined in the terms of reference for a committee, and must chair all Council meetings ~~of the Council~~ at which they are present.
- ii) The Mayor will ensure good Council decision-making by endeavouring to ensure:
 - 1) decision making is transparent to Councillors and observers;
 - 2) Councillors have sufficient information to make good decisions;
 - 3) Councillors are supported to contribute to decisions;
 - 4) any person whose rights are affected have their interests considered;
 - 5) debate and discussion are focused on the issues at hand;
 - 6) meetings are conducted in an orderly and courteous manner; and

- 7) decisions are made on the merits of the matter.

b) Chief Executive Officer

- i) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Mayor and Councillors.
- ii) The Chief Executive Officer should:
 - 1) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - 2) advise if there are operational, legal, financial or other risks, including non-compliance with statutory obligations, arising from a proposed resolution;
 - 3) help clarify the intent of any unclear resolution to facilitate implementation; or
 - 4) on request, assist with procedural issues that may arise.

c) Deputy Mayor

- i) If the Mayor is not in attendance at a Council meeting, the Deputy Mayor (if one has been elected) will chair the meeting and assume the role of Mayor.
- ii) If a Deputy Mayor has been elected, the references in these Rules to the Mayor include references to the Deputy Mayor when performing the role of the Mayor.

d) Acting Mayor

- i) If the Mayor or Deputy Mayor is not in attendance at a Council meeting, the Acting Mayor will chair the meeting and assume the role of Mayor.
- ii) If an Acting Mayor has been appointed, the references in these Rules to the Mayor include references to the Acting Mayor when performing the role of the Mayor.

e) Councillors

- i) Councillors contribute to good governance and decision making by:
 - 1) seeking views of community members and reading the agendas prior to the meeting;
 - 2) preparing by reviewing materials provided and seeking information on matters from Council officers at briefing sessions;
 - 3) demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers or during the meeting;
 - 4) attending meetings and participating in debate and discussion;
 - 5) demonstrating respect for the role of the Mayor and the rights of other Councillors to contribute to the decision-making; and
 - 6) being courteous and orderly.

f) Community

- i) Community members may participate in Council meetings in accordance with Rules 34-37.

- ii) Community members are encouraged to participate in Council's engagement processes.
- iii) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Council meetings.
- iv) Community members may attend open Council meetings or view livestream Council meetings online.
 - 1) At times due to exceptional circumstances the public gallery may be closed.
 - 2) If the public gallery is closed, Council meetings will be livestreamed and recordings will be available online.

Part 2: Election of the Mayor

7. Scheduling the Mayoral election

- a) Following a local government election, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor in compliance with section 26 of the Act.
- b) Council will resolve the date, time and venue for the election of the Mayor not covered by sub-rule (a) as part of the annual schedule of meetings.
- c) If the office of the Mayor becomes vacant, the Chief Executive Officer will determine the date, time and venue for the election of the Mayor.
- d) The election of the Mayor will be conducted in person only, unless exceptional circumstances require Council to resolve a different format.
- e) The date, time and venue for the election of the Mayor will be made publicly available on Council's website.
- f) The agenda for the meeting for the election of the Mayor will be made public five (5) days prior to the meeting.

8. Chairing the Mayoral election

- a) At any meeting to elect the Mayor the Chief Executive Officer must open the meeting and chair the election as required in section 25 of the Act.
- b) Prior to the election of the Mayor, Council will agree the term of the Mayor; which will be either one (1) or two (2) years as required in section 26 of the Act.

9. Nominations for Mayor

- a) The Chief Executive Officer must invite nominations for the office of Mayor.
- b) Councillors can self-nominate or be nominated by another Councillor for the office of Mayor.
- c) A nominee will be required to accept or refuse the nomination.
- d) Nominations must be seconded.
- e) The Chief Executive Officer may invite each candidate to make a speech.
- f) Candidates must speak in the order in which they were nominated.
- g) Candidates may speak for 3 minutes in support of their nomination.

10. Determining the election of the Mayor

- a) The election of the Mayor must be carried out by a show of hands.
- b) If there is only one (1) nomination, the nominated candidate must be declared to be elected.
- c) If there is more than one (1) nomination, the Chief Executive Officer must conduct an election in the following manner:
 - i) each Councillor present at the meeting ~~and wishing to vote~~ must vote for one (1) of the candidates;
 - ii) if one (1) candidate receives an absolute majority of the votes, that candidate must

be declared to be elected; or

- iii) if no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes must be declared to be a defeated candidate;
 - iv) each Councillor present at the meeting ~~and wishing to vote~~ must then vote for one (1) of the remaining candidates;
 - v) if one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected; or
 - vi) if none of the remaining candidates receives an **absolute** majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate must then be declared to be elected; or
 - vii) if none of the remaining candidates receives an absolute majority and two (2) or more candidates have an equal number of fewest votes, each Councillor present at the meeting ~~who wishes to vote~~ must vote for one (1) of the candidates with the equal fewest votes. The candidate who receives the fewest of those votes must be declared to be a defeated candidate.
 - viii) if after conducting a vote to declare a candidate defeated under sub-rule (vii), two (2) or more candidates receive the equal fewest votes, the determination of which of those candidates must be declared to be defeated must be determined by lot;
 - ix) following the elimination of the candidate with the fewest votes in either sub-rule (vii) or (d) a further vote must be taken on the remaining candidates, each Councillor present at the meeting ~~who wishes to vote~~ must vote for one (1) of the remaining candidates.
- d) If a lot must be conducted under this rule, the Chief Executive Officer shall arrange for the conduct of the lot and the following provisions must apply:
- i) each candidate will draw one (1) lot;
 - ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes except that if two (2) or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names; and
 - iii) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle.
 - iv) the word **Defeated** shall be written on one (1) of the pieces of paper, and the candidate who draws the paper with the word **Defeated** written on it must be declared the defeated candidate
- e) The process of voting in sub-rules (c) and (d) is to be repeated until two (2) candidates remain. ~~If one (1) of the remaining candidates receives an absolute majority of the votes, that candidate must be declared to be elected.~~
- f) If there are only two candidates remaining and an absolute majority of the votes has not been attained by either candidate, the Chief Executive Officer will conduct a second ballot in an attempt to achieve an absolute majority.
- g) If no candidate receives an absolute majority of the votes, the Council may resolve to conduct a new election at a later specified time and date.

- i) The date and time must be no sooner than 24 hours later and no later than 7 days post the meeting at which the election was held.
- h) Once the Mayor has been elected, the Chief Executive Officer shall invite the elected Mayor to address Councillors and the community.
- i) The elected Mayor may speak for 3 minutes on their upcoming term as Mayor.
- j) After their speech, the Mayor will take the chair and oversee any election of the Deputy Mayor.

11. Determining a Deputy Mayor

- a) At the meeting to elect the Mayor, Council may resolve:
 - i) to establish the position of Deputy Mayor;
 - ii) the term of the Deputy Mayor, which shall be the same as the term of the Mayor; and
 - iii) elect a Councillor to the position of Deputy Mayor.
- b) Any election by Council of a Deputy Mayor will follow the same procedure as that for an election of the Mayor save that the Mayor will chair the election.
- c) At the conclusion of the election for Deputy Mayor the Mayor will continue to preside over the meeting.

12. Acting Mayor

- a) If Council has not established position of Deputy Mayor and it needs to appoint an Acting Mayor, it can do so by:
 - i) resolving that a specified Councillor be appointed for a specified period of time; or
 - ii) following the procedure set out in Rules 9 and 10.
 - 1) if an Acting Mayor is elected under Rule 12(a)(ii) Council will resolve the specified period for the appointment.

Part 3: Meeting Preparation

13. Scheduled Council meeting

- a) The dates, times and places of scheduled meetings will be fixed by ~~the a~~ Council resolution from time to time.
- b) Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of Council.

14. Unscheduled Council meeting

- a) Council may by resolution call an unscheduled meeting of Council.
- b) The Mayor or three (3) Councillors may by a written notice delivered to the Chief Executive Officer call an unscheduled meeting of Council.
- c) A notice delivered under sub-rule (b) must specify the date and time of the meeting and the business to be transacted.
- d) The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.

15. Notice of meetings

- a) A schedule of Council meetings, as resolved by Council at least once each year, must be published on Council's website.
- b) Any changes to the published schedule of Council meetings resolved by Council will be included on Council's website as soon as practicable after the resolution.
- c) Public notice will be given at least seven (7) days before a scheduled or unscheduled meeting of Council.
- d) If an extraordinary circumstance prevents the giving of seven (7) days' notice, the Chief Executive Officer will provide as much notice as is practicable and the nature of the extraordinary circumstance will be specified in the minutes.

16. Determine to hold an electronic meetings

- a) Council may determine by resolution, the proposed and preferred format style of meetings (in-person, electronic, or hybrid).
- b) If Council has determined a meeting to be a certain format, Council may by resolution change the format.
- c) If circumstances require the format of a meeting to be changed from that resolved by Council, the Chief Executive Officer, after consultation with the Mayor, may advise a change in format to all Councillors and include changes on the website and agenda for the meeting.
- d) The Chief Executive Officer must include in the minutes of the meeting with a changed format the nature of the circumstances for the change.
- e) Council may determine certain meetings that must be held solely as face-to-face (in-person) meetings. Council must determine, by resolution, if a meeting is to be held solely in person, prior to public notice being given of the meeting (noting that Mayoral elections are in person only under Rule 7(d)).
- f) If Council determines that a meeting is to be conducted electronically, the Mayor may, with consent of the meeting (through a resolution), modify the application of any of these

Governance Rules to facilitate the most efficient and effective transaction of the business of the meeting.

- g) Hybrid Council meetings are dependent on the availability of appropriate technology within Council to enable broadcasting and livestreaming simultaneously.

17. Business at meetings

- a) The agenda for a Council meeting, including the order of business, is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.
- b) The Chief Executive Officer may include any matter on an agenda for consideration by the meeting following consultation with the Mayor.
- c) An agenda must include:
- i) a description of the date, time and place of the meeting;
 - ii) the proposed meeting format;
 - iii) a description of the matters to be considered at the meeting;
 - iv) any validly lodged notice of motion (including a notice of amendment or rescission), noting the following:
 - 1) a notice of motion that has been lodged must be included on the agenda for the next available meeting.
 - 2) each notice of motion before any Council meeting shall be considered in the order in which they were received, unless there are similar motions that can be considered together, in the order they were received.
 - 3) if more than one notice of rescission or amendment is received in regard to a particular matter, the notices of motion must be listed on the agenda in the order they were received.
 - v) any leave of absence request (notice of motion) received from a Councillor:
 - 1) a leave of absence not included in a Council meeting agenda may still be considered by Council if a written request (notice of motion) has been received by the Mayor prior to the meeting,;-and
 - vi) reports prepared for consideration at the meeting.
- d) At least five (5) days before a meeting is scheduled to occur, an agenda must be:
- i) delivered electronically to each Councillor; ~~and 's residence or usual place of business or if determined by Council by electronic means;~~
 - ii) published on Council's website.
- e) If it is not possible to comply with sub-rule (d) for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as is reasonably possible.
- f) Once an agenda has been sent to Councillors and published on Council's website, the order of business for that Council meeting may only be altered by resolution of Council.
- g) If a Councillor is on leave or absent ~~from the municipality~~, an agenda does not have to be delivered electronically to the Councillor unless they have requested delivery.

18. Urgent business

- a) At a scheduled Council meeting, business that is not included in the agenda must not be considered unless a majority of Councillors present at the meeting resolve to admit the business and only then if:
- i) it relates to or arises out of a matter which has arisen since the distribution of the agenda; and
 - ii) deferring the item until the next Council meeting will have any effect on the matter; or
 - iii) it involves a matter of urgent community concern; or
 - iv) it cannot be safely or conveniently deferred until the next Council meeting; or
 - v) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - vi) it cannot be addressed through an operational service request process.
- b) Despite sub-rule (a), a matter that is not included in the agenda must not be considered at the meeting if it will:
- i) directly and significantly affect the exercise of a person's rights; or
 - ii) alter the Council Plan or the Budget.
- c) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3pm on the day of the Council meeting.
- d) The Chief Executive Officer will advise the Mayor of any matter they determine as appropriate for Council to consider admitting as urgent business.
- e) Prior to the consideration of the urgent business item, Council must resolve to accept the urgent business item and will require a mover and a seconder:
- i) A Councillor shall explain why the item has been classified as urgent business without speaking to it and then move it without speaking to it.
- f) At an unscheduled Council meeting, business that has not been included on the agenda may only be considered if all the Councillors that are present ~~and~~ unanimously resolve that the matter is urgent.
- g) The Chief Executive Officer, may prepare a written supplementary report on any item of business that has arisen since the preparation of the agenda.
- g)h) Councillors must receive a copy of any supplementary report at least 24 hours before the time fixed for holding the meeting.

19. Notice of motion

- a) A notice of motion given by a Councillor must be given in writing to the Chief Executive Officer no later than 5.00 pm on the seventh (7) day before the meeting at which it is to be proposed to be considered.
- b) A Councillor may give a notice of motion on any matter the Councillor wants to be considered at a scheduled Council meeting.
- c) A notice of motion must relate to the objectives, roles and functions of Council as outlined in the Act.

- d) If a Councillor proposes to use a notice of motion for a significant item, consideration should be given by the Councillor to a motion requesting that a report on the matter be presented to a subsequent meeting.
- e) A notice of motion must call for a Council report if the notice of motion proposes any action that:
 - i) impacts the levels of Council service;
 - ii) commits Council to either a loss of income or expenditure that is not included in the adopted Council Budget, to the value of \$25,000 or greater;
 - iii) proposes to establish, amend or extend Council policy;
 - iv) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - v) would commit Council to any contractual arrangement; or
 - vi) concerns any litigation in respect of which Council is a party.

20. Notice of motion may be rejected

- a) The Chief Executive Officer must reject a notice of motion if:
 - i) it is vague or unclear in its intention;
 - ii) it is outside the powers of Council;
 - iii) it is defamatory or otherwise objectionable in language or nature;
 - iv) it would result in the direct allocation of funds outside Council's adopted Budget or would otherwise have a material financial impact on Council;
 - v) its passage would result in Council otherwise acting invalidly;
 - vi) it can be addressed through the operational request process;
 - vii) it is not lodged in accordance with Rule 19; or
 - viii) it is similar in form or substance to a notice of motion which has been put to the vote and lost in the past three months.
- b) If the Chief Executive Officer rejects a notice of motion, they must:
 - i) notify the Councillor of the reason for the rejection; and
 - ii) if reasonably possible before the agenda is published, give the Councillor an opportunity to amend the notice of motion.
- c) A notice of motion must be moved as written and listed in the agenda and requires a seconder. If the proposer in the agenda is the mover, they may amend the motion verbally in the meeting when moving the motion.
- d) Where a notice of motion has been submitted but is not moved at the relevant Council meeting the notice of motion lapses.
- e) A notice of motion may be amended in accordance with Rules 49 and 53.

21. Notice of rescission

- a) A notice of rescission is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of rescission except as expressed in the sub-rules of this Rule 21.
- c) A Councillor may give notice of a motion to rescind a resolution of Council provided:
 - i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the rescission;
 - 1) this condition is satisfied by receiving an email from the Councillor in support of the rescission;
 - ii) the resolution proposed to be rescinded has not been acted on; and
 - iii) the notice of rescission is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
 - 1) the resolution to be rescinded; and
 - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of rescission motion is required to provide written justification, as part of the notice of rescission, why one or more of the following reasons apply:
 - i) the vote may not have accurately reflected the opinion held by Council due to misunderstanding of the motion or for some other reason;
 - ii) new information not previously available has come to hand that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion; or
 - iii) vital information that was missing, or had been overlooked that, if presented earlier, could reasonably have affected the outcome of the vote for or against the motion.
- e) The Chief Executive Officer must reject a notice of rescission that does not comply with sub-rules (c) and (d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of Council at any time after the close of the meeting at which it was made. A resolution of Council will therefore be deemed to be acted on if:
 - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
 - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of rescission has been given in writing no further action is to be taken on the resolution, if sub-rules (f)(i) or (ii) do not apply. Further:
 - i) a Councillor considering submitting a notice of rescission should advise the Chief Executive Officer ahead of preparing the written notice of rescission (either verbally or in writing via an email or other means); and
 - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of rescission being submitted within 48 hours of the resolution.
- h) The lodgement and acceptance by the Chief Executive Officer of a notice of rescission does not prevent the Chief Executive Officer or an appropriate member of Council staff

from giving notice to any person that a notice to rescind has been lodged.

22. Notice of amendment

- a) A notice of amendment is a form of notice of motion.
- b) All provisions in the Governance Rules relating to a notice of motion apply to notices of amendment except as expressed in the sub-rules of this Rule 22.
- c) A Councillor may give notice of a motion to amend a resolution of Council provided:
 - i) it is in writing, and has been signed and dated by at least two Councillors, including the Councillor proposing the amendment;
 - 1) this condition is satisfied by receiving an email from the Councillor in support of the amendment;
 - ii) the resolution proposed to be amended has not been acted on; and
 - iii) the notice of amendment is delivered to the Chief Executive Officer within 48 hours of the resolution being made, setting out –
 - 1) the resolution to be amended; and
 - 2) the meeting and date when the resolution was carried.
- d) The Councillor providing a notice of amendment motion is required to provide written justification, as part of the notice of amendment, why one or more of the following reasons apply:
 - i) the motion is consistent with the intent of the resolution but clarifies the decision on matters such as dates, timing, figures and location; or
 - ii) the motion is consistent with the intent of the resolution but includes vital information that was not included or was overlooked when making the decision and should be included for the fullness of the decision.
- e) The Chief Executive Officer must reject a notice of amendment that does not comply with sub-rules (c) and (d).
- f) The Chief Executive Officer or an appropriate member of Council staff is entitled to implement a resolution of Council at any time after the close of the meeting at which it was made. A resolution of Council will therefore be deemed to be acted on if:
 - i) its contents have or substance has been communicated in writing to any person whose interests are materially affected by it; or
 - ii) statutory processes have commenced so as to vest enforceable rights in or obligations on Council or any other person.
- g) Once a notice of amendment has been given in writing no further action is to be taken on the resolution, if sub rules (f)(i) or (ii) do not apply. Further:
 - i) a Councillor considering submitting a notice of amendment should advise the Chief Executive Officer ahead of preparing the written notice of amendment (either verbally or in writing via an email or other means); and
 - ii) once notified, the Chief Executive Officer should ensure that no action is taken prior to the written notice of amendment being submitted within 48 hours of the resolution.

~~k)h)~~ The lodgement and acceptance by the Chief Executive Officer of a notice of amendment does not prevent the Chief Executive Officer or an appropriate member of Council staff from giving notice to any person that a notice to amend has been lodged.

23. Attendance - electronically

- a) Councillors who wish to attend a meeting via electronic means must submit a written request to the Mayor and/or the Chief Executive Officer by 5pm on the day of the meeting except when attending electronic only meetings.
- b) The Mayor must grant any reasonable request from a Councillor to attend a meeting by electronic means, except for attendance at those meetings resolved to be in-person.
- c) At the commencement of each meeting, the Mayor will advise the meeting of any Councillors that-who have been granted approval to attend the meeting by electronic means.
- d) It will remain the responsibility of the Councillor attending electronically to ensure that they have the required access and environment suitable for electronic communications. This includes ensuring that they are in a private and secure place when attending a closed meeting.
- e) A Councillor that-who has applied to attend the meeting electronically can only be recorded as present where they member can confirm that they can:
 - i) ~~They can~~ hear proceedings
 - ii) ~~They can~~ see other members in attendance and can be seen by other members;
and
 - iii) ~~They can~~ be heard (to speak).
- f) If a Councillor is unable to meet the conditions in accordance with sub-rule (e)(i)-(iii) they will be recorded as absent.
- g) Where a Councillor loses connection when they are attending a meeting electronically they will be recorded as having left the meeting ~~for the purpose of continuing the meeting~~. If they rejoin the meeting their attendance will be noted.
- h) If ~~a-the~~ Councillor that-who loses connection is the Mayor, then the Deputy Mayor (or alternative Councillor) will become the temporary chair until the Mayor is able to reconnect, at which time they will resume the chair.
- i) The Mayor may adjourn the meeting at any time, in accordance with Rule 26, if a lost connection is preventing the meeting from conducting its business efficiently and effectively.

24. Apologies

- a) Councillors who are unable to attend a meeting may submit an apology:
 - i) in writing to the Mayor or Chief Executive Officer who will advise the meeting accordingly; or
 - ii) by seeking another Councillor to submit it at the meeting on their behalf.
- b) An apology submitted to a meeting will be recorded in the minutes.

25. Leave

- a) A Councillor intending to take a leave of absence should submit it in writing to the Mayor or Chief Executive Officer:

- i) A notice of motion from the Councillor (requesting to take leave) should be lodged, outlining the period of leave requested and any other relevant matters.
- b) Council will not unreasonably withhold its approval for a leave of absence request.
- c) A Councillor who has not submitted an apology, in accordance with Rule 24, or had a leave of absence approved under sub-rule (a), and who is not in attendance at a Council meeting will be recorded as absent.

26. Adjourned meeting

- a) Council may adjourn any meeting.
- b) If a Council meeting is adjourned to another day for any reason:
 - i) Rules 13 and 14 apply to the adjourned meeting; and
 - ii) Rule 14 applies to the adjourned meeting to the extent that it is reasonably practicable.

27. Postponement or cancellation of Council meetings

- a) The Chief Executive Officer may postpone or cancel a Council meeting after consulting the Mayor if:
 - i) they have been informed by Councillors that a quorum will not be reached; or
 - ii) other circumstances exist which mean the Council meeting cannot be safely or effectively convened or if exceptional circumstances apply.
- b) If the Council meeting is postponed or cancelled under sub-rule (a) the Chief Executive Officer or their delegate must give notice of that postponement or cancellation as soon as reasonably practicable, provided that all Councillors must be notified.

Part 4: Meeting Procedures

28. Matters not provided for

- a) Where a situation has not been provided for under these Governance Rules, Council may determine the matter by resolution.
- b) If there is a typographical error or omission in a Council Report, a Council resolution or any document endorsed or adopted by Council, the Chief Executive Officer may, at any time, correct the error or omission without a resolution of Council.

29. Time limits for Meetings

- a) A scheduled or unscheduled Council meeting must not continue after 10.30 pm or for more than 3½ hours after commencement unless a majority of Councillors present votes in favour of its continuance ~~by~~:
 - i) by a motion stating the length of the continuance; and
 - ii) which motion must be seconded.
- b) In the absence of such continuance, the meeting must stand adjourned to a time, date and place to be then and there announced by the Mayor.
- c) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

30. Addressing the meeting

- a) Councillors must conduct themselves in a courteous and respectful manner during meetings.
- b) Any person addressing the Mayor should refer to the Mayor as:
 - i) Mayor; or
 - ii) Mayor 'last name'
- c) All Councillors, other than the Mayor, should be addressed as Cr (last name).
- d) All members of Council staff should be addressed by title/position.

31. Quorum

- a) If, after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:
 - i) those Councillors present; or
 - ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.
- b) A Councillor attending a meeting by electronic means ~~of communication~~ with the approval of the Mayor is deemed present for the purposes of a quorum.
- c) If, during any Council meeting or any adjournment of such meeting, a quorum cannot be maintained:

- i) those Councillors or members present; or
- ii) if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, Director Corporate or other delegate,

may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

- d) ~~This rule applies if~~ Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in ~~relation a decision in regard to~~ a matter, Council must consider whether the decision can be made by dealing with the matter in an alternative manner.
- e) For the purposes of sub-rule (d), an alternative manner as outlined in section 67 of the Act may include—
 - i) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or
 - ii) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained.
- f) Subject to complying with any requirements under any other Act, if Council is unable to use an alternative manner, Council must ~~decide to~~ establish a delegated committee under section 63(2) of the Act to make the decision in regard to the matter consisting of—
 - i) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - ii) any other person or persons ~~that~~whom Council considers suitable.

32. Disclosure of a conflict of interest by a Councillor

- a) If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of Council, the Councillor must, if they are attending the meeting, disclose the conflict of interest in accordance with sub-rule (b), and if applicable, sub-rule (c).
- b) A Councillor who has a conflict of interest and is attending the meeting of Council must make a full disclosure of that interest by either advising:
 - i) Council at the meeting immediately before the matter is considered at the meeting; or
 - ii) the Chief Executive Officer in writing before the meeting

whether the interest is a general conflict of interest or a material conflict of interest, and the nature of the interest.
- c) If the Councillor advised the Chief Executive Officer of the details under paragraph (i) of sub-rule (b), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- d) A Councillor who makes a disclosure under sub-rule (b) must complete and submit a conflict of interest form.
- e) The Chief Executive Officer must—
 - i) keep written disclosures received under this sub-rule (d) in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor ~~or member of a committee~~; and

- ii) destroy the written disclosure when the 3 year period referred to in paragraph (i) has expired.
- f) While the matter is being considered or any vote is taken in relation to the matter, the Councillor must—
 - i) leave the meeting and notify the Mayor of their departure; and
 - ii) remain outside the room and any gallery or other area in view or hearing of the meeting.
- g) The Mayor must cause the Councillor to be notified that they may return to the meeting after—
 - i) consideration of the matter; and
 - ii) all votes have been cast on the matter.

33. Broadcast and recording of meeting

- a) Council may resolve to record and/or broadcast its scheduled and unscheduled meetings in any form.
- b) Despite sub-rule (a), a meeting that is closed to the public under section 66 of the Act must not be broadcast or a recording made available to the public in any form.
- c) Without the authority of Council (as the case may be) a person must not:
 - i) make or distribute a recording of any Council meeting; or
 - ii) broadcast any Council meeting.

34. Public question time

- a) Any member of the public may submit up to two written questions to the Chief Executive Officer at each-a scheduled Council meeting (other than the meeting to elect the Mayor).
- b) No questions will be submitted to an unscheduled Council meeting, unless the purpose of the meeting is to hear from the municipal community;
- c) Questions from a member of the public:
 - i) must be in writing (e.g. legible handwriting, typed, email, or other approved form) and state the name and address of the person submitting the question; ~~and generally be in a form approved or permitted by the Council~~ and
 - ii) may relate to a matter of business on the agenda or another matter that is generally accepted to be within the jurisdiction of Council, either directly or indirectly.
- d) Questions must be received by the Chief Executive Officer no later than 5.00pm on the business day prior to the meeting day.
- ~~e) If the Council has received a question from the public under sub-rule (a), the Council must suspend standing orders at an appropriate time for the question to be read.~~
- ~~f)e)~~ The Mayor or a member of Council staff nominated by the Mayor may read a question and response, if available, to those present.
- ~~g)f)~~ The Mayor or Chief Executive Officer or delegate ~~nominated Council staff member~~ may reject a question that does not comply with sub-rule (c), or if it:

- i) relates to a matter outside the duties, functions and powers of Council;
- ii) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- iii) seeks to intentionally embarrass a Councillor or a member of Council staff;
- iv) relates to personnel matters;
- v) relates to the personal hardship of any identifiable resident or ratepayer/s;
- vi) relates to industrial matters;
- vii) relates to contractual matters;
- viii) relates to proposed developments, including statutory and strategic planning matters subject to established consultation processes;
- ix) relates to legal advice;
- x) relates to matters affecting the security of Council property; or
- xi) relates to any other matter which Council considers would prejudice Council or any person.

~~h)g)~~ Questions relating to statutory or strategic planning matters on the agenda for a Council meeting will not be accepted due to the established consultation processes for these matters.

~~h)h)~~ Notwithstanding the provisions of sub-rule ~~(f)g)~~ Council will endeavour to, and where appropriate shall, answer questions from the public that relate to these matters in a way that does not disclose confidential information and or compromise any of the other parties.

~~j)~~ All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.

~~k)i)~~ If multiple questions related to a decision made by Council or a matter to be considered by the Council at the meeting are asked and it is appropriate to do so, the Mayor or nominated staff member may collectively summarise these questions and make reference to the decision or the impending consideration of the matter.

~~h)j)~~ If a question cannot be dealt with adequately or appropriately during public question time, the Mayor or a nominated staff member may advise ~~the Council~~ that they will provide a written answer in response to the question.

35. Public forum

- a) Council may, from time to time, hold a public forum for up to 30 minutes, or for a length of time as determined by the Mayor, at the beginning of a scheduled Council meeting to allow public submissions to Council on:
 - i) matters listed on an agenda; or
 - ii) any other matter that is generally accepted to be within the jurisdiction of Council, either directly or indirectly.
- b) Public submissions under sub-rule (a) will not be allowed for any matter that has been heard or may be heard by the Planning Delegated Committee or a Submitters Delegated Committee.

- c) Public submissions relating to statutory or strategic planning matters on the agenda of a Council meeting will not be allowed due to the established consultation processes for these matters.
- d) Members of the public who wish to be heard at public forum are required to give prior notice to Council in writing to the Chief Executive Officer by 5pm on the business day prior to the meeting day.
- e) Any group or association that wishes to be heard at a public forum is required to nominate a spokesperson.
- f) Unless otherwise decided by the Mayor, the maximum speaking time for a member of the public addressing Council is three (3) minutes.
- g) There will be no discussion or debate with the member of the public, however the Councillors may ask questions of clarification.
- h) If a response is required, the Mayor will ask the Chief Executive Officer to prepare a response within 10 business days of the meeting, or via referral to another process.

36. Petitions (not electronic) and joint letters

- a) A member of the public may present a petition or a joint letter to a Councillor or the Chief Executive Officer.
- b) Where a petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- c) Petitions relating to planning issues or matters for which Council is engaging with the community shall be considered along with other submissions either supporting or objecting to the application/proposal.
- d) A petition ~~or joint letter~~ must:
 - i) be signed by 10 or more people;
 - ii) be legible and in permanent writing (i.e. no pencil);
 - iii) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council;
 - iv) on the first page, contain state the name and contact details of the person forwarding the petition and an address to which notice of the Council's response may be forwarded plus the request for action being made of Council;
 - v) contain the date the petition commences as part of the request for action on each page;
 - vi) on each subsequent page of the petition contain the request for action being made of Council, so that any page not containing the request for action will not be considered part of the petition;
 - vii) contain the name, residential /property addresses full address (either postal or ~~electronic~~) and signature of each person signing the petition;
 - viii) contain signatures that are original signatures – they cannot be photocopies or scanned;
 - ix) include a page number on each page, and the total number of pages should be written on the front page of the petition when submitted;

- x) not include any statement that is offensive, defamatory or disrespectful to Council or any Councillor or member of Council staff;
 - xi) not relate to matters outside the powers of Council;
 - xii) not contain false or misleading information;
 - xiii) not contain alterations; and
 - xiv) not have any letters or other documents attached to it, be comprised of pages, including pages containing signatories of the petition that are original pieces of paper and not pasted, stapled or otherwise affixed to any other piece of paper.
- e) A petition that complies with the provisions of sub-rule (d) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- f) A petition may only be presented to a scheduled Council meeting.
- g) A Councillor who tables a petition must acquaint themselves with the contents of the petition or joint letter and to ascertain that it complies with sub-rule (d).
- i) A Councillor presenting a petition or joint letter to Council must write their name at the beginning of the petition or joint letter.
- h) A petition tabled at a Council meeting may be dealt with as follows:
- i) a motion may be proposed to accept the petition, forward it to the relevant Director for investigation and reporting back to Council, and advising the head petitioner accordingly; or
 - ii) a motion may be proposed to accept receive and note the petition or joint letter and resolve to deal with it earlier or and refer it to another process, such as attending to the matter operationally.

37. Electronic and online petitions

- a) To be valid, an online or electronic petition must:
- i) be addressed to the Mayor and Councillors of the Macedon Ranges Shire Council
 - ii) contain the request of Council on every page of the petition, including the date the petition was commenced;
 - iii) contain the name, residential property and email address of each petitioner;
 - iv) be signed by at least fifty (50) electronic signatures;
 - v) not relate to matters outside the powers of Council;
 - vi) not be derogatory, defamatory or objectionable in language or nature;
 - vii) not contain alterations; or
 - viii) not contain false or misleading signatures or content.
- b) Council prefers and gives greater consideration to electronic petitions that have a majority of residents and ratepayers, firstly of the Shire of Macedon Ranges, secondly, of Victoria and thirdly, of Australia, rather than residents of other jurisdictions outside these areas who may not have a relevant understanding of the issues.

- c) A petition that complies with the provisions of sub-rule (a) must be tabled at a scheduled Council meeting at the first reasonable opportunity by the Chief Executive Officer.
- d) Electronic petitions will be presented to Council and addressed in the same manner as written petitions under Rule 36(c), (f), (g) and (h).

38. Behaviour at meetings

- a) The Mayor may call to order any Councillor:
 - i) who is disruptive, discourteous or acting in an unruly manner during a meeting; or
 - ii) who makes a statement that is offensive, insulting or defamatory.
- b) Without detracting from sub-rule (a), the Mayor may call to order any Councillor who is acting contrary to the Councillor Code of Conduct in a Council meeting comprised solely of Councillors.
- c) If the Mayor calls a Councillor to order, the Mayor may direct the Councillor:
 - i) to cease the actions for which the Councillor has been called to order; or
 - ii) to retract a statement, or apologise for a statement, or action.
- d) If a Councillor fails to comply with a direction under sub-rule (c), the Mayor may direct the Councillor to leave the meeting for a specified time.
- e) The direction by the Mayor under sub-rule (d) may be overruled by a resolution of the meeting.
- f) Unless sub-rule (e) applies, a Councillor who is directed by the Mayor to leave the meeting for a specified time must comply with that direction.
- g) The Mayor may direct a member of the public to leave a meeting if, in the opinion of the Mayor, the person is disrupting the orderly conduct of the meeting.
- h) A person directed to leave a meeting under sub-rule (g) must not return to the meeting unless authorised by the Mayor.
- i) The Mayor may adjourn a meeting at any time if a disruption is preventing the meeting from conducting its business in an orderly manner.
- j) Unless otherwise resolved by Council, an adjournment under sub-rule (i) will be for a period of 15 minutes.
- k) A member of the public addressing Council must extend due courtesy and respect to the Councillors, the Council and Council staff and must take direction from the Mayor.

Part 5: Meeting Conduct

39. Speaking times

- a) Unless a motion for extension of time has been passed, a Councillor or member must not speak longer than the time set out below:
 - i) the mover of a motion or an amendment five (5) minutes, and any other Councillor or member three (3) minutes; and
 - ii) the mover of a motion exercising a right of reply two (2) minutes
- b) An extension of speaking time for any Councillor may be granted by resolution of the meeting.
- c) A motion to extend speaking time must not be permitted after another Councillor or member has commenced speaking.
- d) An extension of speaking time:
 - i) must not exceed three (3) minutes;
 - ii) may only be granted once for each speaker on a motion or amendment.

40. Voting process

- a) All members of Council present at the meeting are entitled to a single vote on each motion and each amendment.
- b) As provided in section 61(5)(d) of the Act, if exactly half the Councillors present in the meeting vote in favour of a motion or amendment the Mayor may cast a second vote to determine whether the matter is carried.
- c) When putting a motion or amendment to a vote, the Mayor will first call for those in favour of the motion and then those opposed to the motion.
- d) Unless the meeting resolves otherwise, all voting must be by a show of hands and must not be by secret ballot.
- e) If a majority of the Councillors in the meeting votes in favour of the motion or amendment, the Mayor must declare the motion or amendment carried.
- f) If the motion or amendment is not carried, the Mayor must declare the motion or amendment lost.
- g) Any Councillor may request that the way they voted on a motion or amendment be recorded in the minutes.
- h) A Councillor intending to abstain from the vote may decide to leave or stay in the meeting while the matter is being considered.
- i) If a Councillor who abstains from the vote stays in the meeting but does not vote, their vote will be considered to have been a vote in the negative, in accordance with section 61(5)(e) of the Act.
- ~~j) As provided in section 61 of the Act, voting in a meeting that is open to the public must not be by secret ballot.~~

41. Division

- a) Any Councillor may request a division immediately after a vote is taken under Rule 39.:
 - ~~i) immediately before a vote is taken under rule ; or~~
 - ~~ii) immediately after a vote is taken under rule.~~
- b) A division cannot be requested after the next item of business has commenced.
- c) If a division is requested:
 - i) the Mayor must first ask each Councillor wishing to vote in the affirmative to raise a hand (or indicate their vote in the affirmative by such other means as the Mayor permits) and upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands (or show their support by such other means as the Mayor permits);
 - ii) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the affirmative;
 - iii) the Mayor must then ask each Councillor wishing to vote in the negative to raise a hand (or indicate their vote in the negative by such other means as the Mayor permits) and upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands (or show their opposition by such other means as the Mayor permits); and
 - iv) the Mayor must then state, and the Chief Executive Officer or authorised person must record, the names of those Councillors voting in the negative.
- d) If a prior vote has been taken on the motion or amendment, a Councillor is not prevented from changing ~~his or her~~their original vote at the division.
- e) Once a vote has been taken under a division, no further vote may be taken on the relevant motion or amendment in that meeting.

42. Introducing a Report

- a) Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may, at the request of the Mayor, introduce the report by outlining in not more than two (2) minutes:
 - i) its background; and/or
 - ii) the reason for any officer recommendation which appears.
- b) Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

43. Debate from the Chair

- a) The Mayor may address a Council meeting from the chair on any matter under consideration including speaking in favour of or opposing a motion.
- b) If any point of order or procedural matter is raised while the Mayor is so addressing the Council meeting, the Mayor may remain in the chair but the Deputy Mayor (or, in the absence of a Deputy Mayor, a Councillor elected by Councillors for the purpose) must determine the point of order or procedural matter raised.
- c) The Mayor must, however, vacate the chair to move a motion or amendment and speak in support of that motion or amendment. In the event the Deputy Mayor (or, if the Deputy Mayor is absent or declines to act, a Councillor elected as temporary Chair) will chair the

meeting until the Mayor has concluded their participation in the debate, at which time they will resume the chair.

44. Moving a motion

a) The procedure for any motion is:

- i) the Mayor calls for a motion to be put to Council;
- ii) the mover must state the motion without speaking to it;
- iii) the motion must be seconded and the seconder must be a Councillor other than the mover; and
- iv) if the a-motion is not seconded, the motion lapses;
- v) if there is a seconder, then the Mayor must ask: "Is the motion opposed? Does any Councillor wish to speak on the motion?";
- vi) if no Councillor indicates opposition or a desire to speak to it, the Mayor must declare the motion carried without discussion;
- vii) a Councillor may seek leave from the Mayor to make a statement on the matter once the motion is carried in this manner;
- viii) if a Councillor indicates opposition or a desire to speak to it, then the Mayor must call on the mover to address the meeting;
- ix) after the mover has addressed the meeting, the seconder may address the meeting or reserve the right to speak later in the debate;
- x) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder reserves their right to speak), the Mayor must invite debate by calling on any Councillor who wishes to speak for the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- xi) if after the mover has addressed the meeting, the Mayor has invited debate and no Councillor speaks to the motion, then the Mayor must put the motion to the vote.

b) The Mayor may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.

c) The Mayor may suspend-adjourn the meeting while a motion is being written or request that the matter be deferred until later in the meeting.

45. Rejecting a motion

a) The Mayor must reject any motion or amendment which:

- i) is offensive or defamatory;
- ii) is outside the powers of Council;
- iii) is otherwise contrary to Council's legal obligations or is not relevant to the item of business on the agenda and has not been admitted as urgent business under Rule 18; or
- iv) purports to be an amendment but would have the effect of negating the principal intent of the motion it seeks to amend.

- b) If it appears to the Chief Executive Officer that a proposed motion or amendment is contrary to Council's legal obligations, the Chief Executive Officer must advise the Mayor in a timely manner.

46. Lapsed motion or amendment

- a) A motion or amendment lapses under these Governance Rules if it is not moved or seconded;
- ~~i) the motion or amendment is no longer debated or voted upon at that meeting;~~
 - ~~ii) it is an amendment, debate on the principal motion resumes; and~~
 - ~~iii) if it is a motion, the meeting proceeds to the next matter on the agenda.~~
- b) Lapsed motions or amendments are not required to be recorded in the minutes of the meeting.
- c) Nothing in these Governance Rules prohibits a lapsed motion from being considered at a later meeting of Council.

47. Right of reply

- a) The mover of a motion has a single right of reply to matters raised during the debate.
- b) No new material or comments may be raised during the right of reply.
- c) If a Councillor (other than the mover) has not spoken against the motion there is no right of reply.
- d) After the right of reply has been exercised, the motion must be immediately put to the vote without further discussion or debate.

48. Debating the motion

- a) Debate must always be relevant to the motion and the Mayor may:
- i) request a speaker to confine debate to the subject motion; or
 - ii) direct a speaker to cease speaking if ~~he or she~~they continue to debate irrelevant matters. The speaker must then cease speaking.
- b) No Councillor or member may speak more than once in debating a motion, except where the mover of the motion has a right of reply
- c) A Councillor with leave of the Mayor may briefly make comment on a motion adopted by Council for the purposes of informing the public and or highlighting the significance of the decision.

49. Moving an Amendment

- a) A motion, which has been moved or seconded, may be amended by leaving out, inserting or adding words, which must be relevant to the subject of the motion.
- b) An amendment to a motion cannot be negative, or substantially contrary, to the motion.
- c) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion.
- d) If a Councillor proposes an amendment and the original mover and seconder of the motion

both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote, and the debate of the motion continues in accordance with Rules 44, 47 and 48.

- e) If a Councillor proposes an amendment to which either the original mover or seconder does not agree, the following will apply:
 - i) the amendment must be moved and seconded;
 - ii) debate will proceed in accordance with Rules 44, 47 and 48; and
 - iii) a Councillor may speak on any amendment once, whether or not they have spoken to the substantive motion, but debate must be confined to the terms of the amendment.
- f) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Mayor at any one time. No second or subsequent amendment, whether to the motion or an amendment of it may be taken into consideration until the previous amendment has been dealt with and voted on.
- g) The mover of an amendment does not have a right of reply.
- h) If an amendment is carried then the motion is altered accordingly and becomes the matter before the meeting (known as the substantive motion).
- i) Unless subject to further amendment and debate on the proposed amendment, the motion (as amended) must be put to the vote by the Mayor.
 - i) Prior to the vote in sub-rule (i) above, only Councillors who did not speak to the original motion, prior to the amendment debate and vote, may speak on the original or amended motion.
- j) The mover of the original motion retains the right of reply to the motion (either the original or the substantive motion following amendment).

50. Foreshadowing motions or amendments

- a) At any time during debate, a Councillor may foreshadow their intention to move a motion or amendment at a later stage in the meeting. This does not extend any special right to the foreshadowed motion.
- b) A foreshadowed motion is not required to be recorded in the minutes until or unless it is proposed as a motion and seconded.

51. Withdrawal of motion or amendment

- a) Before any motion or amendment is put to the vote it may be withdrawn by the mover. ~~with-~~
~~leave from the meeting.~~

52. Separation of motions

- a) Where a motion contains more than one part the Mayor may decide to put the motion to the vote in separate parts, achieved by:
 - i) proposing an alternate motion for each part, seeking a mover and seconder and voting; or
 - ii) the motion is moved and seconded but the Mayor seeks a vote on each part of the motion.

- b) If a motion is to be separated due to conflict of interest of one or more Councillors, in accordance with Rule 31, those Councillors with a conflict of interest cannot move or second the part of the motion in which they have a conflict of interest.

- c) Sub-rule 52(a)(ii) cannot be used to manage a conflict of interest situation.

53. Debate for notice of motion, rescission or amendment

- a) Debate on notices of motion and notices of rescission or amendment shall be conducted in accordance with the Rules outlined in Part 5.
- b) If a notice of motion or motion for rescission or amendment is lost ~~or lapses for want of a seconder,~~ a similar motion may not be put before Council for at least three (3) months from the date it was last lost ~~or lapsed~~.
- c) Council may resolve that a lost motion be re-listed at a future meeting.
- d) If a notice of motion or motion for rescission or amendment is not moved at the meeting for which it is listed, it lapses.
- e) A notice of motion or notice for rescission or amendment listed on an agenda may be moved by any Councillor present;
- f) Where the notice is moved by a Councillor other than the Councillor listed for the notice in the meeting agenda, that Councillor moving the notice cannot amend the notice.
 - i) Amendments to a notice of motion will be made in accordance with Rule 49.
 - ii) Notices of motion seeking leave may only be amended to correct errors in fact or omission.

54. Rescission motion not required

- a) A motion for rescission or amendment is not applicable where Council wishes to change policy.
- b) Notwithstanding sub-rule (a), the following standards should generally apply if Council wishes to change policy:
 - i) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission should be presented to Council; and
 - ii) any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected (and this may include publication and consultation, either formally or informally).
- c) Council may determine the extent to which these standards should be followed, which will depend on the circumstances of each case.

55. Raising a point of order

- a) A Councillor may raise a point of order at any time if they consider that:
 - i) a procedural error has occurred, where the Act is or these Governance Rules are not being complied with;
 - ii) there has been an error in fact, or misrepresentation of facts;
 - iii) the speaker lacks relevance to the motion before Council; or

- iv) a Councillor should be called to order under Rule 38.
- b) A Councillor raising a point of order must:
 - i) state the point of order; and/or
 - ii) state the relevant rule or provision supporting the point of order.
- c) A Councillor raising a point of order is not deemed to be speaking to the motion or amendment before the meeting.
- d) All other matters before Council are suspended until the point of order is decided; it is not necessary to suspend standing orders.
- e) The Mayor must decide all points of order without entering into discussion or debate.
- f) The Mayor may adjourn the meeting to consider a point of order or otherwise must rule on it as soon as it is raised.
- g) The decision of the Mayor in respect to a point of order is final and conclusive unless the meeting dissents.

56. Dissenting a decision

- a) A Councillor may move a motion of dissent in the Mayor's decision on a point of order.
- b) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted on instead of the ruling given by the Mayor.
- c) A motion of dissent in relation to a point of order is not a motion of dissent in the Mayor.
- d) The Mayor remains in the chair and may exercise a second vote if exactly half the Councillors vote in favour of the motion of dissent.

57. Points of clarification

- a) A Councillor may, when no other Councillor is speaking raise a point of clarification through the Mayor in order to clear up confusion, ask a question about a motion or report, or enquire as to the correct motion.
- b) A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report.
- c) A point of clarification may relate to the facts on a notice of motion or item of urgent business.
- d) A point of clarification may be raised to understand the point in the process of debate on a motion or an amendment.
- e) Points of clarification may not be used to further debate of a motion, or air opinion beyond what is required to ask the question to provide clarification.
- f) Where a Councillor is determined by the Mayor to be:
 - i) intentionally mischievous and/or disruptive to the meeting by calling for frivolous or repetitive points of clarification;
 - ii) calling points of clarification as a means to further debate; or
 - iii) calling for points of clarification where the relevant information or response has

already been provided.

the Councillor may be called to order and refused any further requests for clarification by the Mayor.

- g) The Mayor has the right to limit points of clarification and direct that debate be commenced or resumed.

58. Procedural motions

- a) Subject to sub-rule (b)e), a procedural motion may be moved at any time and must be dealt with immediately by the Mayor. ~~A procedural motion may propose~~

~~i) to adjourn a debate;~~

~~ii) to set aside a question;~~

~~iii) to put the question; or~~

~~iv) to adjourn the meeting.~~

- b) A procedural motion must not be moved:

i) during the election of the Mayor, unless it is to adjourn a meeting; or

ii) while any Councillor is speaking.

- c) A procedural motion cannot be moved:

i) by the Mayor; or

ii) by a Councillor or member who has moved, seconded or spoken on the motion or amendment to which the procedural motion relates.

- d) A procedural motion must be seconded.

- e) Unless otherwise provided, debate on a procedural motion is not permitted.

- f) Unless otherwise provided, a procedural motion cannot be amended.

- g) Table 1 (below) outlines common procedural motions and the methodology for each.

Table 1: Procedural Motions

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)....'	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chair; or (c) When another Councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a Chair.	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to xx be taken from the table'	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at xx on the agenda be considered before/after the item listed as xy'	Any Councillor	(a) At a meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

59. Adjourning a matter

- a) A Councillor may move that the matter be adjourned.
- b) If a motion to adjourn a matter under this rule is passed the motion under consideration and any amendments proposed to that motion are adjourned.
- c) A motion under sub-rule (a) may specify that the matter be adjourned until a specific meeting or until a specific time or place.
- d) If a motion under sub-rule (a) does not state when debate will be resumed, it may be included on the agenda for another meeting:
 - i) if so resolved by Council; or
 - ii) at the discretion of the Chief Executive Officer.
- e) A motion under this rule may be debated, but may only be amended in respect to the time and place when debate will be resumed.

60. Setting aside a questionmotion

- a) A Councillor may move that the question-motion be NOT put.
- b) A motion under sub-rule (a) that relates to a motion:
 - i) if carried, prevents the motion from being dealt with and the meeting proceeds to the next matter; or
 - ii) if lost, allows debate on the motion to continue.
- c) A motion under sub-rule (a) that relates to an amendment:
 - i) if carried, prevents the amendment from being dealt with and the meeting proceeds with debate on the motion; or
 - ii) if lost, allows debate on the amendment to continue.
- d) A motion under this Rule 60 must not be debated.

61. Putting the questionmotion

- a) A Councillor may move that the question be now put.
- b) A motion under sub-rule (a):
 - i) if carried, requires the motion or amendment that is currently before the meeting to be voted upon immediately; or
 - ii) if lost, allows debate on the motion or amendment to continue.
- c) The Mayor may reject a motion to put the question-motion if the Mayor considers that the matter is contentious and has not been adequately debated.
- d) A motion under this Rule 61 must not be debated.

62. Adjourning a meeting

- a) A Councillor, including the Mayor, may move that the meeting be adjourned.

- b) A motion under sub-rule (a) may specify when the meeting will resume, which may be:
 - i) at a specific time, date and place;
 - ii) at the conclusion of another scheduled meeting; or
 - iii) at a time to be determined by the Chief Executive Officer.
- c) A motion to adjourn a meeting may be debated, but may only be amended in respect to the time and place when a meeting will be resumed.

63. Suspension of standing orders

- a) Council may, by resolution, suspend standing orders for:
 - i) the purposes of enabling a full discussion of an issue; or
 - ~~ii) the purposes of allowing a member of the public to address the meeting; or~~
 - ~~iii) the purposes of providing for public question time; or~~
 - ~~iv) ii)~~ any other reasonable purpose determined by the meeting.
- b) During a period when standing orders are suspended, no decision, motion or other formal proceeding may be allowed, other than:
 - i) the raising of a point of order; or
 - ii) a motion to resume standing orders.
- c) The minutes of a meeting do not have to include a detailed account of matters considered during a period when standing orders are suspended.
- d) The suspension of standing orders should not be used purely to dispense with the processes and protocol ~~of the government~~ of Council. An appropriate motion is contained in Table 1.
- e) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion is contained in Table 1.

Part 6: Record Keeping

64. Keeping of minutes

- a) The Chief Executive Officer must ensure that minutes of Council meetings are kept.
- b) The minutes of a Council meeting must record:
- i) the date, place, and time of a Council meeting;
 - ii) the names of Councillors and whether they are present, an apology, on leave of absence, or absent;
 - iii) the titles of the members of Council staff present who are not part of the gallery;
 - iv) the disclosures of conflicts of interest made by a Councillor and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed;
 - v) the arrivals and departures of Councillors during the course of the meeting, including at temporary departures or arrivals, including lost connections if attending electronically;
 - vi) every motion and amendment moved, including procedural motions;
 - vii) the outcome of any motion moved;
 - viii) where a division is called the names of every Councillor and the way their vote was cast – noting that under the Act abstaining is a vote against the motion;
 - ix) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any motion – noting that under the Act abstaining is a vote against the motion;
 - x) details of any failures to achieve or maintain a quorum;
 - xi) a summary of any question asked and the response provided as part of the public question time;
 - xii) details of any petitions made to Council but not the petition signatories;
 - xiii) details of any extraordinary circumstances regarding an unscheduled meeting;
 - xiv) the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public; and
 - xv) any other matter, which the Chief Executive Officer or delegate thinks should be recorded to clarify the intention of the meeting or assist in the reading of the minutes.
- c) The draft (unconfirmed) minutes of Council meetings, excluding those parts of meetings that are closed to the public, must be published on Council's website within five (5) ~~working-~~business days after the relevant meeting.
- d) Minutes of any closed Council meetings should record the same information where appropriate, however these minutes remain confidential and are not made available on Council's website.

65. Confirmation of minutes

- a) The Chief Executive Officer must ensure that the draft (unconfirmed) minutes of Council

meetings, are submitted to the next scheduled Council meeting for confirmation.

- b) No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.
- c) If a Councillor is dissatisfied with the accuracy of the minutes, then the Councillor must propose a motion specifying the alternative wording to amend the minutes.
- d) Following confirmation, the confirmed minutes are to be displayed on Council's website.
- e) Council will confirm the minutes of any closed Council meeting at the next scheduled Council meeting, however these minutes will only be circulated to Councillors and not publicly available.

66. Other meeting records

- a) The Chief Executive Officer must ensure that a written record of the matters discussed at other specified meetings organised by Council, which involve Councillors and Council staff, will be kept. Using the template in Appendix 1.
- b) For the purposes of sub-rule (a) the specified meetings are as follows:
 - i) meetings of an advisory committee of Council, if at least one Councillor is present; or
 - ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
 - 1) the subject of a decision of Council; or
 - 2) subject to the exercise of a function, duty or power of Council that has been delegated to a person or committee

but does not include a meeting of Council, a delegated committee of Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.
- c) For the purposes of sub-rule (a), the written record of meetings must include:
 - i) the names of attending Councillors, staff members and other persons;
 - ii) a short title of the matters discussed; and
 - iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.
- d) The Chief Executive Officer must ensure that the written record of meetings is, as soon as practicable, reported at a scheduled meeting of Council and incorporated in the minutes of that Council meeting.

67. Conflict of interest register

- a) Disclosures of conflicts of interest by Councillors in accordance with these Governance Rules will be captured in a conflict of interest register, a summary of which will be available on Council's website.
- ~~b) Disclosures of conflicts of interest by Council staff in accordance with these Governance Rules will be captured in the Council staff conflict of interest register.~~

Part 7: Meetings under the auspice of a Council meeting

68. Disclosure of a conflict of interest at a meeting under the auspices of Council

- a) At a meeting under the auspices of Council that is not a meeting of Council, the Chief Executive Officer must ensure that a written record is kept of—
 - i) the names of all Councillors and members of Council staff attending;
 - ii) the matters considered;
 - iii) any conflict of interest disclosures made by a Councillor attending under sub-rule (c);
 - iv) whether a Councillor who has disclosed a conflict of interest as required by sub-rule (c) leaves the meeting.
- b) The Chief Executive Officer must ensure that the written record of a meeting held under this rule is, as soon as practicable—
 - i) reported at a meeting of Council; and
 - ii) incorporated in the minutes of that Council meeting.
- c) If a Councillor attending a meeting held under this Rule knows, or would reasonably be expected to know, that a matter being considered by the meeting is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest, the Councillor must, at the time set out in sub-rule (d), disclose to the meeting that they have a conflict of interest and leave the meeting whilst the matter is being considered by the meeting.
- d) A Councillor must disclose the conflict of interest either—
 - i) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
 - ii) if the Councillor realises that they have a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that they have a conflict of interest.
- e) A Councillor who makes a disclosure under sub-rule (c) or (d) must complete and submit a conflict of interest form.
- f) The Chief Executive Officer must—
 - i) keep written disclosures received under this Rule 68 in a secure place for 3 years after the date the Councillor who made the disclosure ceases to be a Councillor; and
 - ~~iii)ii)~~ destroy the written disclosure when the 3 year period referred to in paragraph (i) has expired.

Part 8: Delegated Committees

69. Rules apply to Delegated Committees

- a) The Governance Rules will apply to delegated committee meetings:
 - i) with the exception of:
 - 1) Part 2: Election of the Mayor;
 - 2) Part 7 Meetings under the auspice of a Council meeting;
 - 3) Part 9: Community Asset Committee;
 - 4) Part 10: Joint Council Meetings;
 - 5) Part 12: Election Period Policy; and
 - ii) with any necessary modifications outlined in the terms of reference for the individual delegated committee
- b) For the purpose of sub-rule (a):
 - i) a Council meeting is to be read as a reference to a delegated committee meeting;
 - ii) a Councillor is to be read as a reference to a member of a delegated committee;
 - iii) a reference to the Mayor is to be read as a reference to the Chair of the delegated committee.
- c) Public notice will be given at least seven (7) days before a meeting of any delegated committee comprised entirely of Councillors.
- d) If a delegated committee is not comprised entirely of Councillors, the Chair must provide reasonable notice of a meeting of the delegated committee to the public.
- e) An agenda for a meeting of a delegated committee which is not comprised solely of Councillors must be prepared by or on behalf of the Chief Executive Officer, and be provided to each member at least 48 hours before the meeting.
- f) A member of a delegated committee may give a notice of motion on any motion the member wants to be considered at a meeting of the delegated committee.
 - i) A notice of motion given by a member must be given in writing to the Chief Executive Officer in sufficient time for the Chief Executive Officer to include it in the agenda for the meeting at which it is proposed to be considered.
- g) At a delegated committee meeting, business that is not included in the agenda must not be considered unless the committee solely comprises all the elected Councillors, in which case sub-rules (a) and (b) apply.
- h) The approved minutes of a delegated committee that is not comprised of all Councillors must be submitted to the next practicable Council meeting.

Part 9: Community Asset Committees

70. Community Asset Committees

a) A community asset committee established by Council under section 65 of the Act:

- i) is not required to comply with these Governance Rules unless the committee is exercising delegated authority conferred by the Chief Executive Officer. In that event Rule 32 will apply concerning the disclosure of a conflict of interest, and a reference to a Councillor in Rule 32 is to be construed as a reference to a member of the community asset committee. in;

~~1) which case Rule 323231 will apply concerning the disclosure of a conflict of interest, and a reference to a Councillor in Rule 323231 is to be construed as a reference to a member of the community asset committee;~~
- ii) is required to keep meeting minutes which must be submitted to the Chief Executive Officer following confirmation of the minutes at the next meeting; and
- iii) must act in accordance with its Charter, any Instrument of Delegation and any Terms of Reference established by the Chief Executive Officer.

Part 10: Joint Council Meetings

71. Participate in Joint Council Meetings

- a) Council may resolve to participate in a Joint Council meeting to consider:
 - i) matters subject to discussion of any existing alliance;
 - ii) collaborative projects;
 - iii) collaborative procurement; or
 - iv) a collaborative response.
- b) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on Governance Rules with the participating Councils.
- c) Where the Macedon Ranges Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to chair the Joint Council meeting.
- d) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- e) Consistent information will be provided to Councillors prior to any Joint Council meeting and every endeavor will be made by the Chief Executive Officer to facilitate a joint briefing.
- f) A joint briefing arranged in accordance with sub-rule (e) may be held electronically.

Part 11: Disclosure of Conflicts of Interest for Staff

72. Disclosure of a conflict of interest by a member of Council staff

a) A member of Council staff who is providing information to:

- i) a meeting of Council, a delegated committee or a community asset committee; or
- ii) another member of Council staff exercising a power of delegation or performing a statutory function –

and who has a conflict of interest in a matter to which the information relates, must disclose the conflict of interest when providing the information and before the information is considered by the applicable meeting referred to in paragraph (i) or another member of staff referred to in paragraph (ii).

b) A disclosure made by a person under sub-rule (a) must be recorded:

- i) in the minutes of the applicable meeting referred to in paragraph (a)(i); ~~or~~
- ii) in a conflict of interest disclosure register maintained by the Chief Executive Officer; and
- iii) if the information is provided to another member of Council staff, referred to in paragraph (a)(ii), in a conflict of interest disclosure register maintained by the Chief Executive Officer.

c) A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must—

- i) not exercise the power or discharge the duty or function;
- ii) in the case of the Chief Executive Officer, disclose the type of interest and the nature of the interest to—
 - 1) the Mayor, in writing, as soon as they become aware of the conflict of interest in the matter; and
 - 2) Council by no later than the next meeting of the Council; and
- iii) in the case of any other member of staff, disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.

d) The Chief Executive Officer does not have a conflict of interest in a matter if the matter only relates to—

- i) the adoption or amendment of a policy relating to Council staff generally;
- ii) the adoption of a code of conduct for Council staff; or
- iii) a decision to delegate a power, duty or function to a member of Council staff.

Part 12: Election Period (Caretaker) Policy

73. Election Period (Caretaker) Policy

- a) Council's Election Period (Caretaker) Policy adopted under section 69 of the Act is contained in Appendix 1.



POLICY PROCEDURE

Policy Title:	Election Period (Caretaker) Policy	
Date of Adoption:	26 August 2020	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> CEO <input type="checkbox"/> Other (please specify)	
CEO Signature:		Date: 28 August 2020
Responsible Officer and Unit:	Coordinator Governance	
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other: 12 months prior to each General Election	
Last Review Date:	June 2020 December 2022	
Next Review Date:	To be completed by 23 September 2023. (At least once in each Council term and, no later than 12 months prior to the commencement of an election period.	
Purpose / Objective:	To ensure that the ordinary business of Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker conventions'.	
Background / Reasons for Policy:	<p>Section 69 of the <i>Local Government Act 2020 (Vic)</i> (the Act) requires Council to include an election period policy in its Governance Rules. The Act stipulates that: the policy prohibit certain decisions during the election period (ss.69(2) and (3); that certain decisions if made in the election period will be invalid (69(4)) and that any person who suffers loss or damage as a result of acting in good faith on an invalid Council decision is entitled to compensation (69(5)).</p> <p>These statutory requirements are minimum governance standards only and this policy, to be read in conjunction with the Councillor Code of Conduct, further defines the expectations on Council, Councillors and Council staff during the period prior to the conduct of Council elections.</p>	
Related Policies:	Councillor Code of Conduct Staff Code of Conduct Councillor Support and Expenses Policy Community Consultation Framework Community Engagement Policy Media Policy Social Media Policy Social Media Guidelines	
Related Legislation:	<i>Local Government Act 1989 (Vic)</i> <i>Local Government Act 2020 (Vic)</i> (the Act) Local Law 10 — General Purposes and Amenities Local Law Local Law 11 — Meeting Procedure Local Law	

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Revision and review history

Version control	Approved, Amended, Rescinded	Date effective	Approved by	Document Reference	Summary of Changes
		7/11/2019	Chief Executive Officer		Correct date of commencement of election period
		06/2020	Chief Executive Officer		Replace repealed provisions and terminology from the <i>Local Government Act 1989</i> and incorporate new provisions of <i>Local Government Act 2020</i>
			Council		Minor updates as part of review of Governance Rules reflecting changes to the Local Government Act 2020 in force.

Introduction

The election period starts at the time that nominations close on nomination day; and ends at 6pm on election day.

~~The election period for the upcoming elections will therefore apply from 12pm (noon) on the day nominations close, Tuesday 22 September 2020, until 6pm on election day, Saturday 24 October 2020, inclusive.~~

1. Definitions

Term	Definition
Caretaker conventions	Arrangements implemented in the period prior to an election that aim to ensure Council actions do not interfere with the integrity of the election process and aim to protect the authority of the incoming Council.
<u>Election day</u>	<u>Means the day of an election determined under section 257 or 260 of the Local Government Act 2020.</u>
<u>Election Manager</u>	The Victorian Electoral Commission (VEC) or a person appointed in writing by the VEC.
Election period	The period that starts at the time that nominations close on nomination day and ends at 6pm on election day. This period is commonly referred to as the caretaker period.
Electoral material	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition, electoral matter is to be taken to be matter intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on –</p> <ol style="list-style-type: none"> The election; or A candidate in the election; or An issue submitted to, or otherwise before, the voters in connection with the election.
Events and functions	Gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities and social occasions such as dinners, receptions and balls.
Prohibited decision	Any Council decision during the election period for a general election that— <ol style="list-style-type: none"> relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year estimated at \$509,000 as at June 2020; or the Council considers could be reasonably deferred until the next Council is in place; or

	<p>(d) the Council considers should not be made during an election period; and</p> <p>Any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.</p>
Publish	Any means, including <u>Includes</u> by-publication on the internet.

2. Scope

This policy applies during an election period to cover:

- decisions that are made by Council, a committee having Council delegated power, or person acting under delegation by Council
- any material that is published by Council or on Council's behalf
- public consultation activities
- scheduling, attendance and participation in functions and events
- the use of Council resources
- access to Council information
- media services issues (including media advice, media releases / spokespersons) and publicity campaigns.

Any such decisions or actions, if allowed at all, must only be made or taken subject to the following principles.

3. Policy principles

This policy must be complied with during an election period, or such longer period as resolved by Council, if any of the following apply:

- a prohibited decision is being considered
- written material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election) is about to be published
- a Council publication is being created
- a public consultation process is being considered
- a sitting Councillor is planning to attend a function or event
- Council staff supply administrative or resource support to Councillors
- a Councillor requests access to Council information
- a sitting Councillor requests media advice or services.

4. Decisions during the election period

Council, a committee acting under delegation given by Council, or a person acting under delegation given by Council or the Chief Executive Officer, must not make a prohibited decision during the election period for a general election.

4.1 Prohibited decisions during election period

Section 69(2) of the Act requires that the election period policy prohibits Council making certain decisions during the election period for a general election. These are defined in clause 1 of this policy and are outlined further below in clauses 4.1.1 to 4.1.4.

Additionally, section 69(3) of the Act requires that the policy prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's

resources in a way that is intended to influence, or is likely to influence, voting at the election. These matters are considered below in clauses 5-10 of this policy.

4.1.1 Decisions regarding appointment and remuneration of the Chief Executive Officer

Decisions that relate to the appointment or remuneration of the Chief Executive Officer will not be made during the election period for a general election.

4.1.2 Decisions regarding Council expenditure

Decisions that commit Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year will not be made during the election period for a general election. ~~[As at 19 June 2020, this figure was \$509,000]~~

4.1.3 Decisions that could be reasonably deferred until the next Council is in place

Decisions that could reasonably be deferred until the next Council is in place will be scheduled for determination by the incoming Council. In determining whether a decision could be reasonably deferred, consideration will be given to whether the matter under consideration is urgent and cannot be deferred without having a negative impact on Council, the municipality or the local community.

4.1.4 Decisions that should not be made during the election period

The following is a non-exhaustive list of decisions (whether made by Council, a delegated committee of Council or a staff member with delegated authority) that Council considers should not be made during the election period:

- allocation of community grants or other direct funding to community organisations
- allocation of discretionary funding
- major planning scheme amendments
- sale or discontinuance of roads
- sale or exchange of land
- leasing of land
- changes to strategic objectives and strategies in the Council Plan.

4.2 Scheduling of Decisions

Unless 'extraordinary circumstances' apply the CEO will ensure that the types of decisions outlined in 4.1.3 and 4.1.4 are either:

- considered by Council prior to the election period, or
- scheduled for determination by the incoming Council.

4.3 Planning decisions that can be made

During the election process, the normal processing of planning applications and planning scheme amendments may, subject to this policy, continue, so that Council can comply with statutory obligations in a timely manner.

4.4 Decisions by the CEO

In the case of a decision referred to the CEO for approval during the election period, in deciding whether to give approval, the CEO will have regard to a number of factors including:

- the urgency of the issue (that is, can it wait until after the election?)
- the possibility of financial repercussions if it is deferred
- whether the decision is likely to be controversial
- the best interests of Council

- [Council's legislative responsibilities.](#)

4.5 Announcement of decisions made prior to the election period

This policy applies only to the actual making of decisions, not the announcement of decisions which have been made prior to the election period. However, as far as practicable such announcements should be made before the election period begins.

4.6 Conduct of Council Meetings

The following adjustments will be made to the conduct of Council meetings during the election period:

- public question time will be suspended.
- Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter where possible.
- Councillors will not raise items that contain or relate to electoral matter.
- no Officer Report shall be presented to Council during the election period unless it contains an express statement by the CEO that a decision on the matter would not constitute [in the CEO's opinion](#), a prohibited decision.

5. Council publications

5.1 Prohibition on publishing materials during the election period

~~It is prohibited under section~~ [Section](#) 304(2) of the Act ~~prohibits for~~ a Councillor or a member of Council staff ~~to use using~~ Council resources to intentionally or recklessly print, publish or distribute, or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, Council, unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Councillors are, however, able to publish campaign material on their own behalf and at their own cost, but must assume responsibility for compliance with the relevant sections of the Act and cannot purport for that material to be originating from, or authorised by Council (i.e. by use of Council logos).

The word 'publication' should be read broadly to include printed material, electronic information and web-based productions.

5.1.1 Publication approval process

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials during an election period.

All advertisements, handbills, pamphlets or notices for printing, publication (including updates to Council's websites) or distribution during the election period will be approved by the CEO using the *Request for approval of publication* form ([see sample form in](#) Attachment 1) during the election period and the process for approval will be as follows:

- publication authors are to check that no electoral matter is included when preparing a publication and submit the completed publication to the Coordinator Governance for review
- the Coordinator Governance is to confirm that no electoral matter is included, and return the publication to the author (if electoral matter is present) or submit it to the CEO for approval (if it complies with the requirements of the Act).
- the CEO is to approve or reject the publication and return it to the Coordinator Governance
- the Coordinator Governance is to maintain a register of all documents approved under this section.

5.2 Considerations of CEO in granting publication approval

Except as described more specifically elsewhere in this policy, in considering whether to grant approval for the publication of material during the election period, the CEO will not permit any materials to be published which include reference to the following:

- a candidate in the election
- a current Councillor
- the strengths or weaknesses of a candidate
- response to claims made by a candidate
- advocacy for, or criticism of, the policies of Council or of a candidate
- publicity for the achievements of the elected Council or Councillor
- an issue before the voters in connection with the election.

5.3 Council websites

During the election period Council websites will not contain material precluded by this policy under clause 5.2. Any references to the election will only relate to the election process. Information about Councillors will be restricted to names and contact details.

5.4 Social media

For the duration of the election period, administrator access to Council's social media channels will be restricted to the Communications Unit to ensure the risk of publishing material in breach of the policy is minimised. The CEO will determine any other processes and resourcing necessary to moderate social media in accordance with this policy.

5.5 Email usage

The CEO will ensure that information is provided to Councillors, staff and contractors prior to the election period to preclude unauthorised publication of materials via the Council email system during an election period. Such information will include support in recognition of material that may be defined as 'electoral material', such as described in clause 5.2, and instruction to ensure that material that may be considered pertinent to the election is not circulated more widely than normal without authorisation.

5.6 Annual Report

Should the publication date of the Annual Report occur during the election period, information about Councillors will be restricted to what is required by *the Local Government (Planning and Reporting) Regulations 2014-2020* and membership of special- delegated committees and other bodies to which they have been appointed by Council.

5.7 Council publications

Any Council publication which is potentially affected by this policy will be reviewed by the Coordinator Governance, Manager Communications or the CEO to ensure that any circulated, displayed or otherwise publicly available material during the election period does not contain content that may be construed as electoral matter.

5.8 Council noticeboards and buildings

During the election period Council noticeboards and buildings will only be used for display of material that only contains information about the election process itself or information that would not reasonably be determined to be 'electoral material'.

6. Consultations

Public consultation of a limited kind normally associated with the routine administration of planning, building, traffic, or other matters will continue through the election period. However, significant community or ward-wide consultation on major strategy or policy issues will not occur, or if already commenced should be discontinued, during the election period.

Public consultations required by Section 223 of the *Local Government Act 1989* or by the *Planning and Environment Act 1987* may need to occur during the election period. If required, these processes will be conducted in accordance with the legislative requirements and Council's Community Engagement Policy.

7. Events and functions

Councillors are able to continue to attend meetings, events and functions during the election period which are relevant to Council and the community.

Council's annual program of events will continue during the election period ~~however~~ but speeches will be limited to a short welcome, and should not contain any express or implied reference to the election. Any publicity will be mindful of the controls on electoral material outlined in these guidelines.

Councillors are able to attend events or functions conducted by external bodies during the election period, however when attending as a representative of Council Councillors must be mindful that they do not use that opportunity to promote their election campaigns.

8. Council resources

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.

Staff, including support staff for the Mayor and Councillors, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Coordinator Governance or the CEO.

8.1 Council resources

Council resources, including Officer resources, support staff, hospitality services, equipment (including mobile telephones, computers and any other technology), email addresses, and stationery ~~should~~ must be used exclusively for normal Council business during the election period, and ~~should~~ must not be used in connection with an election.

8.2 Correspondence

Councillors will sign only the necessary minimum, if any, correspondence during the election period, (eg- the Mayor cannot sign letters of congratulations during the election period). Consistent with current standard practice, correspondence addressed to Councillors that relates to operational matters will be referred to the relevant Director for response. Correspondence in respect to significant, sensitive or controversial matters, or to policy matters, should be signed by the CEO. Replies will be prepared in all cases to protect Council staff from any perception of ~~political~~ electoral bias.

8.3 Expenses incurred by Councillors

Payment or reimbursement of costs relating to Councillors' out-of-pocket expenses incurred during the election period should only apply to necessary costs that have been incurred in the performance of normal Council duties, not campaigning, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the CEO will only approve a partial reimbursement to cover Council activities.

8.4 Council branding and stationery

Council logos, letterheads, or other Council branding must not be used for, or linked in any way, to a candidate's election campaign.

8.5 Photographs and images

Photographs and images taken by or provided by Council are not to be used by Councillors for the purpose of electioneering or in support of their election campaign.

This applies equally to images on the Council website that may be able to be copied.

8.7 Forums

No local community forums, ward meetings or any other forums where matters affecting Council services, major projects, planning matters and issues with Shire-wide impacts will be held by Councillors during the election period.

9. Access to Council information

All candidates have equal rights to access public information relevant to their election campaign from the Council administration. [Council information sought by candidates will be listed on Council's website. Candidates may seek, through the CEO, copies of the Council information listed on the website and provided to another candidate or candidates.](#) Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support and advise them during the election period.

9.1 Information and briefing material

Information and briefing material prepared or secured by staff for a Councillor during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

9.2 Information requests from Councillors and candidates

The Coordinator Governance will maintain an Information Request Register during the election period. This Register is a public document and will record all requests for information by Councillors or candidates, and the response given to those requests. Staff will be required to provide details of requests and responses to the Coordinator Governance for inclusion in the register.

Any enquiries by staff regarding information requests or briefing material perceived to be of an electoral nature or related to election issues will be referred by staff in the first instance to the Coordinator Governance for a determination. The [Submission-to-iCandidate Information request register form as approved by the CEO and available on Council's website \(see sample form in Attachment 2\)](#) is to be completed for this purpose.

10. Media and media services

Council's media services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.

10.1 Media advice

Any requests for media advice or assistance from Councillors during the election period will be channelled through the CEO or the Manager Communications. No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

10.2 Media releases/spokespersons

Media releases will not refer to specific Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the CEO or the Manager Communications will determine the appropriate person.

10.3 Publicity campaigns

During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO or Manager Communications. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.

10.4 Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

10.5 Council staff

During the election period no Council staff members may make any public statement that relates to an election issue unless statements have been approved by the CEO or Manager Communications.

11. Equity in assistance to candidates

All candidates for the Council election will be treated equally.

11.1 Candidate assistance and advice

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

11.2 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Coordinator Governance.

11.3 Misuse of position

Using Council resources for campaigning may be a ~~criminal~~ misuse of a Councillor's position under ~~Section 76D of the Local Government Act 1989~~¹ ~~section 123 of the Act~~. Serious penalties are prescribed for any Councillor who ~~intentionally or recklessly inappropriately~~ makes use of their position (or information obtained in the role of Councillor), to gain an advantage for themselves or for any other person.

12. Council staff member standing for election

In accordance with section 34(2)(d) of the Act, a person is not qualified to be a Councillor if they are a member of Council staff ~~of the Council~~. However, staff members are not prevented from nominating as a candidate (s.256(8)).

In the event that a member of Council's staff stands for election as a Councillor ~~for the Macedon Ranges Shire~~, they are required to:

- take leave from their position to stand for election to the office of Councillor for the duration of the election period (with leave commencing, at the latest, from the time of nominating as a candidate);
- not perform any duties of their position for the duration of the election period; and
- if elected, resign from their position before taking the oath or affirmation of office.

13. Election signage

The content of election signage must meet the requirements for electoral material under section 291 of the Act. Council provides guidance in relation to the ~~rules-provisions~~ which apply to signage that promotes candidates in an election, or relates to election issues.

13.1 Election signs on private land

Election signs are allowed to be displayed on private land without a permit with permission from the owner of the land, subject to the following restrictions which are set out in clause 52.05-10 of the Macedon Ranges Planning Scheme:

¹ ~~This provision of the Local Government Act 1989 remains in force until it is repealed on 24 October 2020.~~

- the advertisement area of the sign must not exceed 5 square metres
- only one sign may be displayed on the land
- the sign must not be animated or internally illuminated, and it must not be displayed longer than 14 days after the event is held or 3 months without a permit. (whichever is sooner).

13.2 Election signs on public land and roads

The placement of election signs on land that is owned or managed by Council (including recreation reserves, halls, facilities, nature strips, median strips, and road reserves) is prohibited. The erection of such signs will be dealt with as a breach of Council's General Purposes and Amenity Local Law No.10.

In relation to roads and road infrastructure, penalties may also apply under section 66 of the *Road Management Act 2004*, which outlines the controls on advertising, signs and bills on roads and road infrastructure.

13.3 Election signs on vehicles and trailers

Portable or moveable election signs that are attached to a vehicle, trailer or similar may only be displayed if a permit is granted in accordance with Council's General Purposes and Amenity Local Law No. 10 and provided that:

- the sign does not unreasonably restrict the use of the road, or endanger the safety of members of the public; and
- the relevant parking restrictions and requirements are observed.

14. Notification and distribution of policy

A copy of this policy will:

- be given to each Councillor as soon as possible after it is adopted;
- be available for inspection by the public at the Council Customer Service Centres; and
- be published on Council's website.

Additionally, as soon as possible and no later than 30 days prior to the commencement of the election period, the CEO will ensure that all staff are informed of the requirements of this policy.

15. Suspension of matters during election period

In accordance with [section 173 of the Act²](#), any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the misconduct or serious misconduct of a person who is a Councillor must be suspended during the election period.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is not returned to the office of Councillor as a result of the general election, the application made against that person who was a Councillor before the election lapses.

If an application is made to a Councillor Conduct Panel for a finding of serious misconduct against a person who is a Councillor before a general election, and that person is returned to the office of Councillor as a result of the general election, the application made against the Councillor may resume, whether or not any applicant was returned to the office of Councillor as a result of the general election.

16. Monitoring, enforcement and amendment

The implementation of this policy shall be overseen by the Coordinator Governance.

² This clause is to be read in accordance with section 81N of the *Local Government Act 1989* until the repeal of this provision on 24 October 2020; thereafter it is to be read in accordance with section 173 of the *Local Government Act 2020*.

Breaches of the policy shall be brought to the attention of the CEO without delay. Breaches of the policy sufficient to constitute a breach of the Act shall be referred to the Local Government Inspectorate.

The CEO has the discretion to introduce additional provisions to this policy where they believe the new provisions are necessary to support the achievement of its stated policy objectives.

Any changes made by the CEO will be reflected in an update to this policy and published on Council's website and a notification of this change will be sent to all Councillors and candidates.

Attachment 1

Request for approval of publication during the election period

1 Author to complete

Document description (<i>attach document</i>):	
Intended distribution channel:	

I declare that this material contained in the attached document has been checked by me and to the best of my knowledge does not contain any electoral matter.

Name and title:	
Signature:	
Date:	

2 Coordinator Governance (or delegate) to complete

- ☐ I have reviewed the material contained in the attached document and have returned the document to the author as I am of the view it contains electoral matter.
- ☐ I have reviewed the material contained in the attached document and can advise that to the best of my knowledge it does not contain any electoral matter.

Name and title:	
Signature:	
Date:	

3 CEO to complete

- ☐ I have reviewed the material contained in the attached document and do not approve that it be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.
- ☐ I approve that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of Macedon Ranges Shire Council.

Name and title:	
Signature:	Chief Executive Officer
Date:	

Attachment 2



Macedon Ranges
Shire Council

Submission to Candidate information request register form

1 Council officer to complete

Name of Councillor or candidate
making the request:

Date of request:

Information requested (*attach
documents if required*):

Was information provided? Yes ☐ No (if no, go to 2) ☐

Date information provided:

Information provided (*attach
documents if required*):

2 Submit to Coordinator Governance (or delegate) within 24 hours

3 Coordinator Governance (or delegate) to place on register