

# Agenda

**Council Meeting**  
**Wednesday 24 November 2021 at 7pm**  
**Gisborne Administration Centre**  
**40 Robertson Street, Gisborne**

**Table of contents**

<b>1</b>	<b>Acknowledgement of Country</b> .....	<b>4</b>
<b>2</b>	<b>Recording of live streaming of this Council meeting</b> .....	<b>4</b>
<b>3</b>	<b>Present</b> .....	<b>4</b>
<b>4</b>	<b>Apologies</b> .....	<b>4</b>
<b>5</b>	<b>Conflicts of interest</b> .....	<b>4</b>
<b>6</b>	<b>Mayor's report</b> .....	<b>5</b>
6.1	Mayor's report - November 2021.....	5
<b>7</b>	<b>Petitions</b> .....	<b>6</b>
<b>8</b>	<b>Adoption of minutes</b> .....	<b>6</b>
<b>9</b>	<b>Record of meetings of Councillors and Council staff</b> .....	<b>7</b>
9.1	Record of meetings of Councillors and Council staff - October to November 2021.....	7
<b>10</b>	<b>Deputations and presentations to Council</b> .....	<b>17</b>
<b>11</b>	<b>Director Planning and Environment reports</b> .....	<b>18</b>
PE.1	Delegation Framework, Policies & Procedures.....	18
PE.2	Roadside Conservation Management Plan.....	37
PE.3	Draft Domestic Animal Management Plan 2021 - 2025.....	58
PE.4	Festive Season Decorations and Installations.....	76
PE.5	Councillor Interaction with External Planning Matters Policy.....	80
<b>12</b>	<b>Chief Executive Officer reports</b> .....	<b>89</b>
CX.1	Council Meeting Dates 2022.....	89
CX.2	Annual Councillor appointments and Council memberships.....	93
CX.3	Contracts to be Awarded November 2021.....	103
CX.4	Procurement Policy 2022.....	105
CX.5	Instrument of Appointment and Authorisation to staff under the Planning and Environment Act 1987.....	108
<b>13</b>	<b>Director Corporate and Community reports</b> .....	<b>113</b>

CC.1	Quarterly Report for Period Ending 30 September 2021 .....	113
CC.2	Audit and Risk Committee - Appointment of Independent Members .....	115
<b>14</b>	<b>Director Assets and Operations reports .....</b>	<b>119</b>
AO.1	Consideration of a request for inclusion of road onto the Public Road Register - Balls Lane Pipers Creek.....	119
AO.2	Consideration of a request for inclusion of road onto the Public Road Register - Drake Street Malmsbury.....	125
AO.3	Riddells Creek Movement Network Study .....	131
AO.4	Tree Management Policy - Update .....	136
AO.5	Mount Macedon Memorial Cross - Committee of Management.....	138
<b>15</b>	<b>Notices of motion and rescission .....</b>	<b>144</b>
	No. 39/2021-22: Notice of Motion - Heritage overlay 5 Dickens Street, Woodend.....	144
<b>16</b>	<b>Urgent business .....</b>	<b>145</b>
<b>17</b>	<b>Confidential reports .....</b>	<b>146</b>
17.1	Open Space Purchase.....	146

**1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges that Macedon Ranges Shire is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that we are gathering today on the land of Wurundjeri Woi Wurrung peoples. Council pays its respects to their Elders past, present and emerging and the Elders from other communities who may be here today.

**2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING**

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

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

**6 MAYOR'S REPORT**

<b>6.1</b>	<b>MAYOR'S REPORT - NOVEMBER 2021</b>
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**Summary**

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

**Recommendation**

**That Council receives and notes the Mayor's report, provided verbally.**

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**7      PETITIONS**

**8      ADOPTION OF MINUTES**

**Recommendation**

**That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 27 October 2021, as circulated.**

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**9 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF****9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - OCTOBER TO NOVEMBER 2021**

**Attachments:** Record of meetings involving Councillors and Council staff - October to November 2021 [↓](#)

**Summary**

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

**Recommendation**

**That Council receives and notes the record of meetings of Councillors and Council staff, as attached to this report.**

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## Record of Meeting involving Councillors and Council staff

<b>Meeting</b>	Councillor Briefings		
Date	26-Oct-2021	Time	9.45am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

<b>Councillors present</b> <i>List all Councillors in attendance</i>			
Cr Jennifer Anderson (Mayor)	A	Cr Mark Ridgeway (Deputy Mayor)	A
Cr Dominic Bonanno	A	Cr Annette Death	A
Cr Rob Guthrie	A	Cr Anne Moore	Z
Cr Geoff Neil	A	Cr Janet Pearce	A
Cr Bill West	A	<i>A = attended   Z = via Zoom   N = did not attend</i>	

<b>Officers present</b> <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Angela Hughes, Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Kate Young, Manager Legal and Corporate Governance	A
Allison Watt, Coordinator Governance	A
Travis Harling, Manager Finance and Reporting	A
Emma Orchard, Manager Family, Youth and Children's Services	A
Sarah Day, Early Years Service Planner	A
Alycia O'Sullivan, Coordinator Early Years Services	A
Simon Finlay, Manager Open Space and Recreation	A
Dean Frank, Coordinator Recreation	Z
Michelle Nolte, Recreation Project Officer	Z
Evert Grobbelaar, Manager Statutory Planning	A
Rob Ball, Manager Strategic Planning and Environment	Z
Leanne Khan, Coordinator Strategic Planning	Z
Jack Wiltshire, Strategic Planner	Z
Louise Dewberry, Senior Strategic Planner	N
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<b>Others present</b>	<i>List all other persons in attendance</i>
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<b>Matters considered</b>	<i>List all items</i>
Mid Year Budget Review	
Service models for kindergartens	
Dixon Field Master Plan	
Planning Matters PLN/2021/211 –40 Racecourse Road Riddells Creek	
Agenda Review for 27 October Council Meeting	
Romsey Structure Plan Councillor Reference Group	
Kyneton Urban Design Framework	



**Disclosure of conflicts of interest**

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Office use

1. The responsible officer must complete this form at any meeting, other than a meeting of Council or a delegated committee, as specified in Rule 31 of the Governance Rules.
2. Once completed, the responsible officer must forward this form to the Coordinator Governance within two days of the meeting.



### Record of Meeting involving Councillors and Council staff

<b>Meeting</b>	Councillor Briefings		
Date	09-Nov-2021	Time	9.45am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

<b>Councillors present</b> <i>List all Councillors in attendance</i>			
Cr Jennifer Anderson (Mayor)	A	Cr Mark Ridgeway (Deputy Mayor)	A
Cr Dominic Bonanno	A	Cr Annette Death	A
Cr Rob Guthrie	N	Cr Anne Moore	A
Cr Geoff Neil	A	Cr Janet Pearce	A
Cr Bill West	A	<i>A = attended   Z = via Zoom   N = did not attend</i>	

<b>Officers present</b> <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Kate Young, Manager Legal and Corporate Governance	A
Allison Watt, Coordinator Governance	A
Allie Jalbert, Coordinator Local Laws	A
Evert Grobbelaar, Manager Statutory Planning	A
Christo Crafford, Coordinator Statutory Planning	A
Rob Ball, Manager Strategic Planning and Environment	A
Bob Elkington, Coordinator Economic Development	A
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**Macedon Ranges**  
Shire Council

<b>Others present</b>	<i>List all other persons in attendance</i>
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<b>Matters considered</b>	<i>List all items</i>
Procurement Policy (Local Government Act 2020)	
Local Roads and Community Infrastructure Funding - Round 3	
Domestic Animal Management Plan	
Planning Matters - PLN/2016/524/B – 600 Couangalt Road Gisborne - PLN/2021/100 – 35 Calthorpe Street, Gisborne - PLN/2021/153 – Bruce Court Gisborne	
Planning Delegated Committee Agenda Review	
24 November Council Meeting Agenda Review	



**Disclosure of conflicts of interest**

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

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## Record of Meeting involving Councillors and Council staff

<b>Meeting</b>	Councillor Briefings		
Date	16-Nov-2021	Time	10.30am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

<b>Councillors present</b> <i>List all Councillors in attendance</i>			
Cr Jennifer Anderson (Mayor)	A	Cr Mark Ridgeway (Deputy Mayor)	A
Cr Dominic Bonanno	A	Cr Annette Death	A
Cr Rob Guthrie	A	Cr Anne Moore	A
Cr Geoff Neil	A	Cr Janet Pearce	A
Cr Bill West	A	<i>A = attended   Z = via Zoom   N = did not attend</i>	

<b>Officers present</b> <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Allison Watt, Coordinator Governance	A
Kate Young, Manager Legal and Corporate Governance	Z
Gary Randhawa, Manager Engineering and Resource Recovery	A
Cam McFarlane, Coordinator Asset Management and Infrastructure Planning	A
Fiona Alexander, Manager Community Care	A
Evert Grobbelaar, Manager Statutory Planning	A
Awais Sadiq, Coordinator Statutory Planning	A
Leanne Khan, Coordinator Strategic Planning	A
Rob Ball, Manager Strategic Planning and Environment	A
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<b>Others present</b>	<i>List all other persons in attendance</i>
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<b>Matters considered</b>	<i>List all items</i>
Process for election of Mayor and Deputy Mayor	
Asset Plan - discussion and what does plan look like	
CEO Employment and Remuneration Policy	
Seniors Housing	
Planning Matters - PLN/218/549 – 121 Aitken Street Gisborne	
Planning Scheme Review update	
Purchase of open space in Gisborne South	
24 November Council Meeting agenda review	



**Disclosure of conflicts of interest**

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting? Yes <input type="checkbox"/> No <input type="checkbox"/>		Time departed	
		Time returned	

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting? Yes <input type="checkbox"/> No <input type="checkbox"/>		Time departed	
		Time returned	

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting? Yes <input type="checkbox"/> No <input type="checkbox"/>		Time departed	
		Time returned	

Office use

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**10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

**11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS**

<b>PE.1</b>	<b>DELEGATION FRAMEWORK, POLICIES &amp; PROCEDURES</b>
<b>Officer:</b>	<b>Stephen Pykett, Acting Director Planning and Environment</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Delegation Framework Policy and Procedures - draft <a href="#">↓</a></b>

**Summary**

This report recommends that Council's Delegation Framework, Policies and Procedures document be updated following a review of the document by Council officers, to reflect current practical arrangements of the document and to make spelling corrections.

**Recommendation**

**That Council adopt the updated Delegation Framework, Policies and Procedures (November 2021) attached to this report.**

**Background**

Council's current Delegation Framework, Policies and Procedures (the Framework) was adopted by Council at the November 2019 Ordinary Council Meeting. The Framework provides context and guidance for how officers and Councillors should consider planning applications (and other matters like financial delegations) against the delegations given to officers from the Chief Executive Officer and Councillors.

Of relevance to planning applications, the Framework sets out the circumstances in which Councillors may call an application in to a Councillor Briefing and/or, call an application into a Council Meeting to be decided. Since July 2021, planning applications called in for a decision must come to a Planning Delegated Committee to be heard, and then either come to a Planning Delegated Committee or Scheduled Council Meeting to be decided. This follows the (re) establishment of a Submitters Committee to hear from submitters in relation to a planning application in February 2020.

The Framework that was adopted by Council in November 2019 required a review of it within four years of its adoption. Council's review of the Framework commenced in May 2021.

**Discussion**

It is considered that the Framework functions well as a document. Officers recommend the Framework is updated to reflect practices that are currently being employed by officers to implement the Framework. To do this, reasonably small changes are required to the Framework. These are summarised as follows:

1. For those applications called into Briefing, new text is proposed within the Framework to make it clear that Councillors have until 5pm of the end of the work week to call the decision on the application into a Council Meeting if they wish. This call in must be seconded by another Councillor.
2. Insert a new provision to enable a call-in to be reversed by the two Councillors who originally called the application in.

3. Clarify that a called in application will come to the appropriate Planning Delegated Committee or Council Meeting, and not necessarily the next available meeting.
4. Acknowledge that during the Election Period, that the fortnightly list will not be circulated until an appropriate time following the swearing in of (new/re-elected) Councillors; and, that no eligible applications will be decided during this period. Noting that this will impact statutory days.
5. Acknowledge that over the Christmas/New Year period, the fortnightly list may not be able to be circulated fortnightly due to public holidays and any closure of the Council offices.
6. Clarify *Local Government Act* references and update references to committees
7. Correct spelling errors and formatting.

Officers are comfortable with the triggers by which a planning application may be eligible to be called-in and do not propose any changes in this regard.

### **Consultation and engagement**

As it is proposed to update the Framework only with no significant changes, no consultation has occurred.

### **Collaboration**

As it is proposed to update the Framework only with no significant changes, no collaboration has occurred.

### **Innovation and continuous improvement**

In reviewing the Framework, officers consider that it works well and suggest minor changes to it to reflect those additional activities which occur to enable the Framework to be implemented. It is proposed for these additional activities to be specifically referred to in the Framework so that all parties are clear as to their role and responsibility within the Framework.

Council may in future consider further amending the Framework, to require Councillors calling an application into a Councillor Briefing or Council Meeting to be decided, to provide written reasons as to why the application is being called in. This does not currently occur although Councillors are encouraged to provide officers with any specific questions that they may have on the application in advance to make best use of the Councillor briefing time.

### **Relevant law**

Planning and Environment Act 1987 (as amended).

### **Relevant regional, state and national plans and policies**

Not applicable.

### **Relevant Council plans and policies**

- Community Vision
- Council Plan 2021-2031
- Macedon Ranges Planning Scheme

**Financial viability**

Not applicable.

**Sustainability implications**

Not applicable.

**Officer declaration of conflicts of interest**

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



<b>Policy Title:</b>	Delegation Framework, Policy and Procedures	
<b>Date of Adoption:</b>	XX XXXX 2021	
<b>Adoption Method:</b>	<input checked="" type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>Other</b> ( <i>please specify</i> )	
<b>CEO Signature:</b>		<b>Date:</b>
<b>Responsible Officer and Unit:</b>	Coordinator Governance	
<b>Nominated Review Period:</b>	<input type="checkbox"/> <b>Annually</b> <input checked="" type="checkbox"/> <b>Within 4 years or 12 months of a general election</b>	
<b>Last Review Date:</b>	November 2021	
<b>Next Review Date:</b>	By October 2025	
<b>Purpose / Objectives:</b>	Establish a framework in which Council considers it appropriate for Council Officers to exercise delegated powers and functions in accordance with the <i>Planning &amp; Environment Act 1987</i> and <i>Subdivision Act 1988</i> . Ensure compliance with the <i>Local Government Act 2020</i> , that delegations are exercised with appropriate controls, efficiently and effectively and that the Chief Executive Officer has sufficient power and authority to generally manage, control and administer the statutory planning duties of Council on a day to day basis.	
<b>Background / Reasons for Policy:</b>	This policy has been developed to provide a clear policy framework that explains; <ol style="list-style-type: none"> <li>1. What is delegation and why it is needed.</li> <li>2. The statutory basis of delegations.</li> <li>3. How Council manages its delegation regime for statutory planning decisions.</li> <li>4. How Officers must exercise their delegation generally and specifically when making planning decisions.</li> </ol>	
<b>Related Policies:</b>	Councillor Code of Conduct, Staff Code of Conduct, Procurement Policy	
<b>Related Legislation:</b>	<i>Local Government Act 2020, Planning &amp; Environment Act 1987, Subdivision Act 1988</i> and other relevant State and Commonwealth legislation	

## Table of Contents

1. Introduction	3
2. Objectives of this framework	5
3. What is a delegation?	5
4. Statutory basis of delegations	6
- 4.1 Delegations to Officers	6
- 4.2 Delegated Committees of Council	6
5. Delegation hierarchy	7
6. Limitations on delegations	9
7. Operation of delegations	11
- 7.1 General controls and processes to be observed when exercising delegations	11
- 7.2 Controls and processes to be observed when exercising planning delegations	12
8. Management of the delegations process	15
9. Administrative responsibilities of delegates	16
10. Review of delegations	16
11. Attachments – Instruments of Delegation	16

## 1. Introduction

The Macedon Ranges Shire Council believes that it is essential and in the interests of effective governance to encourage the delegation of statutory planning decision making to the appropriate level within the organisation. This will achieve the best use of the abilities of elected Councillors and officers, ensure cost effective use of resources, and promote the development of efficient and effective management.

Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise and prudent use. Delegations cannot, however, remove from the Council and senior management the ultimate accountability for the affairs of Council's statutory planning function.

Those with delegated authority should willingly accept authority and responsibility for decision making in the certain knowledge that their decisions, if made in a full, fair and objective manner, will help achieve the strategic outcomes of the organisation as set out in both the *Local Government Act 2020* (the Act) and the *Planning and Environment Act 1987* (the P&E Act).

Section 8 of the Act sets out the 'Role of a Council' as follows;

- (1) *The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.*
- (2) *A Council provides good governance if—*
  - (a) *it performs its role in accordance with section 9;*
  - (b) *the Councillors of the Council perform their roles in accordance with section 28.*
- (3) *In performing its role, a Council may—*
  - (a) *perform any duties or functions or exercise any powers conferred on a Council by or under this Act or any other Act; and*
  - (b) *perform any other functions that the Council determines are necessary to enable the Council to perform its role.*
- (4) *If it is necessary to do so for the purpose of performing its role, a Council may perform a function outside its municipal district.*

Section 9 of the Act sets out the 'Overarching governance principles and supporting principles' that Council must follow;

- (1) *A Council must in the performance of its role give effect to the overarching governance principles.*
- (2) *The following are the overarching governance principles—*
  - (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 risks, 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;*
  - (h) *regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
  - (i) *the transparency of Council decisions, actions and information is to be ensured.*
- (3) *In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—*
- (a) *the community engagement principles;*
  - (b) *the public transparency principles;*
  - (c) *the strategic planning principles;*
  - (d) *the financial management principles;*
  - (e) *the service performance principles.*

Section 4 of the P&E Act sets out the objectives for land use planning in Victoria;

- (1) *The objectives of planning in Victoria are—*
- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
  - (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
  - (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
  - (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
  - (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
  - (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
  - (fa) *to facilitate the provision of affordable housing in Victoria;*
  - (g) *to balance the present and future interests of all Victorians.*

The achievement of these overarching governance principles and objectives within the Act and the P&E Act respectively, is through the development of a close working relationship between Councillors and Officers. Councillors are responsible for the development and implementation of policy to lead and guide the good management of the Macedon Ranges Shire. Officers, in turn, implement and administer these policies, provide expert advice which contributes substantially to statutory decisions made under the established planning policy which create the built form, land uses and environmental outcomes the community expect.

Delegation focuses and sharpens this relationship and assists in the better achievement of the respective functions of elected Councillors and Officers.



## 2. Objectives of this framework

The objectives of the Delegation Framework Policy and Procedures document are to:

- Establish a framework that Council considers appropriate for Council Officers to exercise delegated powers and functions in accordance with the *Planning & Environment Act 1987 and the Subdivision Act 1988*.
- Ensure that the Macedon Ranges Shire Council complies with the requirements of the Act specifically Section 47 which defines which powers vested with the Council may be delegated.
- Ensure that Council Officers have the required delegated authorities to achieve the statutory time frames for planning permits to be determined within i.e. 60 statutory days.
- Ensure that Council Officers have the required delegated authorities to achieve strategic outcomes and outputs as identified in the Council Plan through statutory planning decision making.
- Ensure that the delegation regime to the Chief Executive Officer and other Council Officers are clearly defined and recorded within Council's Delegations Register.
- Ensure that the Chief Executive Officer and Council Officers exercise these delegations appropriately and within the terms of their Instruments of Delegation.
- Facilitate the effective and efficient operation of the Council by providing Officers with sufficient power and authority to generally manage, control and administer the affairs of the Council on a day-to-day basis.

## 3. What is a delegation?

Delegation means the assignment of a duty, power or function to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

In almost all situations the Council itself is a delegate in that its duties, powers and functions derive from the Victorian Parliament through empowering legislation (e.g. the *Planning and Environment Act 1987* and others). As such legislative, judicial and administrative authority is granted to the Council for specific purposes. In this environment, the Council has wide discretion to arrange its own administration in a way which ensures efficiency, flexibility and responsiveness to local needs. In doing so it must, however, comply with the special requirements imposed by law in given circumstances.

It is important to understand the following characteristics of delegation:

- It is implicit that a delegation may be revoked by formal decision of Council or delegator, and is immediately effective when communicated to the delegate;
- The delegate is acting in his or her own name on behalf of the Council when exercising delegated authority;
- To be effective and of legal standing, all delegations must be in writing (i.e. this policy, authorisations and the Delegations Register);
- All statutory planning delegations must operate within the parameters set by Council's Delegation Framework, Policy and Procedure.

## 4. Statutory basis of delegations

### 4.1 Delegation to Officers

Macedon Ranges Shire Council's delegations are derived from Section 11 and 47 of the Local Government Act 2020 which states:

#### Section 11

(1) A Council may by instrument of delegation delegate to—

- (a) the members of a delegated committee; or
- (b) the Chief Executive Officer—

*any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in subsection (2).*

#### Section 47

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to—

- (a) a member of Council staff; or
- (b) the members of a Community Asset Committee.

(2) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function conferred by this Act or any other Act on the Chief Executive Officer, other than this power of delegation and the power of delegation under subsection (1), to a member of Council staff.

(3) A delegation under this section to a member of Council staff may be made to—

- (a) a person named in the delegation; or
- (b) the holder of an office or position specified in the delegation.

### 4.2 Delegated Committees of Council

In addition to the power to delegate to a member of its staff, Council pursuant to Section 63 of the Local Government Act 2020 may delegate any of its functions, duties and powers to a delegated committee.

Section 63 of the Local Government Act 2020 states

#### **63 Delegated committees**

(1) A [delegated committee](#) established by a [Council](#)—

- (a) must include at least 2 [Councillors](#); and
- (b) may include any other [persons](#) appointed to the [delegated committee](#) by the [Council](#) who are entitled to vote.
- (2) A meeting of a [delegated committee](#) established by a [Council](#) must be chaired by—
- (a) a [Councillor](#) appointed by the [Council](#) or the Mayor to chair meetings of the [delegated committee](#); or
- (b) if the [Councillor](#) appointed by the [Council](#) or the Mayor to chair meetings of the [delegated committee](#) is not present at the meeting, a [Councillor](#) who is present at the meeting and is appointed by the members of the [delegated committee](#) who are present at the meeting.
- (3) Section 61 applies to a meeting of a [delegated committee](#) as if the members were [Councillors](#).

The Macedon Ranges Shire Council has established a Section 63 Delegated Committee.

Name of Delegated Committee	Date established	Membership	Purpose of Delegated Committee
Planning Delegated Committee	July 2021	All Councillors	To exercise Council's functions and powers to make decisions for all planning matters, and to perform Council's duties to hear from: <ul style="list-style-type: none"> <li>Persons who have made an objection or submission to a planning matter in accordance with the <i>Planning and Environment Act 1987 (Vic)</i>; and</li> <li>Planning permit applicants and/or land owners in relation to a planning matter submitted in accordance with the <i>Planning and Environment Act 1987 (Vic)</i>.</li> </ul>

## 5. Delegation hierarchy

The Macedon Ranges Shire Council has a delegation hierarchy to ensure the appropriate processes and accountabilities exist for the implementation of its delegations. This hierarchy notes that the authority to delegate functions and responsibilities flows directly from the Act through to the Council as the 'body politic' for the organisation.

Delegations of authority from the Council are in general made;

- a) **Directly from Council to the Chief Executive Officer** who in turn may **sub-delegate** these authorities to nominated members of staff as he/she considers appropriate for the effective and efficient operation of the organisation and the delivery of functions and services to allow the council to fulfil its lawful obligations, or

- b) **Directly from Council to Officers of Council.** Council can delegate some of its powers, duties and functions directly to staff without the need for them to be sub-delegated by the Chief Executive Officer.
- c) **Directly from Council to a Section 63 Delegated Committee of Council**  
Council has established a new Planning Delegate Committee under this section of the Act to consider and determine relevant land use planning matters.

Council manages and documents its delegations through the subscription to a 'Delegation & Authorisation Service' that is updated bi-annually and which documents all 'powers, duties and functions' conferred on local Councils in all relevant Victorian and Commonwealth legislation.

This service also satisfies the legislative requirement for Council to maintain a register of all delegations which is to be available for public inspection. Council maintains this register on its website [www.mrsc.vic.gov.au](http://www.mrsc.vic.gov.au)

The Instrument of Delegation templates that document all Council delegations are:

- **Instrument of Delegation from Council to the CEO (S5)**  
This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations, to the CEO.
- **Instrument of Delegation from Council to members of Council Staff (S6)**  
This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation
- **Instrument of Sub Delegation from CEO to members of Council Staff (S7)**  
This sub-delegates Council powers, duties or functions contained in Acts or Regulations which do not include a specific power of delegation. (See Note 1)
- **Instrument of Delegation from CEO to members of Council Staff (S13)**  
This instrument allows the CEO to delegate his or her powers, duties and functions existing under all Victorian legislation. This differs to the S7 Instrument in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.
- **Instrument of Delegation from CEO to members of Council Staff (S14) (VicSmart Applications)**  
This provides for the CEO to delegate his or her powers as a responsible authority under the *Planning and Environment Act 1987* in relation to VicSmart planning applications.
- **Instrument of Delegation to Delegate Committees - Planning Delegated Committee (C4)**  
This provides for the Planning Delegated Committee to exercise the powers, duties and functions of Council make decisions for all types of planning matters pursuant to the *Planning and Environment Act 1987*, to hear from persons who have made an objection or submission to a planning matter in accordance with the *Planning and Environment 1987* and to hear from applicants and/or land owners in relation to a planning matter submitted in accordance with the *Planning and Environment 1987*.

Note 1—The S7 Instrument of Delegation also contains a miscellaneous section which covers powers, duties and functions of Council that are not specifically provided for in legislation, but which are part of the general powers of Councils that are delegated to the Chief Executive Officer, and which, if it is appropriate the Chief Executive Officer will sub delegate. These include human resources issues, finance issues (noting the specific procurement/expenditure delegations are incorporated in the Procurement Policy) and miscellaneous matters.

## 6. Limitations of delegations

Delegation to the Chief Executive Officer is limited in three ways. **Firstly**, Section 11(2) of the *Local Government Act 2020* expressly prohibits the delegation of the following matters:

- (a) the power of delegation; and
- (b) the power to elect a Mayor or Deputy Mayor; and
- (c) the power to grant a reasonable request for leave under section 35; and
- (d) subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis; and
- (e) the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer; and
- (f) the power to approve or amend the Council Plan; and
- (g) the power to adopt or amend any policy that the Council is required to adopt under this Act; and
- (h) the power to adopt or change the Governance Rules;
  - i. the power to appoint the chair of the members to a delegated committee; and
- (i) the power to make, amend or revoke a local law; and
- (j) the power to approve the budget or revised budget; and
- (k) the power to borrow money; and
- (l) subject to section 181H(1)(b) of the *Local Government Act 1989*, the power to declare general rates, municipal charges, service rates and charges and special rates and charges; and
- (m) any power, duty or function prescribed by the regulations for the purposes of this subsection.

**Secondly**, the Instrument of Delegation that is used documents the delegation from the Council to the Chief Executive Officer i.e. (S5) has a further suite of conditions and limitations specifically:

### Extract from Instrument of Delegation S5

*The Chief Executive Officer is delegated the power to*

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

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

### **Conditions and Limitations**

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

3. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 3.1 *awarding a contract exceeding the limitations as set out in the Procurement Policy, currently value of \$1,000,000;*
  - 3.2 *making any expenditure that exceeds \$1,000,000 (unless it is expenditure made under a contract already entered into; or is expenditure that has been approved by a resolution of Council; or is expenditure which Council is, by or under legislation, required to make);*
  - 3.3 *appoint an Acting Chief Executive Officer for a period exceeding 28 days;*
  - 3.4 *election of a Mayor or Deputy Mayor;*
  - 3.5 *granting a request for leave under s35 of the Act;*
  - 3.6 *making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;*
  - 3.7 *approval or amendment to the Council Plan;*
  - 3.8 *adoption or amendment of any policy that Council is required to adopt under the Act;*
  - 3.9 *adoption or amendment to the Governance Rules;*
  - 3.10 *appointment of the chair or the members to a delegated committee;*
  - 3.11 *making, amending or revoking a local law;*
  - 3.12 *approval of the Budget or Revised Budget;*
  - 3.13 *approving the borrowing of money; or*
  - 3.14 *subject to section 181H(1)(b) of the Local Government Act 1989, the power to declare general rates, municipal charges, service rates and charges and special rates and charges;*
4. *if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;*
5. *if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;*
6. *if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a*
  - 6.1 *policy; or*
  - 6.2 *strategy**adopted by Council; or*

7. *if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or*
8. *the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.*

**Thirdly**, the Instruments of Delegation from the Council to Council Officers and from the Chief Executive to Council Officers additionally have further limitations and conditions documented in relation to the specific matter delegated where appropriate.

These conditions and limitations on the Chief Executive Officer (and delegates) are considered both appropriate and reasonable.

## **7. Operation of delegations**

Staff members who have received delegations are required to exercise these delegations appropriately and only within the terms of the Instrument of Delegation and this Framework Policy and Procedures. Any misuse of delegations will be deemed a breach of the Staff Code of Conduct and may result in disciplinary action.

In particular the Act and the Staff Code of Conduct require Council staff, in the course of their employment to:

- (a) act impartially;
- (b) act with integrity including avoiding conflicts of interest;
- (c) accept accountability for results;
- (d) provide responsive service.

In addition to the controls and limitations outlined above, the following 'General Controls and Processes' and 'Planning and Development Controls and Processes' must also be complied with in the exercise of officer delegations.

### **7.1 General controls and processes to be observed when exercising delegations**

A delegate shall refer any proposal whether for development and works, or for use of land to Council without prior decision by the delegate wherever and whenever:

- the proposal raises an issue of significant public interest, concern or controversy, or is likely to do so
- the proposal raises an issue of policy or process not covered by existing policy or practice
- the proposal has given rise to substantial public objection or appears likely to do so
- the delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council
- implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget
- the delegate is not satisfied that the proposal has been the subject of appropriate consultation with those likely to be interested in or affected by it

- the delegate believes that it is more appropriate that the proposal or any issue arising in connection with it should be determined by the Council rather than the administration
- a major issue arises or any difficulty repeatedly arises in relation to the exercise of delegated authority for a particular matter.

When exercising delegated authority, the delegate shall use his or her best judgement to ensure compliance with each and all of these clauses.

## **7.2 Controls and processes to be observed when exercising Planning and Development delegations**

These controls and processes are to be read in conjunction with the specific delegations from the *Planning and Environment Act 1987* and any associated regulations (as amended from time to time) in the relevant Instruments of Delegation from Council to Council staff as attached to this Delegation Framework Policy and Procedures document.

Delegated decisions can only be made in accordance with these Instruments of Delegation when clearly supported by these provisions.

### **Criteria for Exercising Delegation**

The purpose and intent of these provisions is

- To ensure that land use activities are managed in accordance with Council's planning scheme.  
To undertake our statutory planning responsibilities and decision making in an informed, transparent and efficient fashion.
- To provide transparency and certainty in land use planning decision making for all stakeholders applying a consistent approach and justification according to agreed and stated criteria

### **Management of the Statutory Planning Application List**

The following matters to be determined under delegation will be included in the Planning Application list to be circulated to Councillors:

- Any application which is the subject of an objection from either an interested party or referral authority.
- Any application for which a recommendation for refusal is proposed
- Any application seeking a car parking waiver of more than 20 spaces for an existing building or waiver of any number of car parking spaces for a new building.
- An application seeking an extension of time to an approved planning permit.
- Any application seeking an amendment to an approved permit determined by full council at its Planning Delegated Committee meeting or Scheduled Council meeting.
- All applications for buildings greater than 2 storeys.
- All applications that have previously had a Victorian Civil and Administrative Tribunal (VCAT) determination on the same site.
- Any amendment to a Development Plan.

The Planning Application list will include as a minimum the following information:

- Permit Application Number
- Applicant/land owner details
- Site Address and land area



- Zoning and Overlay details
- Brief description of proposal
- Number of submissions received, name of submitter, and a summary of the issues raised
- Officer Recommendation for the proposal
- Timing of the next appropriate planning delegated committee (or other meeting) that the application would be scheduled for should the application be called in.

The list is to be circulated to Councillors at least on a fortnightly basis, being sent out on a Friday. A Councillor has the capacity to call in an application to a briefing if seconded by another Councillor by 4pm the following Tuesday.

The only exceptions to this circulation are:

1. During the Election Period. During this period, the List must not be circulated and may only commence being re-circulated at an appropriate time following the swearing in of the new Council. Applications eligible for the list may not be decided during this period.
2. Over the Christmas/New Year period where it may not be practical for the list to be circulated within a fortnight of the last list/s.

Following Councillors being briefed on an application called-in to a Councillor Briefing, Councillors have until 5pm on the Friday of the week that the Briefing occurred to call the application in to a Planning Delegated Committee meeting or a Scheduled Council meeting to be decided. This written call-in for a decision must be seconded in writing by another Councillor. Any two Councillors can call an application into a Council meeting regardless of who made the initial call in to a briefing.

The officer recommendation will be implemented within a month following the date stated on the Planning Application list unless the application is 'called in' for Councillor Briefing and/or determination at a Planning Delegated Committee meeting or a Scheduled Council meeting in accordance with this policy.

#### **7.2.1 Determination of planning applications, where the delegate is satisfied that:**

- the proposal is one which is allowed in the zone and which complies with any relevant overlay or provision of the planning scheme for the use or development sought in the application; and
- the proposal meets objectives and policy requirements of any relevant local planning policy contained in the planning scheme; or
- The proposal is one which does not comply with the objectives of the zone or any relevant policy or provision of the Planning Scheme for the use or development sought in the application; or
- The proposal is for a use only in a Commercial Zone and does not require a car parking waiver of more than 20 spaces for an existing building; and
- the proposal has not attracted any submissions opposing the proposal.
- the authority for the decision on the proposal is provided for in the Instrument of Delegation and is consistent with these provisions.

#### **7.2.2 Determination of planning applications within a declared area**

When making a decision under delegation officers must consider all the relevant clauses and policies within the Macedon Ranges Planning Scheme. In addition to the scheme, a declared area must adhere to Section 7 or the Local Government Act 2020.

Section 7

- (1) *When performing a function or duty or exercising a power under this Act in relation to a declared area, a [Council](#) that is a responsible public entity for the purposes of Part 3AAB of the [Planning and Environment Act 1987](#) —*
- (a) *must not act inconsistently with any part of a Statement of Planning Policy that is expressed to be binding on the [Council](#); and*
- (b) *must have regard to those parts of the Statement of Planning Policy not expressed to be binding on the [Council](#); and*
- (c) *must have regard to the principles set out in section 46AZL of the [Planning and Environment Act 1987](#) .*
- (2) *Subsection (1) does not apply to the performance of a function or the exercise of a power by a [Council](#) in relation to a declared project within the meaning of the [Major Transport Projects Facilitation Act 2009](#).*

**7.2.3. Extensions of time to act on a permit or permit condition, where the delegate is satisfied that:**

- the time originally allocated was in all circumstances reasonable and adequate, taking into account the steps that would be necessary before the use or construction could actually commence (or be completed); and
- the intervening circumstances have rendered it unreasonable that the applicant should be held to the time originally fixed; and
- since the issue of the original permit, there have not been any significant and relevant changes in the planning scheme, or there is any other matter which is referred to in Section 60 (1)(b)(ii) of the [Planning & Environment Act 1987](#) which is relevant.

*Note: Extension of time relates to both permits issued previously under delegation and those issued by non-delegated authority (i.e. Council).*

**7.2.4. Amended/additional plans and variations to permits or permit conditions**

Plans may be amended/approved under delegated authority where the revised plans are consistent with the permit to which they apply, with the planning scheme (as it exists at the time the amended plans are considered) and the [Planning and Environment Act 1987](#) and the delegate is satisfied that the amended plans will not cause an increase in detriment to any person.

Delegated decisions on applications to amend a planning permit or condition of a permit, may only occur in accord with Section 73 of the [Planning and Environment Act 1987](#) where the delegate is satisfied that the amendment:

- does not change the effect of any condition required by the Tribunal; and

- does not change the effect of any condition required by a referral authority unless this is acceptable to the relevant referral authority; and
- does not adversely affect the interests of a relevant referral authority, or is acceptable to the relevant referral authority; and
- does not change the use for which the permit was issued other than a minor change to the description of the use.

Any amendment to a permit or permit conditions must be noted in the planning applications register.

#### **7.2.5. Development Plans**

- All proposals for new Development Plans must be referred to Council for determination i.e. there is no delegated authority to approve or refuse a new Development Plan.
- Development Plans may be amended under delegated authority where the delegate is satisfied that the amended plans are consistent with the objectives and provisions of the overlay, with the planning scheme (as it exists at the time the amended plans are considered) and the *Planning and Environment Act 1987* and the delegate is satisfied that the amended plans will not cause an increase in detriment to any person.

#### **7.2.6 Council to determine on a Planning Matter**

A matter must not be determined under delegation if any Councillor, with support in writing from at least one other Councillor, has requested that the matter be determined by Council. The application will then be placed on the next appropriate Planning Delegated Committee (or other Council Meeting) to be heard and decided.

An officer may refer an application to Council for decision, where:

- The Officer considers that the application and any determination is outside of the authority provided for in the Instrument of Delegation or the Policy requirements; or
- The Officer considers the decision is more appropriate for the Council to make rather than the delegate.

#### **7.2.7 Reversal of a call-in**

If Council has not formally resolved that an application will come to a Planning Delegated Committee or other such Council Meeting to be decided, then the call-in of an application to a Councillor Briefing, Planning Delegated Committee or Council Meeting may be reversed by the same two Councillors who called the application in, advising in writing that they no longer require the application to come to a Councillor Briefing, Planning Delegated Committee or Council Meeting.

### **8. Management of the delegations process**

The Macedon Ranges Shire Council has established processes for the issuing and management of applicable delegations to staff through its new staff induction process, the annual staff development review processes and the staff position description review process.

Council Officers with delegated responsibilities are expected to be aware of the delegations that their position has and be familiar with all associated policy and guidelines in particular this document.

## 9. Administrative responsibilities of delegates

The use of delegated authority by a Council Officer is as stated earlier in this document 'the delegate acting in his or her own name on behalf of the Council. 'Accordingly the administrative record of the use of this delegation must be appropriately documented.

Delegates will keep appropriate records of all actions undertaken under delegation. The level of record keeping will be in keeping with the nature of the delegation and any associated risks to the Council.

For example, the routine issuing of a permit would be recorded in a permits register, detailing relevant issues. In the event of a more complex matter, delegates need to record sufficient information to explain the reason for the decision that would otherwise be available to the Council if the delegation did not exist.

## 10. Review of delegations

Pursuant to Section 11(7) of the *Local Government Act 2020* this policy and its incorporated Instruments of Delegation to Officers and Delegated Committees will be reviewed within 12 months of a General Election.

In accordance with the policy the Instruments of Delegation will be reviewed by Officers bi-annually to address any amended and new legislation and as and when required to address organisational restructures and changed in position titles.

## 11. Attachments

The following Instruments of Delegation document all Council delegations:

### **Attachment 1 - Instrument of Delegation from Council to the CEO (S5).**

This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations, to the CEO.

### **Attachment 2 - Instrument of Delegation from Council to members of Council Staff (S6)**

This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation

### **Attachment 3 - Instrument of Sub Delegation from CEO to members of Council Staff (S7)**

This sub-delegates Council powers, duties or functions contained in Acts or Regulations which do not include a specific power of delegation.

### **Attachment 4 - Instrument of Delegation from CEO to members of Council Staff (S13)**

This instrument allows the CEO to delegate his or her powers, duties and functions existing under all Victorian legislation. (This differs to the S7 Instrument in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.)

### **Attachment 5 - Instrument of Delegation from CEO to members of Council Staff (S14) (VicSmart Applications)**

This provides for the CEO to delegate his or her powers as a responsible authority under the *Planning and Environment Act 1987* in relation to VicSmart planning applications.

### **Instrument of Delegation to Delegated Committee**

#### **Attachment 6 - Planning Delegated Committee (C4)**

<b>PE.2</b>	<b>ROADSIDE CONSERVATION MANAGEMENT PLAN</b>
<b>Officer:</b>	<b>Krista Patterson-Majoor, Biodiversity Strategy Projects Officer</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Plan - Roadside Conservation Management Plan - Final for Adoption - 18 October 2021 (under separate cover) <a href="#">⇨</a></b></li> <li>2. <b>Submissions - Draft Roadside Conservation Management Plan - Summary and Response ~ 18 October 2021 <a href="#">↓</a></b></li> </ol>

## Summary

Preparation of a Roadside Conservation Management Plan is a key action in the *Biodiversity Strategy 2018* and the *Council Plan 2021-22*.

The Roadside Conservation Management Plan aims to protect the important ecological values within the shire's rural roadsides whilst ensuring appropriate fire risk mitigation and maintenance of road safety.

The final Roadside Conservation Management Plan is provided at **Attachment 1**.

## Recommendation

**That Council adopts the Roadside Conservation Management Strategy 2021, as attached.**

## Background

The development of a Roadside Conservation Management Plan (the Plan) is a key action listed in the *Biodiversity Strategy 2018* and its finalisation identified as an action in the *Council Plan 2021-22*.

Development of the Plan has occurred over several years, during which time Council's processes and practices have evolved.

An assessment of roadsides in the shire was undertaken between December 2006 and July 2008 as a part of the North Central Catchment Management Authority (NCCMA) Roadside Conservation Project. This provided a roadside vegetation assessment approach and a conservation value score to all of the Council managed roadsides in the shire. In 2017-2018, a reassessment of the medium and high roadside vegetation values was undertaken. These conservation value assessments have been used to inform the Plan.

Preliminary consultation was undertaken with key stakeholders in 2016-17. This included Bullengarook, Ashbourne and Newham Landcare, Kyneton, Woodend and Romsey CFA, the Municipal Fire Management Planning Committee and internal departments.

In 2019, the Three Chain Road Fire Risk Mitigation Action Plan was developed in partnership with the CFA, Landcare and local residents. While it focused on Three Chain Road, it included recommendations for roadside management and community engagement relevant across the shire. Following the development of the Three Chain Road Fire Risk Mitigation Action Plan, an online approval system was developed, called the "Environmental Activity on Roadsides Permit".

In 2020, a series of workshops were held with internal teams and key community stakeholders to refine the Plans objectives and proposed actions.

The draft Plan was released for public feedback for six weeks in April to June 2021.

The final Roadside Conservation Management Plan is provided at **Attachment 1**. A summary of the community feedback received is provided at **Attachment 2**.

### **Discussion**

Macedon Ranges Shire Council manages approximately 1,700km of roadsides for multiple outcomes – for protection and enhancement of biodiversity and habitat, to manage fire risks, and to ensure vehicle access and public safety. This is inevitably complex, requiring a considered and balanced approach to decision making. However, with careful planning, practices like woody weed control can help meet goals for both fuel reduction and biodiversity protection.

Within the shire, road reserves account for some 7,000 ha of land or approximately 4% of the shire. While most of this area is required for the roads themselves, over half of Council's roadsides contain native vegetation that contribute significantly to Victoria's biodiversity. In many cases, the native vegetation found on the roadsides constitutes the only native vegetation remaining in the landscape, providing an essential connection between fragmented and otherwise isolated patches. In some cases, native vegetation within roadsides is critical habitat for the survival of threatened flora and fauna.

The Plan aims to protect these important ecological values within the road reserve whilst ensuring appropriate fire risk mitigation and maintenance of road safety.

The Plan has six key themes relevant to the different functions of roadsides including conservation, fire risk management, drainage and road maintenance, services and utilities, recreation and adjoining landholders. Importantly, a set of guiding principles aims to guide works on roadsides according to the roadside conservation value.

Key implementation actions include:

#### Short term

- Dedicated staff member allocated to roadside conservation management (achieved).
- Assessments and mapping of threatened species and vegetation communities.
- Internal staff training program and a new 'ute guide' for roadside management.
- Updated roadside conservation signage and introduction of new 'marker poles'.
- Promotion of a simplified 'Environmental Works on Roadsides Permit' System.
- Updated Council Roadside Brochure.
- Development of an ecological and cultural burn program.
- Expanded weed control and vegetation management program.

#### Medium-Long term

- Preparation of specific roadside action plans.
- Signpost wildlife crossing 'hot spots'.
- Update Council's Vehicle Hygiene Manual.
- Standard Operating Procedure for drainage maintenance on high and medium conservation value roadsides.
- Clear communication materials about roadside management for residents.

- Roadside restoration program that introduces habitat trees in areas requiring greater habitat connectivity.
- Restoration program for larger disused areas (eg. spoil sites).

The Plan also seeks to establish a communications and engagement program aimed at raising awareness amongst the community about the role of roadsides and their conservation values, permitted activities and relevant regulations.

### **Consultation and engagement**

The Plan was released for public comment for six weeks from 26 April to 7 June 2021. In this time, the Council “Have Your Say” page received 720 page views, the Facebook posts reached 6,272 users, and the Instagram posts reached 835 users. It attracted significant attention in the local media including seven letters to the editor.

Council received 87 responses to the online survey and 18 written responses. Feedback was also received from key stakeholders including the CFA, the North Central Catchment Management Authority, DELWP, Taungurung Aboriginal Corporation, and local Landcare Groups.

The feedback in the online surveys was evenly split between residents supporting a conservation focus to those seeking more of a focus on community safety by reducing vegetation cover. Most of the written submissions supported the general direction of the plan whilst offering suggestions for improvement.

In summary:

- 60% of respondents preferred a stronger conservation focus – 63 responses
- 40% of respondents preferred a stronger community safety and fire prevention focus – 42 responses

The following actions were revised or added in response to community feedback:

- Increased focus on Aboriginal cultural heritage protection and traditional owner engagement.
- Development of a new roadside ecological and cultural burn program.
- Expansion of the strategic weed program.
- Increased education about fire safety plans.
- Expansion of the road maintenance program to increase annual inspections and remove growth of saplings in the road verge, thereby preventing the need for tree removal in future years.
- Simplification of the ‘Environmental Works on Roadsides Permit’ system which enables landholders and community groups to work on roadsides.
- Inclusion of a section about post storm and fire roadside clean up works.

The draft Plan has been updated to address the feedback from the community and stakeholders. Comments and suggestions for management on individual roads have been passed on to relevant Council staff or, in some cases, Regional Roads Victoria. The final Plan has been reviewed internally by all relevant Council departments.

### **Collaboration**

The Plan has been prepared in collaboration with relevant internal Council departments. The Plan sets out a framework for engaging with community and landholders in regard to

roadside management. The Plan also recognises Council's existing collaborative relationships with other government departments, agencies, local governments and regional networks.

**Innovation and continuous improvement**

The Plan takes into account the changing policy context for Council's roadside management as well as Council and the community's changing priorities. In doing so, Council demonstrates its commitment to continuous improvement and innovation.

**Relevant law**

Legislation relevant to Council's roadside management is detailed in the Plan.

**Relevant regional, state and national plans and policies**

External plans and policies relevant to Council's roadside management are detailed the Plan.

**Relevant Council plans and policies**

Council plans and policies relevant to roadside management are listed in the Plan.

**Financial viability**

The Plan lists the resources required to deliver on the proposed actions. Most actions can be delivered internally, subject to staff resourcing. Actions requiring additional resources will be considered for funding as a part of Council's annual budget process.

**Sustainability implications**

The Plan seeks to establish an environmental works program that furthers Council's aims to protect the natural environment, address climate change and further the organisation's sustainability goals.

**Officer declaration of conflicts of interest**

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





# Draft Roadside Conservation Management Plan

## Response to Submissions

### Draft plan consultation

The draft Roadside Conservation Management Plan was available for public comment for six weeks from 26 April to 7 June 2021.

Publicity included the following articles and letters to the editor in local media:

- Media release circulated on 3 May
- New Woodend Star – page 12, article May edition
- Free Press – page 2, article, 11/5/21
- Midland Express – page 1, article, 11/5/21
- Midland Express – page 22, Opinion, 18/5/21 (x3 letters to editor)
- Star Weekly, page 6, article, 18/5/21
- Midland Express – page 36, Opinion (25/5/21 (x4 letters to editor)

Key stakeholders including agencies, Traditional Owner groups, CFA and community environment groups were directly emailed.

During the consultation period, the Council "Your Say" page received 720 page views, posts on Facebook reached 6,272 users, and Instagram reached 835 users.

### Summary of submissions received

Council received 87 responses to the online survey and an additional 18 written responses. The feedback in the online surveys was evenly split between residents supporting a conservation focus to those wanting more of a focus on community safety by reducing vegetation cover. Most of the written submissions supported the general direction of the plan whilst offering suggestions for improvement.

In summary:

- 60% of respondents wanted the Plan to have a stronger conservation focus – 63 responses
- 40% of respondents wanted the Plan to have a stronger community safety and fire prevention focus – 42 responses

Many respondents did acknowledge the difficulty, but importance, of balancing the protection of important ecological values within the road reserve whilst ensuring appropriate fire risk mitigation and maintenance of roads. Achieving this balance is the vision for the plan.

*"[The plan] is a shift to a more considered view of roadside maintenance and clearing, and should provide the guidelines for how we live in the landscape going forward." Survey respondent.*

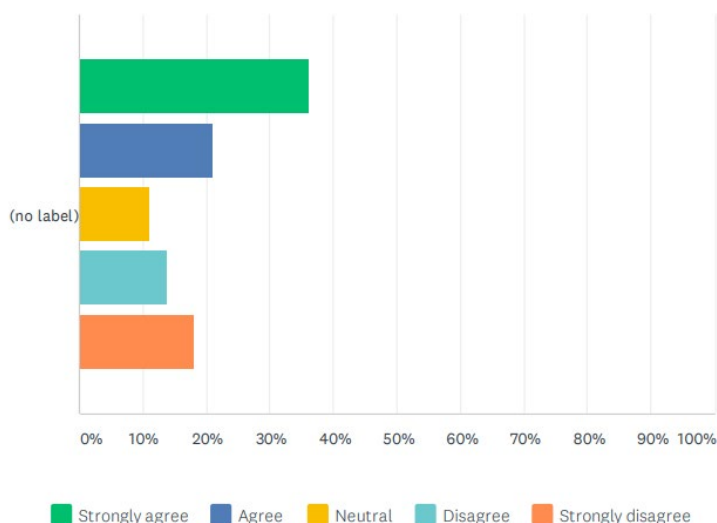


*“The roadside vegetation has other roles as well – visually it adds to the landscape values within the Shire, it provides linkages for wildlife, shelter beside farm properties, drainage runoff filtration and carbon storage. It is part of the attractiveness of the Shire and on balance, I believe the Shire should give priority to enhancing roadside vegetation.” Submitter.*

*“...while all other issues carry significant importance, it is fundamental that fire prevention, fuel reduction is adequately maintained.” CFA response.*

*“Council are commended for preparing the document and incorporating a level of detail that is pragmatic and commensurate with relevant state and federal environmental legislation.” DELWP Response*

Importantly, Council’s proposed approach to use the conservation values of the roadsides to guide management actions was supported by the majority of respondents – see graph below. This approach suggests Council continues to focus on maintaining the conservation values on high and very high roadsides and improving the medium conservation value roadsides.



**Figure 1: Responses to question 5 - The Draft Roadside Conservation Management Plan uses the conservation values of the roadsides to guide management actions. As guiding principles, the draft plan has the following goals: to maintain the conservation value of very high value roadsides to improve the conservation value of high and medium value roadsides to strategically restore habitat values to increase landscape connectivity and reduce threats on low conservation value roadsides. Do you think these are appropriate principles for managing our roadsides?**

Though many survey respondents said they love all of the roadsides in the shire, the surveys indicated that we tend to care about the roadsides we use on a daily basis. Roadsides right across the shire were highlighted. Special mentions were Burke and Wills Track, the roadsides in the Newham area, Baynton-Sidonia area and those in Kyneton Woodlands area. While most of the roadsides were highlighted for their flora and fauna values, other people highlighted more cleared roadsides due to their "better" management.



## Response to Submissions

The draft plan was updated to address the feedback from the community while comments and suggestions for management on individual roads were passed on to relevant Council staff or, in some cases, Regional Roads Victoria for a response.

The following actions were revised or added in response to community feedback:

- Increased focus on Aboriginal cultural heritage protection and traditional owner engagement.
- Development of a new roadside ecological and cultural burn program.
- Expansion of the strategic weed program.
- Increased education about safe fire plans.
- Expansion of the road maintenance program to increase annual inspections and remove growth of saplings in the road verge, thereby preventing the need for tree removal in future years.
- Simplification of the 'Environmental Works on Roadsides Permit' system which enables landholders and community groups to work on roadsides.
- Inclusion of a section about post storm and fire roadside clean up works.

The following table provides an outline of the key suggestions made through the consultation period, the number of respondents who raised the issue, and the officer response.

Suggestion / Feedback	Number responses	Council Officer Response
<b>Title</b>		
Plan is too weighted toward conservation, suggest that 'conservation' is taken out of title	2	The title was chosen to clearly differentiate the plan from the Road Management Plan. Recommend that title stays same.
<b>Executive Summary</b>		
The plan needs a stronger emphasis on fuel reduction program.	7	Include fuel reduction actions in the list of key implementation actions. Increased fuel reduction program detailed below.
<b>Acknowledgement of Country – cultural values on roadsides</b>		
Plan needs to include more involvement of Traditional Owners and reference to cultural values.	3	Traditional Owner groups will be encouraged to be involved in the on ground implementation of plan including the ecological / cultural burns, weed program and slashing program.  Action added to ensure discovery of Aboriginal cultural heritage places or objects are reported to Aboriginal Victoria.
On p.12 - "Preparation of a Cultural Heritage Management Plan may be required for works within the road reserve which are close to waterways or other registered sites of Aboriginal cultural heritage sensitivity." This statement is not enough.	1	Additional statements added to refer to requirements for Land Use Activity Agreements and reporting of cultural heritage.



Consider including information within <i>Part 2 – Roadside Conservation Management Plan</i> where Aboriginal Cultural heritage values exist, and the appropriate regulatory response required in corresponding tables.	1	It would not be appropriate to indicate specific locations of Aboriginal Cultural Heritage values in the plan.  Include a new set of actions in the conservation section to address regulation around Aboriginal cultural heritage protection and traditional owner engagement.
<b>Background</b>		
Improve links in the plan to the North Central Regional Catchment Strategy	1	Include a reference to the regional catchment strategy in Section 8 – legislation.
Section 8.13 <i>Municipal Fire Management Plan</i> (page 16) - " <i>Fires start on roadsides due to hot vehicle exhausts, mechanical failures and collisions....</i> " There are more examples such as discarded cigarette butts, deliberate ignitions.	1	Amended to include these examples
<b>Heritage considerations</b> Need to ensure Council meets heritage considerations for state and local heritage listed monuments and trees.	1	Added as an action in the conservation section.
<b>Permit requirements on page 14</b> is confusing. For example: - in Table 2, at Cl.52.17 entry for <i>Remove dead vegetation</i> , the exception to the rule is trees with a trunk diameter or 40mm or more. However p13 clause 52.17 - the point Dead vegetation effectively states that a permit is not required for removal of dead veg with a trunk of less than 40cm. Which is correct?	1	Amended Table 2 to read 40 cm.
<b>Permit requirements for mowing / slashing native vegetation</b> – can any roadside grass can be mown without permit? The permit information on MRSC website at states that mowing of native grasses is discouraged.	1	Mowing and slashing of native grasses can occur without a permit provided the grass is maintained at 10cm or higher. If slashed to below this level a planning permit is required for removal of native vegetation. It is not encouraged in areas of high conservation value.
<b>Conservation</b>		
<b>Wildlife on roads</b> - Plan needs more of a focus on reducing roadkill including: <ul style="list-style-type: none"> <li>Plan for and enforce appropriate (and safer) vehicular speeds for wildlife. New roads and country roads have a default 100km/h</li> </ul>	8	These issues are being considered as part of the Road Safety and Mobility Strategy that is currently under development by Council.  Action added: Council to advocate for the ability to set lower speed limits on unmade



<p>limit but suggest 80km/h would be more appropriate - especially in areas that are near or in reserves.</p> <ul style="list-style-type: none"> <li>• Reducing speed limits especially at night will significantly help reduce wildlife collision</li> <li>• Investigate impacts of road barriers preventing movement</li> <li>• Clear vegetation away from roadsides to better see animals approaching.</li> <li>• Need to identify important areas for wildlife movement and ensure safe passage across existing roads.</li> <li>• Avoid new roads altogether in these locations. Mitigation can take place in the form of overpasses and underpasses with strategic fencing.</li> <li>• Romsey-Woodend Rd, Mt Macedon Rd, Three Chain, Ashbourne Rd identified as roadkill hot spots – requires liaising with Regional Roads Victoria.</li> </ul>		<p>roads and reduce speed limits in wildlife crossing areas.</p> <p>The pro-active reach mower program is included as an action in the plan to ensure clear view of animals along edges of roads and compliance with Council’s Road Management Plan.</p>
<p><b>Climate emergency</b> - Plan requires more of a focus on climate emergency and impacts of changing climate including increased extreme weather events and fire. Plan should highlight role of roadside vegetation in carbon sequestration and temperature regulation.</p>	<p>15</p>	<p>Include a new section addressing Council’s recent climate emergency declaration that highlights expected changes to climate and role of roadside vegetation in carbon sequestration and temperature regulation.</p> <p>Plan updated to include a pull out box about the 2021 storm events and the following recommendations to provide a guide for future recovery works:</p> <ul style="list-style-type: none"> <li>• Reduce impact of heavy vehicles on soil</li> <li>• Remove heads of fallen trees to reduce biomass.</li> <li>• Continue to leave larger logs for habitat</li> <li>• Consider minimal impact methods to remove biomass on high and very high value roadsides</li> <li>• Continue to make firewood available to community members in safe locations</li> <li>• Ensure regular contractor communication and education</li> </ul>



		<p>including proper induction and work audits</p> <ul style="list-style-type: none"> <li>• Ensure regular contractor communication and education including proper induction and work audits.</li> <li>• Ensure strong collaboration within council departments in response</li> <li>• Instigate follow-up restoration in areas of severe impact and monitoring for weed control where soil disturbance has occurred.</li> </ul>
<p><b>Weed control</b> - Weeds need to be more of a focus in the plan - more integration between slashing and annual weed control. Phalaris and Cocksfoot should be included as invasive grasses under environmental weeds. Weed management is vital for fire mitigation and for habitat protection. The problem of gorse growing on adjoining properties to the "very high and high value" roadsides if not addressed means we will be forever removing new infestations from these roadsides triggered from over the fence.</p>	9	<p>Expand the strategic weed program to include treatment of environmental weeds in high, very high and medium conservation areas targeting major thoroughfares where it is difficult to slash to reduce biomass, eg. pasture grasses (subject to resources).</p> <p>As part of ecological burn program, investigate partnering treatments of chemical control with ecological burns.</p> <p>Include a maps of Nasella program in Appendix.</p> <p>Continue to send letters to neighbouring properties where infestations are impacting on high and very conservation value roadsides.</p>
<p><b>Weed control</b> - Concern about use of chemical use including over spraying of road furniture.</p>	3	<p>Council's Environment Unit uses specialised environment contractors that are confident with plant identification and use a selective herbicide on targeted species with the intention to minimise chemical use.</p> <p>The introduction of a roadside ecological burn program, slashing program and the reach mower program will enable reduced quantities of chemical used for weed control.</p> <p>Contractors are accredited and have guidelines for recording wind direction and speeds.</p>
<p><b>Threatened species and communities</b> - Request for increased protection of ecological values and threatened species and</p>	7	<p>Any mapping of locations to remain an internal document.</p>



concern about public identification of locations.		Addressed in section 14 – presence of EPBC listed species require detailed assessments.
<b>Revegetation</b> - Do not like the revegetation aspect for low conservation value roadsides. Suggest Council targets revegetation on other land such as adjoining private property and other public land.	9	Highlight that any revegetation will be targeting biolink or strategic habitat links as identified in the 2018 Biodiversity Strategy and will only apply to roadsides of little use.
<b>Revegetation</b> - Suggest Council increase roadside revegetation to reduce areas requiring mowing and improve habitat. Targeted strategic revegetation is good where links to biolinks plans and NCCMA RCS, and has a maintenance plan.	5	Plan intends to enable and promote natural regeneration. Targeted revegetation is only recommended in specific locations as outlined above.  Include the biolink and strategic habitat link map in the appendix to identify these areas.
<b>Revegetation</b> - Clarify what trees and plants are being planted. Plantings should include fire-retardant native plants. Instigate neighbourhood groups to assist with planting, therefore ensuring a feeling of involvement and well-being in each area and provide education points for council officers.	3	Update plan to clarify that only indigenous plants can be planted on roadsides and revegetation is not encouraged on high use roads. Recommend any planting program be undertaken in collaboration with local Landcare groups.
<b>Significant Roadside Signage</b> – concern that this will alert residents to specific species.	3	Signs are not intended to highlight specific species, but will provide more education as to why that roadside is valuable. For example “threatened vegetation community” or “important habitat for phascogale”. Any signage will focus on high and very high conservation value roadsides.
<b>Ecological burn program</b> – recommend increased ecological and cultural burns for both grasslands and some additional roadsides from Appendix 4, for example Shelton’s Rd. Concern was raised about fire as a tool of management in areas other than grassland.	4	Develop a roadside cultural/ ecological burn program to be delivered in partnership with CFA with a focus on high use, medium conservation value grassland and plains grassy woodland roadsides. Regular cultural/ ecological burns will reduce the fine fuels on the ground whilst still being ecologically sound.  An initial program will see burns to commence over Autumn by Traditional Owner groups and environmental contractors. The program should have an initial goal of burning 5 roads each year and swapping roads so that every 2-3 years the roads are re-burnt reducing the



		<p>fuel levels whilst allowing plants to seed and maintain biodiversity.</p> <p>Involve Landcare, CFA and adjoining landholders in the burn program to increase knowledge and understanding of role and use of fire in the landscape.</p>
<p><b>Relationship with private land -</b> The objectives for conservation need to embrace the bigger picture and embrace what's happening on adjacent private land. This has implications for roadside conservation value by encouraging regeneration and increased wildlife presence</p>	1	<p>The Biodiversity Strategy 2018 includes a focus on private land conservation. This plan focuses specifically only on Council managed roadsides.</p>
<b>Fire Risk Management</b>		
<p><b>Fuel reduction program -</b> The plan need a stronger focus on fuel reduction. Suggestions include:                  More slashing required                  Reduction of fuel loads through removal of vegetation                  More weed control including exotic grasses such as phalaris and cocksfoot                  Ecological burn program                  Enable residents to collect firewood from the roadside.                  Do more clearing of fallen trees and branches to reduce the fuel load and allow more effective slashing.                  Remove any saplings within 1.5m of the road.</p>	27	<p>The Bushfire Royal Commission is aware of the unresolved tensions between mitigation of bushfire risk and environmental conservation in the approach to roadside clearing and the legislative complexities to do with road safety, biodiversity and bushfire risk mitigation that affect roadside management.</p> <p>The <i>Municipal Fire Management Plan 2020-2023</i> was developed by the Municipal Fire Management Planning Committee to reduce the incidence and consequences of fire across the landscape.</p> <p>Regarding roadside fuel:</p> <ul style="list-style-type: none"> <li>• Woody debris greater than 10 cm in diameter does not ignite quickly so does not add greatly to fire risk.</li> <li>• CFA and Council may work to reduce the roadside vegetation to assist in creating primary and secondary fire breaks on certain roads that fit the criteria for width, location and vegetation type. This work may slow the spread of a fire.</li> <li>• Native vegetation found on roadsides is protected under the planning scheme. A permit is required for the removal of native vegetation outside of requirements for emergency response or road maintenance.</li> </ul>





		<p>It is recommended that fuel reduction actions are improved through including the following:</p> <ul style="list-style-type: none"> <li>• New roadside ecological burn program.</li> <li>• Expansion of the strategic weed program to include environmental weeds in high conservation areas</li> <li>• Continued education around safe fire plans. Key messaging to reiterate that fire prevention works around house is the important action residents can take and leaving early is the safest option on high fire risk days.</li> <li>• Expand the reach mower program to remove growth of saplings growing in road verge.</li> <li>• Simplified permit system to enable landholders to work on roadsides of concern.</li> </ul>
<b>Fuel reduction program –</b> Concerns raised that fire management will take precedence and impact on native understorey.	3	<p>Ecological burns and weed program should enhance native understorey whilst also reducing fire management. Slashing program is focused on low to medium conservation value roadsides.</p>
<b>Slashing program -</b> More slashing is required. Long grass on roadsides need to be fully cut in November".	5	<p>In 2021-22, the roadside slashing budget has been increased due to the changing landscape and ongoing housing developments throughout the shire. The shire has greater traffic flow and increased risk of fires starting if roadsides are not maintained.</p> <p>Slashing of roadsides is done for fire prevention and is to stop a fire from starting due to hot vehicle exhausts, mechanical failures and collisions. Council slashes high use roadsides to reduce the chances of these incidents starting a fire.</p>
<b>Slashing program -</b> Fire slashing too early in spring encourages introduced grasses and native grasses regrowth and defeats the purpose of reducing fuel load. One slash post new year's day will reduce fire risk on verges where it is considered necessary and allow native grass and forbes to revegetate via seed.	1	<p>In specific high conservation value roadsides, Council will look to finesse the timing of Councils slashing program, so that slashing of native grassland areas is delayed to enable native seed can set.</p>



<b>Community education</b> - Increase education on native vegetation and of fire management to community and CFA.	5	The proposed education program outlined in section 21 addresses this issue. The plan also identifies the need to update to brochure and communications to community.
<b>Fire safety for residents</b> - priority for fire prevention must be around homes rather than the roadside. Man-made assets need to be designed to cope with fire threat – not rely on further flora and habitat loss to reduce the risk.	4	The best way to protect property is to maintain a minimum of 20 meters of defensible space around your home, and a clear fuel reduction line around the perimeter.  Leaving early, well before seeing smoke or flames is the safest option on high fire risk days. It is not safe to be on the roads when a fire is approaching.  Council will continue to share these key messages as part annual fire safety community education.
<b>Road maintenance</b>		
<b>Safety on roads</b> – concern was raised around the risk of trees on limbs falling on roads.	4	As part of the implementation of the Road Management Plan, annual audits check for height clearance and at risk trees.
<b>Internal education</b> – Support for ute guide and education for Council staff.	5	Noted
<b>Roadside spraying</b> – issues raised with over-spraying around marker posts and other roadside furniture which has destroyed significant native flora.	3	Concerns passed onto road management team and will look to improve approach around roadside slashing to minimise spraying. In particular, the expanded reach mower will help to reduce use of chemical spray.
<b>Roadside barriers</b> – issues raised about barriers blocking cars from parking during break-downs, reduced access to vegetation for maintenance or fire control, and act as barrier for wildlife to cross.	1	Roadside barriers are installed as part of road safety program. Concerns have been passed onto road management team.
<b>Road maintenance envelope</b> - Section 16.1 <i>Road Maintenance Envelope</i> , Figure 6 (page 41) – the figure title should clearly state this is Council's planning approvals process, or, include Figure 6 commentary stating that is a Council process and residents should contact Council if they wish to remove native vegetation within a roadside as Figure 6 is not the process for residents/landholders.	1	Update figure title to state that is a Council process and residents should contact Council if they wish to remove native vegetation within a roadside.



<b>Drainage</b> - Council's regular maintenance of gravel roads by grading and resurfacing with new gravel perpetuates the storm water colloid pollution of creeks fed from mitre drains. The plan should include an opportunity for landholders to engage with the council's road maintenance team over positioning of tile drains so storm water can be beneficial for farm pastures, water supplies and prevent creek pollution.	1	Grading of Councils gravel road management program is guided by the Road Management Plan.
It is good to see the measures proposed under road widening and reconstruction (p43); chip and return mulch to site providing it does not smother native vegetation (p40), drainage works p45 and spoils piles p47.	1	Noted
<b>Services and utilities</b>		
<b>Powercor</b> - concerns about significant impacts from vegetation clearing	2	Addressed in section 17 Council to work more closely with utility agencies and report poor practices of contractors to Powercor.
<b>Fire safety</b> – need to remove overhead powerlines	2	New action: Advocate to power companies and state and federal governments for increased undergrounding of services.
<b>Recreation</b>		
<b>Recreation</b> - do not restrict resident use of roadsides for wkaing, riding, horses - important for mental health	1	Remove "trails on medium require assessment and plan". Council is not resourced to implement this.
<b>Recreation</b> - conservation on high value roadsides. The issue of horse riding on high conservation value or significant roadsides needs stronger action than internal protocols to <i>divert</i> and <i>engage</i> (p53). Signage for these areas is urgent and should ban horse-riding and motorised vehicles.	1	Plan includes an action to work with tourism team to develop a horse trails guide to identify appropriate trails in the shire, including along specified roadsides.
<b>Shared trails</b> - New shared trails too big – takes away from country feel and has impact of native vegetation	1	Trail alignment has been chosen to minimise impacts to native vegetation. Detailed environmental assessments are being conducted as a part of the project.
<b>Adjoining landholders, permits and licenses</b>		
<b>Environmental works permit</b> - Don't think permit should be required to mow or slash nor clear organic fuel, grasses, and shrub. Concerns raised include	4	Currently landholders are told they are not allowed to work on roadsides. The permit system is a process to allow and manage works. It provides the opportunity to ensure safety of residents and that works do not have an adverse impact on



<p>Permit system will be a disincentive to farmers and adjoining land owners from maintain the amenity and safety of their roadsides. Permit system will be time consuming process Council to seek to impose a "user pays" system for the issue of permits</p>		<p>significant flora and fauna. This will enable Council to meet legal requirements for vegetation protection under state planning provision eg. VPO and section 52.17.</p> <p>Officers recommend that the current permit process is simplified and remains at no cost to landholders. The permit application process is to be managed by the Environment Unit in partnership with Community Safety.</p> <p>New table inserted into the providing more detail on the process (<i>see appendix 1 of this document</i>)</p>
<p><b>Environmental works permit</b> - It is important that permit information for roadside vegetation management for landholders and residents (pp 54&gt;) be clear and concise. Also need to clarify what activities the permit applies to.</p>	2	<p>Plan amended to make clear about when a permit is needed, what the process is, see table provided below.</p>
<p>Section 19.3 <i>Other landholder roadside impacts</i>, Regulatory Response (page 59) - Irrespective of roadside conservation value, a FFG permit may still be required from DELWP if triggered by the presence of listed species and/or communities and new public duty requirements.</p>	1	<p>Include text in table that states "a FFG permit may still be required from DELWP if triggered by the presence of listed species and/or communities and new public duty requirements."</p>
<p><b>Firewood removal</b> - Do not allow for any firewood removal from roadsides</p>	3	<p>A permit must be obtained from the road manager (Council, Rural Roads Victoria, or DELWP) to remove firewood from any roadside.</p> <p>Council will generally not allow collection of firewood unless the existing log litter exceeds that required for the site's ecosystem functions and EVC benchmark.</p> <p>Council will continue to make free firewood available from tree safety works and following adverse weather events in appropriate locations for collection by local residents.</p>
<p><b>Firewood removal</b> - There is contradictory information in the Section 8.10, Table 2 and Section 8.12 relating to removal of firewood from a road reserve. Suggest that</p>	1	<p>Table 2 refers to the requirements for permits for vegetation removal under the planning scheme. Regardless, permits are required to undertake any work on Council managed land as outlined in section 8.12 under the Local Law.</p>



<p>this is clarified to benefit all audiences.</p> <p>a. Table 2 (page 14) text “<i>Remove firewood for personal use</i>” suggests there is no permit requirement for this purpose from roadsides. Section 8.12 <i>General Purposes and Amenity Local Law No. 10 (Firewood collection, page 16)</i> describes (12(1)) that ‘<i>A person must obtain a permit to collect and remove firewood, including dead trees and fallen branches from a road reserve.</i>’</p>		
<p><b>Fines</b> - Stronger penalties are needed for firewood, vegetation removal and illegal dumping.</p>	1	<p>This will be considered in the review of Local Law no. 10 and in the development of a native vegetation compliance policy.</p>
<p><b>Education</b> – community education is critical for plan success. Better communication from council regarding what is permitted by residents on roadsides with long grass and dead timber. More community engagement about what is on these roads. Recommend immediately updating the brochure <i>Maintaining our Roadsides</i> (p55).</p>	7	<p>A shire wide communication plan will be developed following plan adoption.</p> <p>Plan recommends update of brochure and implementation of education program.</p>
<p><b>Boundary plantings</b> - recommend a by-law or restrictions on boundary plantings (p58) to deal with the proliferation of non-native windbreaks like Cypress hedges too close to roadsides.</p>	1	<p>Council cannot control the planting of wind breaks on private property. We can control plantings on public land and council managed roadsides via the local law and permit process.</p>
<p><b>Compliance</b> - Council need to act better to reduce illegal removal of native planting, dumping and unauthorised plantings on roadsides. The plan needs to develop a clear and practical enforcement strategy, and support the staff to deliver it.</p>	3	<p>The need to increase Council capacity for compliance is an action in the 2018 Biodiversity Strategy and updated Environment Strategy in 2021.</p>
<b>Appendix 2 – Detailed Methodology</b>		
<p><b>Regeneration</b> (page 68) - Opportunity to consolidate definition of regeneration (last paragraph) “<i>Regenerating trees refers to juvenile specimens. For many eucalypt species this may be less than 20cm in diameter and under 5 meters in height. When immature specimens are over 4-5 meters high they are recorded as trees under the assets section.</i>” to be consistent with</p>	1	<p>Amend as suggested.</p>



the <i>Guidelines for the removal, destruction and lopping on native vegetation</i> (DELWP 2017), which defines a canopy tree as 'A <i>native canopy tree is a mature tree (i.e. it is able to flower) that is greater than 3 metres in height and is normally found in the upper layer of the relevant vegetation type.</i> '		
Table 9, 'Wetland' (page 72) – does this definition of 'Wetland' align with the mapped wetlands layer of DELWP NVIM and mapping systems? Or does MRSC have their own local definition and mapping for wetlands?	1	'Wetland' would align with DELWP systems as the methodology adapted from NCCMA/DELWP approach.
Table 10, 'Burning' and 'Raking and burning' (page 73) - similar description for both terms. Are both necessary?	1	Amend plan to one description
<b>Appendix 3 – List of Roads</b>		
<b>Missing roads from list:</b> Waterworks Rd, Newham - the section from Clyde Avenue to Mt Macedon Rd is potentially a high value stretch with a density of Cherry Ballart and Peppermints, specimens of <i>Pomaderris racemosa</i> and patches of Bulbine Lilies. McKinley Track - is not listed but is worthy of consideration for its flora and fauna Granite Hill Lane - Dettmans Lane in Kyneton is listed but its (renamed several years ago) extension is missing.	1	All roads have been added to the list for consideration for roadside signs. However, Granite Hill Lane and Waterworks Road have been assessed as medium. McKinley Track requires assessment. All three roads shall be reviewed when roadsides are next reassessed.
Hennebergs and Sheltons rds are worthy of special protection and potential listing as VERY HIGH as an example of rare scoria cone grassy woodland with relict Snow Gums ( <i>Euc. pauciflora pauciflora</i> ) and threatened, locally and regionally significant species.	1	Include Hennebergs and Sheltons Rds in 'Special Roadsides' list.  These roads shall be reviewed when roadsides are next reassessed.
<b>New Appendix – Maps</b>		
New maps are available for CNG, ST and TNG infestations, vehicle hygiene zones and brush down areas.	1	Update plan and include new maps in Appendix.
<b>Overall comments</b>		



<b>Complexity</b> - Plan is too long. We need a cheat sheet for appropriate management	1	Roadside management is very complex and the plan requires many elements in order to be thorough.  A ute guide for council staff will provide a simple tool to be used internally.  The roadside management brochure will be updated along with resources on website to reflect the plan.
<b>Scope</b> - the draft plan seems to have a narrow focus and fails to understand the landscape scale of conservation, fire risk, drainage and road maintenance and recreation.	1	The roadside conservation management Plan has a specific focus on Council managed roadsides. The broader Biodiversity Strategy 2018 has a more landscape focus – irrespective of land tenure.
<b>Leased roads</b> – The plan should have considered unused government roads under lease.	1	These areas, often incorporated on private properties and with entirely different management issues, were out of scope for this plan.
<b>Regional Roads Victoria (RRV)</b> (previously VicRoads) – a number of issues with RRV roads were raised	4	Some of the main points of community dissatisfaction are weeds on roads managed by Regional Roads Victoria and on properties where DELWP is responsible for notifying landholders and enforcing action. Council to share feedback received with agency representatives.
<b>Specific roads</b> - Plan needs more specific information about specific roads	1	Specific roadside actions plans are recommended in section 15, prioritising strategic fire management roadsides and grasslands. Additional specific information about 'special' roads is provided in Appendix 4.
<b>Resourcing the plan</b> - the short-term actions listed are essential. Are resources listed as existing are in fact available and will be used within the next 2 years? Have extra resources required for some actions been budgeted for in the current draft Budget for 2021-22?	2	Councils new dedicated Roadside Conservation Officer will commence immediately implementing the short term activities including the recommended internal and external education.  Additional resources for short term activities will be considered in the 2022-23 budget.
<b>Barbed wire</b> - Removal of barbed wire on roadsides and public boundaries, removing risk to wildlife, carers, MRSC staff, contractors and volunteers.	1	Wildlife friendly fencing is encouraged to all residents. Council has a brochure outlined best approaches without the use of barbed wire.
<b>Typos – the following typos have been noted with thanks and amended in the final plan</b>		



Section 8.9 <i>Traditional Owner Settlement Act...</i> (page 12) – “ <i>The LUAA does not apply to roads was already built before 25 October 2013</i> ”. Remove word ‘was’ from this sentence or reword the sentence to read correctly.
Section 8.10 <i>Macedon Ranges Planning Scheme</i> (page 13) – change the definitions of “ <i>Regrowth - to regrowth what has naturally established.....</i> ”. Change ‘ <i>what</i> ’ to ‘ <i>that</i> ’.
Section 8.13 <i>Municipal Fire Management Plan</i> (page 16) - “ <i>Fires start on roadsides due to hot vehicle exhausts, mechanical failures and collisions....</i> ” There are more examples such as discarded cigarette butts, deliberate ignitions.
Section 15.2 <i>Road widening and reconstruction</i> (page 42) – section subtitle should be updated to “16.2” and update subsequent subtitle numbering.
Section 15.3 <i>Drainage works and drain maintenance, ‘Opportunities’</i> (page 44) – The “ <i>Reach mower program</i> ” should be “ <i>Reach mower program</i> ”.
Section 19.3 <i>Other landholder roadside impacts, ‘Issues’</i> (page 58) - Illegal dumping “ <i>...regularly occurs on occasions.</i> ”. Clarify wording for if illegal dumping “regularly occurs” or occurs on “occasions”.
Section 19.3 <i>Other landholder roadside impacts, ‘Issues’</i> (page 58) - Remove the errant ‘e’ from the sentence in Boundary plantings, ‘ <i>....and compete with native e vegetation.....</i> ’.





## Appendix 1: Environmental Works on Roadsides Permit Process

The permit system is a process to allow and manage landholder works on roadsides. It provides the opportunity to ensure safety of residents and that works do not have an adverse impact on significant flora and fauna. This will enable Council to meet legal requirements for vegetation protection under state planning provision.

Any works on roadsides by landholders require a permit application. The application process will be simplified and will remain at no cost to landholders. The permit application process is to be managed by the environmental unit in partnership with Community Safety.

Activity	Permit information		
	High Conservation Value Roadsides	Medium Conservation Value Roadsides	Low Conservation Value Roadsides
<b>Weed control</b>	✓ Allowed, with specification	✓ Allowed, with specification	✓ Allowed
<b>Revegetation</b>	? Negotiation - Site visit required to confirm the location and species are appropriate	? Negotiation - Site visit required to confirm the location and species are appropriate	? Negotiation - Site visit required to confirm the location and species are appropriate
<b>Slashing / mowing</b>	X Discouraged	? Negotiation - Site visit required	✓ Allowed
<b>Removal of debris</b>	? Negotiation (to EVC benchmark) - Site visit required	? Negotiation - Site visit required	✓ Allowed, with specification
<b>Ecological burning</b>	? Negotiation - Site visit required	? Negotiation - Site visit required	? Negotiation - Site visit required
<b>Removal of native vegetation</b>	X Planning permit required	X Planning permit required	X Planning permit required
<b>Removal of fallen timber</b>	? Negotiation (to EVC benchmark) - Site visit required	? Negotiation - Site visit required	? Negotiation
<b>Grazing</b>	X Not permitted	? Local Laws Permit required	? Local Laws Permit required
<b>New entrances / driveways</b>	? Asset Protection Permit required	? Asset Protection Permit required	? Asset Protection Permit required
<b>Firewood collection</b>	X Not permitted	X Not permitted	X Not permitted

<b>PE.3</b>	<b>DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN 2021 - 2025</b>
<b>Officer:</b>	<b>Althea Jalbert, Coordinator Local Laws</b>
<b>Council Plan relationship:</b>	<b>1. Promote health and wellbeing 2. Protect the natural environment</b>
<b>Attachments:</b>	<b>1. Draft Domestic Animal Management Plan 2021-2025 (under separate cover) <a href="#">⇒</a> 2. Stage One DAMP community consultation summary <a href="#">↓</a></b>

### Summary

Council is undertaking the development of a new Domestic Animal Management Plan 2021-2025. Approval is sought for the draft plan to be placed on public exhibition for community consultation.

### Recommendation

#### That Council:

1. **Endorses the draft Domestic Animal Management Plan 2021-2025 for the purpose of community consultation;**
2. **Undertakes community engagement and consultation in accordance with the Local Government Act 2020 and Council's Community Engagement Policy;**
3. **Notes that following community consultation, officers will report back to a Scheduled Council Meeting with a summary of community feedback and finalised plan for adoption.**

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### Background

In accordance with the *Domestic Animals Act 1994*, it is a statutory requirement for all Victorian councils to prepare and implement a domestic animal management plan every four years. The plan must be adopted by Council and submitted to the Secretary of the Department of Jobs, Precincts, and Regions by 31 March 2022.

### Discussion

The draft Domestic Animal Management Plan (DAMP) 2021-2025 builds on the 2017-2021 plan in providing a framework for the delivery, planning, development, and evaluation of animal management strategies, programs, and services to increase responsible pet ownership in the shire.

The draft DAMP 2021-2025 has been developed with the community's feedback factored into a number of proposed activities. Officers have also considered industry trends, Local Laws operational trends, internal cross-department feedback, and other Council priorities to inform the plan.

The draft DAMP 2021-2025 has been developed to focus on community education, promoting Council's animal services, supporting owners to comply with legal responsibilities, providing opportunities for affordable cat desexing, and exploring opportunities to improve dog provisions in public open space.

Officers seek endorsement of the draft Domestic Animal Management Plan 2021-2025 and approval to commence community consultation. In order to meet the 31 March 2022 State Government deadline, consultation for this plan will need to occur over the December/January period.

### **Consultation and engagement**

To help inform priorities for the draft DAMP 2021-2025, officers undertook stage one of community consultation from 24 September to 21 October 2021. This stage of consultation comprised an online survey. This survey sought feedback around:

- Owner's emergency planning and preparedness for pets
- The public's experience with dogs and levels of compliance in on and off leash areas
- The public's experience with cat curfew compliance
- Ideas for supporting pet owners to improve overall compliance with legal requirements
- Planning for dedicated dog exercise areas (e.g. dog parks)
- Introduction of Council subsidised low-cost cat desexing; and
- Attitudes toward pet registration and microchipping.

The survey was completed by 730 people, and an additional 13 written submissions were received. Key themes of the feedback included:

- A want for improved dog friendly infrastructure in open space – securely fenced off leash area options, more poo bag dispensers and bins for off leash areas, heavily used dog walking paths, and dog drink stations.
- Strong support (83%) for dedicated purpose-built off-leash dog parks.
- Good knowledge (95%) of the dog on leash requirements, and people are complying 'most of the time.'
- Most prevalent concern with dogs is poo not being picked up in public places.
- Select comments about the suitability of specified existing designated off-leash areas.
- Select comments from dog breeders expressing frustration with permit requirements and conflicting information.
- Good knowledge (83%) of the sunset to sunrise cat containment requirement, but moderate levels of compliance observed. Some commentary that people did not know whether the cats that they see after sunset are feral or not.
- Strong support (86%) for Council offering subsidised low-cost cat desexing.
- Most (80%) respondents who contacted the Local Laws team found officers 'very helpful' or 'somewhat helpful.'
- Concerns about a perceived lack of localised services for lost pets – vets cannot return pets directly, no local pound/shelter (pound provider being in North Melbourne).

A report summarising feedback in more detail is in **Attachment 2**.

### **Collaboration**

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

**Innovation and continuous improvement**

In developing the draft DAMP, officers researched initiatives of other Victorian councils in their DAMPs. Officers also considered dog and cat welfare strategies highlighted as priorities through State Government, industry, and welfare groups' policies, related to local council animal management responsibilities.

**Relevant law**

In accordance with Section 68A of the *Domestic Animals Act 1994* (the Act), all Victorian councils must prepare and implement a four year Domestic Animal Management Plan to guide decision making regarding animal management for dogs and cats.

The plan must outline programs, services and strategies to:

- Provide training for Authorised Officers to ensure they can administer and enforce requirements of the Act
- Promote and encourage responsible pet ownership of dogs and cats
- Ensure that people comply with the Act, regulations and legislation
- Minimise the risk of attacks by dogs on people and animals
- Address over-population and high euthanasia rates for dogs and cats
- Encourage the registration and identification of dogs and cats
- Minimise the potential for dogs and cats to create a nuisance; and
- Effectively identify all dangerous, menacing and restricted breed dogs and ensure these dogs are kept in compliance with the Act and regulations.

**Relevant regional, state and national plans and policies**

The Victorian Animal Welfare Action Plan is the Victorian Government's vision for continuously improving animal welfare, with priorities that have helped inform the draft DAMP 2021-2025.

**Relevant Council plans and policies**

The draft DAMP 2021-2025 considers Council's Community Vision and the Council Plan 2021-2031 to ensure alignment with Council's strategic priorities.

**Financial viability**

Most activities in the plan are achievable through operational budgets. Some activities will require additional resources to be achieved. Pet registration income helps to offset Council's costs in delivering animal services.

**Sustainability implications**

There are no sustainability issues identified related to the release of the draft DAMP 2021-2025.

**Officer declaration of conflicts of interest**

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



# Summary Report Stage 1 Community consultation for draft Domestic Animal Management Plan 2021 – 2025



# Contents

<b>Introduction .....</b>	<b>2</b>
<b>Feedback .....</b>	<b>3</b>
Key themes .....	3
Respondent information.....	3-5
Survey question responses .....	5-13
Written submissions.....	14

## Introduction

In Victoria, all councils must develop a new domestic animal management plan (DAMP/The Plan) every four years to set out services, programs, and initiatives that promote responsible ownership of dogs and cats in the community.

The public consultation for the development of the next Domestic Animal Management Plan 2021-2025 has been planned over two stages.

Stage one of community consultation focussed on seeking input from the community, industry groups, special interest groups, and key stakeholders to help inform actions and priorities to be included in the draft plan.

Stage one of the consultation was open for community feedback from Tuesday 21 September through to Monday 18 October 2021. Consultation featured an online cat and dog survey with paper copies available at Council's four service centres or emailed as PDF copies. Submitters could also make written submissions via email or hard copy.

An extensive communication and engagement plan was delivered across Council's digital channels – website, social media and internal all staff briefing, in local newspaper Council columns and Council community newsletters.

The Local Laws team installed posters at high traffic off lead areas and walking paths, delivered flyers to community hubs, and engaged via email, in person and over the phone with local schools, kindergartens, early childhood centres, animal trainers, cafes, pet stores and vets.

The cat and dog survey achieved a significantly higher response than the 2017 Domestic Animal Management Plan survey with 200+ more respondents. This is an excellent result against a backdrop of COVID-19 restrictions limiting opportunities to engage with the community in person.

The stage two public consultation for the draft Domestic Animal Management Plan 2021-2025 is anticipated to open by early December, pending endorsement from Council of the plan to place on public display and approval to commence community consultation. The second stage of consultation provides a further opportunity for feedback from the community on our priorities.



# Feedback Summary

## Key Themes

Key themes of the feedback included:

- A want for improved dog friendly infrastructure in open space – securely fenced off leash area options, more poo bag dispensers and bins for off leash areas and heavily used dog walking paths, and dog drink stations.
- Strong support (83%) for dedicated purpose built off leash dog parks.
- High knowledge (95%) of the dog on leash requirements, and people are complying 'most of the time.'
- Most prevalent concern with dogs is poo not picked up in public places.
- Select comments about suitability of specified existing designated off leash areas.
- Select comments from dog breeders expressing frustration with permit requirements and inconsistent information.
- High knowledge (83%) of the sunset to sunrise cat containment requirement, but moderate levels of compliance observed. Some commentary that people did not know if cats they are seeing after sunset are owned or feral.
- Strong support (86%) for Council offering subsidised low cost cat desexing.
- Most (80%) respondents who have had contact with the Local Laws team found officers 'very helpful' or 'somewhat helpful.'
- Concerns about a perceived lack of localised services for lost pets – vets not able to return pets directly, no local pound/shelter (pound provider being in North Melbourne).

## Respondent information

There were 730 survey respondents in total, including online and hard copy submissions. The surveys provided quantitative and qualitative feedback options. There were 13 written submissions from individuals, community groups, a political party, and animal advocacy group.

### Demographics for survey respondents

Over 50% of respondents were in the 35-54yo age brackets and over 70% of respondents were female. The overwhelming majority of respondents live within the Macedon Ranges Shire and more than 55% of respondents have lived in the Shire in excess of 10 years. The majority of respondents owned a pet comprising cat owners (9%), dog owners (58%), cat and dog owners (23%), and non-pet owners (over 10%).



**Number of survey respondents by location**

*\* note that some respondents skipped this question*

Ward	Postcode	Suburb	Number of respondents
East	3431	Riddells Creek, VIC	26
East	3432	Bolinda	1
East	3433	Monegeetta	2
East	3434	Romsey, Cherokee, Kerrie, Springfield	109
East	3435	Lancefield, Benloch, Goldie	41
South	3437	Gisborne, Gisborne South, Bullengarook	104
South	3438	New Gisborne	15
South	3440	Macedon	21
South	3441	Mount Macedon	18
West	3442	Woodend, Newham, Cobaw, Cadello, Ashborne, Heskett, Rochford, Carlsruhe	98
West	3444	Kyneton, Edgecombe, Baynton, Lauriston and surrounding areas	124
West	3446	Malmsbury	6
East	3756	Darraweit Guim, Chintin	5

Respondents from Outside of the Shire		
Postcode	Suburb	Number of respondents
2000	Sydney, NSW	1
3144	Malvern	1
3427	Diggers Rest	1
3429	Sunbury	1
3447	Taradale	1
3450	Castlemaine	1
3458	Trentham, Fern Hill, Newbury	1
3764	Kilmore	1

## Summary of cat and dog survey questions

This section provides an overview of responses to key dog and cat survey questions.

### Q1 Do you own a pet cat and/or dog? (730 answered, 0 skipped)

Significantly more respondents owned dogs (at 68%) than cats (at 9%). and 23% of respondents had both types of pet.

### Q2 How many pet cats and dogs do you own? (632 answered, 98 skipped)

55% of respondents had a single dog and 30% of respondents had two dogs. Fewer respondents had cats, with 30% having a single cat and 17% owning two cats. The number of respondents that had more than two of either pet type was significantly lower.

### Q3 Do you own any other types of pet animals? (pets only, not primary production animals) (717 answered, 13 skipped)

Most respondents did not have pet animals, other than cats and dogs (at 60%). Those that did have other pets indicated that they had pet poultry (at 22%) followed by pet horses (at 14%).

**Q4 Can you tell us what types of identification/ID your pets have in case they get lost or injured? Please choose all that apply** (275 answered, 455 skipped due to a survey logic glitch)

The majority of respondents rely on their pet's microchip for the purpose of identification (at 69%). More respondents rely on an ID name tag on a collar with contact details (at 55%) than on Council registration tags (at 43%). This provides an opportunity for greater education around the benefits of pet registration tags and championing of Council pet related services.

**Q5 All cats and dog can accidentally escape. Do you think the ID and contact details on your pet/s are enough to enable Council or a veterinarian to contact you quickly if your pet is lost or injured?** (275 answered, 455 skipped due to a survey logic glitch)

The vast majority of respondents have confidence in their chosen ID method/s as a means for contact to be initiated in these circumstances (at 85%).

**Q6 Do you have an emergency plan for your pets to prepare and respond to disaster events such as fire, flood and storms? Please choose all that apply.** (273 answered, 457 skipped due to a survey logic glitch)

The majority of respondents indicated they would take pet/s with them as a part of their emergency plan. Notably, 22% of respondents indicated that they would rely on Council emergency centres or Council pet shelters as a part of their plan, inferring that should an event occur there would be community expectation that Council would be prepared to assist with this. Approximately 10% of respondents have no emergency plan in place. Free text responses responses indicated that their plan allowed for their cats and dogs, but did not incorporate other animals, particularly their horses. Some of the respondents indicated they would also rely on a nearby Dogs Victoria facility should such circumstances eventuate. Some respondents indicated they did not plan to leave in the event of an emergency.

**Q7 How confident are you with your plan and do you regularly practice your plan so that you could enact it when needed?** (273 answered, 457 skipped due to a survey logic glitch)

The majority of respondents are somewhat to very confident with their emergency management plan (at 75%). The proportion of respondents that practice their plan is much lower (at 23%).

**Q8 Over the last 12 months have you visited a park, playground or sporting field in the shire that is located near, or has a dog off-leash area?** (692 answered, 38 skipped)

The majority of respondents have made use of these facilities (at 69%). Indicating these areas are of importance to the community.

**Q9 Did you know when out in the community, dogs must be on a leash at all times except in Council designated off-leash areas?** (692 answered, 38 skipped)

An overwhelming majority of respondents (at 95.5%) are aware of the Council wide dog on leash rule indicating that this messaging has been widely acknowledged in the community.

**Q.10 Please tell us about your experience with Council designated dog off-leash areas? Please choose all that apply** (659 answered, 71 skipped)

Respondents report that owners are in control of and are picking up after their dogs most of the time. Dogs in dog off-leash areas are also reported to be well behaved and socialised in the majority of cases. However, there is evidence of non-compliance with the majority of responses being in the midrange, rather than at the extreme. Correct behaviours being observed 'most of the time' and 'sometimes' account for the majority of responses (at 53% through to 76% depending upon the question). This can be interpreted as a proportion of dog owners and their dogs and a smaller proportion of dog owners that are not consistently complying with the Council order. Reports of respondents experiencing dog aggression or attack all were very low. 60 free text responses were also received. A disproportionate number of the text statements indicate concern or relate personal stories about aggressive dogs and attacks in dog off-leash areas. When compared with the lack of representation of matching events in the data, it indicates that when aggressive dog behaviour is encountered it is influential on the respondents that experience it. A number of free text statements also indicate a lack of awareness of where dog off-leash areas are located.

**Q11. When out in the community or at home, are you impacted by how dog owners manage their dogs? Can you tell us your most important concerns/issues? Please choose up to five. (659 answered, 71 skipped)**

The most predominant dog management concern is dog poo left in public places (at 46%), while the second most common response (at 32%) indicated did not have any dog owner management concerns. Lack of control of dogs or dogs off leash inappropriately were mid-level concerns and excessive barking was mentioned by fewer than 20% of respondents. Dogs wandering in neighbourhoods (at 16%) was more common than dogs wandering or involved in attacks on rural properties or in native environments (less than 9%). This question received a similar number of free text responses to the previous question with 62 messages received. Common themes were requests for fenced dog off-leash areas as well as more off-leash areas, a perceived lack of dog poo bag stations and other dog poo concerns, and a reiterated concern about aggressive dog behaviour.

**Q12. How important to you is planning for dedicated and secure exercise areas for dogs, like a dog park? (651 answered, 79 skipped)**

The majority of respondents rated such areas very highly, with 83% of respondents noting that this need was important to very important. 67 free text responses were received in relation to this question with a strong emphasis on the need for dedicated fenced areas for dog off-leash activity.

**Q13. If we could plan for a dedicated dog and exercise park, what is your preferred location/s? Please choose up to three. (651 answered, 79 skipped)**

There is a reasonable spread between the following preferred locations: Woodend, Gisborne, Kyneton, Romsey and Lancefield (25% to 15%).

**Q14. From your experience, when you are at the shops, doing school pickup or walking around your neighbourhood, are owners keeping their dogs on leash? (651 answered, 79 skipped)**

Respondents reported strong dogs-on-leash compliance with a high percentage noting appropriate behaviour 'most of the time' or 'all of the time' (at 88.47%). This result was notably better than the result for question 10 which explored the behaviour of dogs and owners in off-leash areas. Only 21 free text submissions were received regarding this question with themes raised being similar to what has been previously noted – concern about some dogs still being off leash, notes that compliance is good and a reiteration of the dog poo issues.

**Q15 Council introduced a cat curfew from 1 July, 2020. Did you know that cats must now be contained to an owner's property from sunset to sunrise?** (642 answered, 88 skipped)

Respondents were well informed that Macedon Ranges Shire has a cat curfew (at 83%), although this was less known than the on-leash order that applies to dogs.

**Q16. Do you think cat owners are following the sunset to sunrise cat curfew?** (642 answered, 88 skipped)

Respondents reported feelings that there is only moderate compliance of the cat after sunset laws, with the most common response being 'sometimes' (at 30%). This question was heavily commented on with 339 text responses received. Common themes in the commentary are that cats are regularly seen outdoors after sunset, that cats can be difficult to contain and/or may be outside out due to owner laziness, toilet needs or accidental release that cat owners may be irresponsible, or that cats seen may be feral. There was also concern about native wildlife and some comments regarding cats being useful for rodent control. The data and number of comments noting perceived non-compliance around this order supports the need for education programs to support this initiative.

**Q17. Do you think the sunset to sunrise cat curfew protects native wildlife from pet cats?** (642 answered, 88 skipped)

Most respondents are in agreement, or in strong agreement with this statement (at 33% and 43%). This question was strongly commented on with 350 free text comments which mostly reiterated concern for wildlife and support for the curfew. Some commentary supported further action with an assertion that cats should be confined to their owner's property or inside at all times. An opposing view was noted however, with some comments exhibiting concern over pest animals such as rabbits.

**Q18. Do you think Council should support targeted programs to prevent unwanted cat breeding and kittens?** (642 answered, 88 skipped)

Respondents overwhelming support this initiative, with 'strongly agree' and 'somewhat agree' for this idea being the dominant answers (at 64% and 19%). 298 free text responses were received on this question. Commentary was mostly supportive of initiatives to reduce feral cat numbers, alleviate pressure on native wildlife and restrict unwanted breeding. There was a minority view however, being that the onus should be on the individual owner rather than on Council or ratepayers to resolve this problem.

**Q19 Do you support Council offering subsidized low cost cat desexing?** (638 answered, 92 skipped)

In line with the previous question, respondents also overwhelmingly support this idea with 'strongly support' and 'somewhat support' accounting for 86% of responses. 325 free text responses were received following this question with the commentary being consistent with question 18.

**Q20. Can you tell us your ideas for how Council can encourage owners to understand and follow the cat curfew directions?** (351 answered, 379 skipped)

Improved and targeted education campaigns, along with enforcement action was largely the focus of responses to this question. Suggestions included regular reminders in Council publications, letter/pamphlet drops, and local media. Suggestions also included stricter enforcement action, and incentivising building cat enclosures. One suggestion included promoting the idea of building a cat enclosure by running a "3 best-easy design" competition. Other ideas offered included a signed declaration as acceptance and understanding of the Shire bi-laws, and or educational information supplied to residents at the time of cat adoption or included in welcome packs from vets.

**Q21. What can Council do to encourage pet owners to follow cat and dog laws? Move rows to order from most to least important.** (612 answered, 118 skipped)

The top six initiatives as ranked by respondents are as follows:

1. Better and clearer signs at dog off-leash areas
2. Council responsible pet ownership campaigns online and in newsletters
3. Council subsidised, discounted cat de-sexing
4. More frequent patrols by rangers
5. Targeted information campaigns about the sunset to sunrise cat curfew
6. Pop-up marquees at farmers markets to promote responsible pet ownership

**Q22 Did you know there are five protected areas in the shire where dogs and cats are not allowed?** (612 answered, 118 skipped)

The majority of respondents (at 68%) were not aware of the protected areas with prohibited cat and dog access.

**Q23 If you own a cat, is it currently registered with Macedon Ranges Shire Council? Please select all that apply. (607 answered, 123 skipped)**

Of respondents that owned a cat or cats, 87% were reported as being registered with Council, while 13% were reported as being unregistered.

**Q24 If you own a dog, is it currently registered with Macedon Ranges Shire Council? Please select all that apply. (607 answered, 123 skipped)**

Of respondents that owned a dog or dogs, 96% were reported as being registered with Council, while 4% of these were reported as being unregistered.

**Q25 Can you tell us why your pet/s is not registered? Your anonymous responses will help Council improve our services. Please choose all that apply (599 answered, 131 skipped)**

The majority of respondents indicated that their pets are registered (at 79%). The most common individual reason for failing to register was a perceived lack of value (at 4%), that the respondent had just moved to the area (at 2%) and that their pet was indoor only (at 2%). Most of the 81 text responses received in response to his question indicated that they did not own a cat or a dog.

**Q26 & 27– Pet microchips help Council contact owners quickly when pets are lost or injured. Do you keep your pet microchip details up-to-date with your current contact details including your name and contact phone number? (599 answered, 131 skipped)**

Respondents strongly indicated that they comply with this, with 97% indicating their pets' microchip details were up to date. Only 3% indicated that their contact details may not be up to date.

The most common reason for a microchip not being up to date was that the respondent did not know how to update microchip information.

**Q28 Did you know to register a pet, Council requires proof of an up-to-date pet microchip with current owners name and contact details? (599 answered, 131 skipped)**

78% of respondents are aware of this requirement.



**Q29. Council rangers visit dog off-leash areas to educate, provide local laws advice and ensure owners have their dogs under effective control. Across the shire, where would you like to see more ranger patrols and visits?** (407 answered, 323 skipped)

Generally respondents have offered a broad variety of suggestions including general public areas (on leash), as well as specific off leash areas such as the Campaspe River Walk, Gisborne Botanical Gardens and Rollinsons Reserve. Also suggested was parks and playgrounds, events and markets. However, a majority offered that patrols and visits are not necessary, which may be attributable to most survey respondents being dog owners who indicate dogs are well managed most of the time in off leash areas.

**Q30 If you have had contact with our Local Laws team out in the community, via email or over the phone, how helpful were our Council officers?** (597 answered, 133 skipped)

Responses were as follows:

27% of respondents indicated staff were 'very helpful',

53% of respondents indicated staff were 'somewhat helpful'

20% of respondents indicated staff were 'not very helpful'.

This result demonstrates an opportunity for improvement through more visible Ranger presence and better customer service.

**Q31 Did you know pet owners can register or renew cat and/or dog registration online?** (591 answered, 139 skipped)

81% of respondents indicated that they are aware of this service which correlates with an increased use of this method of pet registration during the pandemic.

**Q32 Council has an eNotice service for ratepayers and residents to subscribe to receive electronic rates and pet renewal notices by email. Would you consider subscribing to receive you pet registration renewal by eNotice?** (591 answered, 139 skipped)

A majority of respondents that own pets already receive, or would be interested in taking up this option (at 59%). Conversely, a smaller group prefer to retain paper pet registration renewals (at 25%). This result represents a potential shift that can be undertaken in the processing of pet registration renewals which, at this time, is predominantly a paper and Australia Post based process.

**Q33 Would you like Council to develop a pet ownership eNewsletter with information and advice on keeping pets happy, healthy, and safe?** (591 answered, 139 skipped)

The most selected response to this question was 'yes' (at 40%), followed by 'maybe' (at 27%) indicating that there is community support for this initiative.

**Q34 Thinking about Council's animal management service, how satisfied are you with the services provided?** (591 answered, 139 skipped)

The majority of respondents provided a neutral response to this question indicating that they are 'neither satisfied nor dissatisfied' (at 41%). On either side of this, more respondents answered that they are satisfied (at 35%) than dissatisfied (at 24%).

260 free text responses were received regarding this question. These raised a wide range of issues, of which the majority were related to dog issues such as the need for more signage, the need for fenced off leash areas, not enough patrolling, concerns around dog poo and poo bag availability and concerns for how dog barking complaints are handled. A lesser number of respondents had concerns over cats and other matters such as support for greater enforcement of cat curfews and concern about animals going to Melbourne for rehoming. Some raised concern about the numbers of feral animals in the Shire, which included commentary about cats, foxes, deer, rabbits, and Common Myna birds.

**Q35 Do you have any other ideas to share with Council to help develop the draft Domestic Animal Management Plan 2021-2025?** (335 answered, 395 skipped)

Over half of survey respondents provided extra comment and feedback about their experiences with pets in the community, and Council's animal management services. The overwhelmingly consistent topic offered by respondents was the provision of dedicated dog parks within the Shire. Also relevant to this topic was suggestions of reviewing current dog off leash areas and dog off leash times, and improved provisions in open spaces i.e. dog poo bags, bins and water fountains for dogs. Second to this topic was overall improved education and enforcement.

## Summary of written submissions

The most common theme amongst all written submissions is that of dedicated dog parks, and or a review of current dog off leash areas and the provisions, or lack of, in those outdoor spaces. This theme has overwhelmingly come from our residents, individuals and groups within the Shire, such as the Kyneton & District Horse & Pony Club, who have emailed us.

Second to this is a variety of matters raised by organisations including Animal Care Australian, Animal Justice Party and Stanley Park Committee.

The Animal Justice Party has raised themes from Victoria's Pound and Shelter Reform initiative aimed at improving outcomes for animals coming into pounds and shelters. These include wanting domestic animal management plans to address all companion animals, improved reporting and transparency of euthanasia rates, free or subsidised low-cost cat desexing, reuniting lost pets through veterinary clinics to avoid going into pounds/shelters, better supporting pet owners who are victims of domestic violence, and better education about dog and cat guardianship challenges.

Animal Care Australia has voiced concern for the need to review and improve procedures, training and consistency regarding processes for planning and approval of relevant animal permits (especially for dog breeders). They also promote education over enforcement.

Stanley Park Committee voiced overall concerns regarding lack of compliance with the on leash requirement at the park and lack of effective control by dog walkers. They have suggested improved education, larger and clearer signage at the park, and increased enforcement action as a deterrent. They also want improved fencing.

<b>PE.4</b>	<b>FESTIVE SEASON DECORATIONS AND INSTALLATIONS</b>
<b>Officer:</b>	<b>Bob Elkington, Coordinator Economic Development</b>
<b>Council Plan relationship:</b>	<b>4. Enhance the social and economic environment</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

The purpose of this report is to update Council regarding actions already undertaken and to provide information regarding options and costs associated with providing or supporting the provision of festive season decorations/installations.

### Recommendation

#### That Council:

1. **Notes the four actions already underway, outlined in Table 1 for the 2021-2022 festive season.**
2. **Notes the options outlined in Table 2 for consideration regarding their priorities for subsequent years, subject to officers providing more detail at a future Council briefing.**

### Background

At the 28 April 2021 Scheduled Council Meeting, it was resolved that Council:

1. *Requests the CEO to present a report to a Scheduled Council Meeting regarding the provision of Christmas decorations to our towns.*
2. *Requests that the report details the costs involved, types of decorations available, suitability to current town streetscapes, infrastructure required and other associated matters.*

Options, implications and considerations associated with the purchase and installation of festive season decoration installations across the shire have been identified. Issues included the potential of vandalism, theft, abandonment and public liability.

A general direction is the need to:

- support local communities to overcome negative impacts of the COVID-19 pandemic;
- activity in the first year that could be built upon in subsequent years; and
- identify and seek to support groups within the towns that had previously engaged in installing festive decorations.

### Discussion

Council did not specifically make a budget allocation to Christmas decorations in the 2021/22 budget. However, funding for such decorations have been identified through Council's COVID recovery allocation enabling:

1. Council branded festive season signage is to be installed on selected Council infrastructure (eg. rubbish bin surrounds).

2. Festive season stars and tinsel is to be installed on selected Council infrastructure (eg. signs/light poles).
3. Contact has been made with local groups who have previously installed festive decorations to ascertain their plans/capacity and offer support.
4. Officers have facilitated three free retail workshops, focussed on the concept and method of delivery of in-store festive decorations/installations and promotions (eg. window dressing/Christmas promotions)

**Table 1 - Projected costs**

<b>Action</b>	<b>Description</b>	<b>Comment</b>	<b>Approximate cost</b>
1.	Festive season signage	including maintenance/storage costs	\$4,616
2.	Festive season stars and tinsel	including maintenance/storage costs	\$5,816
3.	Support to local groups	local groups will provide quotations	\$3,500
4.	Retail workshops x 3	Delivered in Romsey, Macedon and Riddells Creek	\$2,750
		<b>Total:</b>	<b>\$16,682</b>

Identified options for consideration for subsequent years outlined in Table 2.

**Table 2 – Other options for future years**

<b>Description</b>	<b>Comment</b>	<b>Approximate cost</b>
Pole mounted banners	One off cost for 170 locations across the 9 towns – on council infrastructure Includes purchase and installation of brackets Spring loaded to reduce load on poles created by windy conditions	Brackets \$42,500
	One off cost for initial roll out Includes design and purchase of double sided banners at \$160 each Does not include annual maintenance and replacement costs	Banners \$27,200
	putting banners up and taking them down annually Does not include permit costs/time for any banners on Regional Roads Victoria managed reserves	Installation of banners \$7,820 per annum
Decals	Festive season decals similar to those used during Autumn Festival 2021 Made available to interested retailers Does not include costs for design, promotion and distribution	Purchase of decal \$5.50 per shopfront X 200 = \$1,100

	Could also be applicable to Council buildings such as service centres, visitor information centres and swimming pools	
Footpath stickers	Does not include annual installation and removal costs	Purchase of stickers \$8 X 170 = \$1,360
Large Christmas Trees	purchase of trees, top stars, other decorations, square base with brand stencil, lighting and transformer  Does not include installation/storage/repair and maintenance costs – which may be high with this type and size of installation	Purchase of 3.6m tree x 9  (one per town) 9 X \$7,149 = \$64,341
	<b>Estimated Total:</b>	<b>144,321</b>

The advantages of delivering festive season installations in some form include the potential of positive community sentiment and goodwill at a time when the negative impact of COVID-19 is widespread, creating more vibrant commercial precincts and attracting and retaining visitors and local people in the commercial centres supporting the local economy.

The disadvantages to Council being responsible for festive season installations relates to considerations with regard to cost, responsibility, insurance, permissions, maintenance, storage and taste. Some of the issues specifically identified relating to Christmas decorations in previous years include:

- cost of purchase, maintenance and replacement;
- cost of in-kind officer time in seeking permits/permissions/insurance (subject to the type and locations of the installations);
- provision of suitable storage;
- risk management when establishing and decommissioning installations in public spaces; and
- installations being stolen or vandalised.

The four actions outlined in Table 1 have been actioned. Other options for subsequent seasons have been outlined as suggestions to build on the initial actions.

**Consultation and engagement**

No formal public consultation has been undertaken at this time. Where possible, officers have identified and consulted with existing groups within the towns who have previously installed festive decorations to ascertain their plans and capacity. This has additionally provided insights into the level of support that can be offered.

**Collaboration**

Not applicable.

**Innovation and continuous improvement**

Not applicable.

**Relevant law**

*Road Management Act 2004*

No human rights implications and risks have been identified.

**Relevant regional, state and national plans and policies**

Not applicable

**Relevant Council plans and policies**

This activity aligns with Priority Four of the Council Plan – Enhance the social and economic environment. We will foster economic vitality in a way that promotes positive individual and community health outcomes.

**Financial viability**

In deciding to install festive season decorations, Council must understand/accept the financial, asset management and risk implications that go with it. There are costs involved in purchase, installation, decommissioning, maintaining and storing any decorations. The installation, decommissioning, maintenance and storage would need to be undertaken in a safe manner.

Projected costs for 2021 - 2022 are outlined in Table 1. High level costs for other options are presented in Table 2.

**Sustainability implications**

No social or environmental sustainability implications or risks have been identified.

**Officer declaration of conflicts of interest**

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

<b>PE.5</b>	<b>COUNCILLOR INTERACTION WITH EXTERNAL PLANNING MATTERS POLICY</b>
<b>Officer:</b>	<b>Evert Grobbelaar, Manager Statutory Planning</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Councillor Interaction with External Planning Matters - Draft Policy <a href="#">↓</a></b>

### Summary

This report recommends that Council adopt a Councillor Interaction with External Planning Matters Policy. If approved, this policy would apply to requests that Councillors may receive from the community around planning matters, including planning scheme amendments, planning permit applications and objections/submissions to planning applications.

### Recommendation

**That Council adopts the Councillor Interaction with External Planning Matters Policy, as attached to this report.**

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### Background

In light of greater transparency and governance expectations by our community, this policy has been prepared to provide Councillors clear guidance and parameters for any interaction with parties (submitters, applicants, developers, community groups, etc.) on planning matters (i.e. town planning matters).

### Discussion

The policy seeks to provide guidance to Councillors as to when it may be appropriate to meet with a party to a planning matter – be it formally lodged with Council or not, how the meeting should be recorded, and whether or not a Council officer should attend.

A reference to a meeting may include a face-to-face meeting, an online meeting, telephone conversation/s or other forms of communication where a planning matter may be discussed.

It is important that there is a record of these interactions, to afford procedural fairness to all parties and to ensure that transparent and appropriately governed decisions are made.

At Macedon Ranges Shire Council, planning decisions may be made by officers acting under delegation or, may require a Council resolution. There are different steps and 'sign offs' required for different planning matters.

Council's role – whether a delegate decision or decision of Council – is to ensure that Council plays the role of 'responsible authority' and 'planning authority' in making planning decisions. The *Planning and Environment Act 1987* (as amended) sets down the requirements for these roles.

Some of the key issues that Council should be aware of in making fair planning decisions are:



- To avoid the perception of bias or prejudging a planning decision (by way of example), Councillors must not make up their minds about a planning application until they have read the officer's reports, any submissions received and heard all the meeting debate;
- Consider all relevant facts, and not consider irrelevant factors when making their decisions;
- Make a decision by applying the law and the Macedon Ranges Planning Scheme as they exist, not on what they would like them to be or on their personal moral point of view;
- Refrain from public comment that could be construed as support or opposition of an application, or trying to influence the public during a public comment period of consultation.

**Consultation and engagement**

No community consultation has occurred on this draft Policy.

**Collaboration**

Collaboration was not required as this is a policy specifically for the Councillors of the Macedon Ranges Shire Council

**Innovation and continuous improvement**

The policy seeks to clarify the role of Councillor/s in town planning matters and provide guidance as to when a meeting should be arranged, how it should be recorded, and when an officer is recommended to attend.

**Relevant law**

Any relevant legislation is covered under the next heading which refers to state policies. The report does not have any implications or risk in regards to the *Charter of Human Rights and Responsibilities Act 2006*.

**Relevant regional, state and national plans and policies**

Planning and Environment Act 1987, *Local Government Act 2020*.

**Relevant Council plans and policies**

Councillor Code of Conduct, Councillor Interaction Policy and Procedure, Delegations Framework, Policy and Procedures and Terms of Reference for the Planning Delegated Committee

**Financial viability**

No financial implications

**Sustainability implications**

No sustainability implications

**Officer declaration of conflicts of interest**

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



<b>Policy Title:</b>	Councillor Interaction with External Planning Matters	
<b>Date of Adoption:</b>	XX XXXX 2021	
<b>Adoption Method:</b>	<input checked="" type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>Other</b> <i>(please specify)</i>	
<b>CEO Signature:</b>		<b>Date:</b>
<b>Responsible Officer and Unit:</b>	Director of Planning & Environment	
<b>Nominated Review Period:</b>	<input type="checkbox"/> <b>Annually</b> <input checked="" type="checkbox"/> <b>Four years</b>	
<b>Last Review Date:</b>	N/A	
<b>Policy Review by:</b>	By 31 October 2025	
<b>Purpose / Objectives:</b>	Establish a policy in which Councillors interact with community members to discuss various planning matters, including planning scheme amendments, planning permit applications and objections to planning permit applications. Furthermore, it will provide clarity between Council's role as Planning Authority and Responsible Authority.	
<b>Background / Reasons for Policy:</b>	This protocol has been developed to provide a clear framework that explains how Councillors should interact with the community, whilst considering statutory and strategic planning matters.	
<b>Related Policies:</b>	Councillor Code of Conduct, Staff Code of Conduct, Councillor Gifts, Benefits and Hospitality Policy, Complaints Handling Policy, Councillor Interaction Policy and Procedure, Community Engagement Policy, Privacy Policy, Delegations Framework, Policy and Procedures, Instrument of Delegation from Council to the Planning Delegated Committee, Terms of Reference for the Planning Delegated Committee	
<b>Related Legislation:</b>	<i>Planning and Environment Act 1987, Local Government Act 2020</i>	

## Table of Contents

1. Introduction	3
2. Objectives of this protocol	3
3. Definitions	3
4. Requests for advice and information	4
5. Requests for meetings and phone calls	5
6. Receiving submissions and hearing from the community	5
7. Decision making as Planning Authority	6
8. Decision making as Responsible Authority	6

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## 1. Introduction

It is essential and in the interests of effective governance to ensure that all planning decisions are transparent and open to the community. This will ensure that elected Councillors and officers, make fair and lawful planning decisions.

This policy applies to the Macedon Ranges Shire Council in its capacity and role in decision making as Planning Authority and Responsible Authority primarily under the *Planning and Environment Act 1987*.

It articulates the decision-making processes, including opportunity for the community to be engaged through this.

## 2. Objectives of this Protocol

The objective of this policy is to:

- 2.1.Reinforce Council's role as Planning Authority (development of policy and strategy and changes to the Macedon Ranges Planning Scheme via Planning Scheme Amendments) and Responsible Authority (considering planning permit applications against the policies and controls within the Macedon Ranges Planning Scheme).
- 2.2.To articulate the separation of power between the role of council in 'setting the vision, policy and direction' and the 'implementation of policy and making of decisions on planning applications'.
- 2.3.Provide Council with instruction and guidance on their important roles as Planning Authority and Responsible Authority.
- 2.4.Ensure that advice provided to proponents, applicants, objectors or submitters is done through consistent, transparent and accountable processes.
- 2.5.Create greater certainty and transparency to the community about Council's role and decision- making processes as well as opportunity to engage with Council as part of this.

## 3. Definitions

<u>Key term</u>	<u>Definition</u>
<b>Council</b>	Macedon Ranges Shire Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i> .
<b>Councillors</b>	The individuals elected to hold office as a member of Macedon Ranges Shire Council.

<b>Council officer</b>	The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Planning Authority</b>	Macedon Ranges Shire Council in its role as Planning Authority under the <i>Planning and Environment Act 1987</i> . This is the role of Council when making decisions to change the Macedon Ranges Planning Scheme at a policy or broad or specific control level such as introducing an overlay to a geographic area to deliver a certain outcome.
<b>Responsible Authority</b>	Macedon Ranges Shire Council in its role as Responsible Authority under the <i>Planning and Environment Act 1987</i> . This is the role of Council when making decisions on planning permit applications (and amendments to Planning Permits, Secondary Consents and Extension of Time) that have been lodged with the council to deliver at a small or larger scale the policy outcomes articulated in the Macedon Ranges Planning Scheme. Most planning permit applications are determined by Council officers under the delegation afforded to them by Council. This policy articulates the justification for the setting of delegations at the Macedon Ranges Shire Council.
<b>Land Use Planning</b>	For the purposes of this policy, Land Use Planning includes: <ul style="list-style-type: none"> <li>• Strategic planning matters, including preparation of policy and strategy that will change or influence what landowners can and cannot do on their land.</li> <li>• Planning scheme amendments processes, including adoption, exhibition, consideration of submissions, panel recommendations and requests to the Minister for Planning to change the Macedon Ranges Planning Scheme.</li> <li>• Planning permit applications</li> <li>• Secondary consents and amendments (s.72) to planning permits.</li> <li>• Requirements of any Development Contributions Plan or other incorporated document (e.g. Development Plan) as part of the planning application and permit process.</li> </ul>
<b>Planning and Environment Directorate</b>	Responsible for statutory and strategic planning throughout the Shire. Planning compliance across the entire municipality

#### **4. Requests for Advice and Information from community members and/or developers (“Parties”)**

In considering any land use planning matters Councillors should:

- 4.1. Refer parties seeking information or advice to Customer Service. Council provides a planner on roster service who manages phone and counter visitor enquiries during business hours.
- 4.2. Refer parties seeking a planning scheme amendment to Council's strategic planning unit.
- 4.3. Direct parties to Council's website for information.
- 4.4. Not provide or purport to provide land use planning advice.
- 4.5. Not place themselves in a compromised position by appearing to be an advocate for or against any proposal that may come before the Council for a decision.
- 4.6. Guard from future allegations of pre-judging a matter by retaining an open mind (being open to be persuaded), avoiding making fixed statements of support or opposition and maintaining impartiality.
- 4.7. Communicate to parties that there are formal processes in place to consider their views.

## **5. Requests for meetings, correspondence and phone calls**

In considering any land use planning matters Councillors should:

- 5.1. Consider whether there is merit in meeting with a party over and above the consideration of written or presented submissions as part of the decision-making process.
- 5.2. Refer meeting requests to the Councillor Portal, the Director Planning and Environment, the Manager Statutory Planning or the Manager Strategic Planning and Environment as relevant. If required, a meeting will then be organised by an appropriate officer between the Councillor/s that requested the meeting, the party and an appropriate Council officer.
- 5.3. Where meetings phone calls and other correspondence with parties occur, use their discretion to determine whether a record of the discussion is required. If a record of the discussion is required and the meeting occurs in absence of a council officer, then a copy of any record of any interaction must be provided to the Executive Administration Officer to be saved in Council's corporate records. This is in the interests of transparency and places the active onus on the Councillor to maintain the integrity during the course of any planning process.
- 5.4. Do not express a view that demonstrates a bias or pre-conceived view.

## **6. Receiving submissions and hearing from the community**

In considering any land use planning matters Councillors should:

- 6.1. Request that the submitter refer any objection or submission as soon as possible to [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au) and mark for the attention of the relevant Manager within the Planning & Environment Department for registration and acknowledgement.
- 6.2. Advise the objector or submitter that their submission will be considered via a standard process and that they will be advised of Council's decision.
- 6.3. Take the opportunity to hear verbal submissions or presentations by parties in advance of determining significant land use planning matters at a Council Meeting. This may include at a meeting or other assembly of Council on a day prior to the matter being determined by the Council. This is to provide for a fair and reasonable timeframe for Council to contemplate the matter before making a decision. This will be coordinated by the relevant department, either Statutory Planning or Strategic Planning.
- 6.4. Provide an equal opportunity for both the applicant/proponent and objector and submitters to be heard.
- 6.5. Note this is not part of the statutory role in determining planning permit applications or considering strategic planning matters, but aims to increase the opportunity for the community to engage with the planning system and increase dialogue with all parties to help inform any decision making processes.

## **7. Decision Making as Planning Authority**

In considering any land use planning matters Councillors should:

- 7.1. Make all efforts to attend briefings, read background reports and ask questions about strategic policy development and planning scheme amendments to be well informed about what is proposed, the implications and opportunities, challenges and risks.
- 7.2. Make decisions with a clear and open mind with a view to set the vision and policy direction with the long term community benefit and outlook over and above a short term need.
- 7.3. Have regard to previously endorsed Strategic Planning Strategies and Council Plan when considering requests for amendments to the Macedon Ranges Planning Scheme. Deviation from adopted strategies or the Council plan should occur only where there are exceptional circumstances that demonstrate net community benefit and justification for Council to prioritise resource allocation to that project over its established commitments.

## **8. Decision Making as Responsible Authority**

In considering any land use planning matters Councillors should:

- 8.1. Review information circulated advising of planning permit applications submitted and contact the relevant manager to discuss further.
- 8.2. Take interest in reviewing any application and ensuring the relevant matters are clearly understood.
- 8.3. Make decisions with a clear and open mind and in accordance with the requirements of the Macedon Ranges Planning Scheme and setting aside any personal views
- 8.4. Contain deliberations and debate to the planning merits of the application under consideration.

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**12 CHIEF EXECUTIVE OFFICER REPORTS**

<b>CX.1</b>	<b>COUNCIL MEETING DATES 2022</b>
<b>Officer:</b>	<b>Alana Stevens, Governance Business Systems Support Officer</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Nil</b>

**Summary**

This report seeks approval of proposed Scheduled Council Meeting and Planning Delegated Committee Meeting dates for the 2022 calendar year and of the method for scheduling meetings of the Submitters Delegated Committee.

**Recommendation****That Council:**

1. Approves the proposed meeting schedule for the period 1 January 2022 to 31 December 2022 as detailed below.
2. Approves virtual attendance by all or any Councillors at these meetings, rather than attendance at the Gisborne Administration Centre, if permitted by law and subject to appropriate technology being available and operational.
3. Resolves that meetings of the Submitters Delegated committee can be called by:
  - a. resolution of Council;
  - b. by the Mayor or three Councillors indicating agreement in writing to the Chief Executive Officer; or
  - c. the Chief Executive Officer, following consultation with the Mayor.

<b>Meeting type</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 9 February</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 23 February</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 9 March</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 23 March</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 13 April</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>

<b>Scheduled Council Meeting</b>	<b>Wednesday 27 April</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 11 May</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 25 May</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 8 June</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 22 June</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 13 July</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 27 July</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 10 August</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 24 August</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 14 September</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 28 September</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 12 October</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 26 October</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 9 November</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 23 November</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>

<b>Planning Delegated Committee Meeting</b>	<b>Wednesday 7 December</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>
<b>Scheduled Council Meeting</b>	<b>Wednesday 14 December</b>	<b>7pm</b>	<b>Gisborne Administration Centre</b>

## Background

In accordance with Council's Governance Rules (sub-rule 10(a)) '*The dates, times and places of scheduled meetings will be fixed by the Council from time to time.*'

Typically, the scheduled Council meeting cycle is determined once annually by Council resolution.

Council meetings are held at the Gisborne Administration Centre, which is the only Council facility that has the capacity to livestream meetings. Meetings have been livestreamed since October 2017 and available for viewing via Council's website.

During the COVID-19 global pandemic, temporary emergency provisions added to the *Local Government Act 2020* (the LGA) have enabled Council meetings to be held virtually, as required. These provisions are currently set to expire on 27 April 2022. In recent months, the State Government was considering a proposal to allow virtual attendance at Council meetings permanently, however a decision has not yet been made on this matter. Various options for virtual attendance are under consideration, including attendance being hybrid (i.e. some Councillors being in attendance physically while others being in attendance virtually).

This report proposes dates, times and places for two types of Council meetings; Scheduled Council Meetings and Planning Delegated Committee Meetings.

The Planning Delegated Committee was established on 23 June 2021 as a delegated committee of Council, in accordance with Section 63 of the LGA. The purpose of the committee is to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters, including planning applications, and to determine planning matters.

The establishment of the Planning Delegated Committee in 2021 has meant that the Submitters Delegated Committee, which previously met monthly, will now meet only as needed. Council will have the opportunity to call a Submitters Delegated Committee when required, for example, to hear submissions on the annual Council Budget process.

## Discussion

Scheduled Council Meetings have typically been held on the fourth Wednesday of each month, with the exception of December, when it has been held on the third Wednesday of the month. In 2022, the fourth Wednesday of January is the Australia Day public holiday, so it is proposed to commence the Council meeting schedule from February.

Meetings of the Planning Delegated Committee have typically been held on the second Wednesday of each month, except January, when no meeting is proposed to be held.

Both meeting types have typically commenced at 7pm.

## Consultation and engagement

The subject matter of this report did not require any consultation or community engagement.

**Collaboration**

The subject matter of this report did not require any collaboration with other councils, governments or statutory bodies.

**Innovation and continuous improvement**

Council officers are continually seeking ways to innovate and improve the running of Council meetings, to enable more efficient operations and provide greater ease of access for members of the community who wish to participate. Over recent years, this has included the livestreaming of meetings online, and the implementation of new systems to manage Council papers digitally.

**Relevant law**

All Council meetings are held in accordance with the requirements of the LGA.

**Relevant regional, state and national plans and policies**

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

**Relevant Council plans and policies**

All Council meetings are held in accordance with the requirements of Council's Governance Rules.

**Financial viability**

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

**Sustainability implications**

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

**Officer declaration of conflicts of interest**

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

<b>CX.2</b>	<b>ANNUAL COUNCILLOR APPOINTMENTS AND COUNCIL MEMBERSHIPS</b>
<b>Officer:</b>	<b>Allison Watt, Coordinator Governance</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Councillor appointments to committees and working groups <a href="#">↓</a></b>

## Summary

This report details the process of annual appointments of Councillors as delegates to internal and external committees and peak sector organisations, as well as proposed memberships and subscription renewals to sector bodies and associations that support local councils in Victoria.

## Recommendation

### That Council:

- 1. Appoints the Councillor delegates for the 2021/22 year to the internal and external committees/organisations as specified in the table in Attachment 1.**
- 2. Endorses the ongoing annual subscriptions to the peak bodies and organisations outlined in this report.**

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## Background

Council has previously established a number of its own advisory committees or been invited to appoint a delegate or delegates to various external committees and organisations of which it is a member, or to which it subscribes in line with the requirements of the *Local Government Act 2020* (LGA 2020).

These committees and organisations collectively assist Council and Council officers to plan and develop services and programs and set strategic and policy directions. Membership and participation of committees may include residents, industry or sector specialists, Councillors and/or Council officers.

Under the LGA 2020, Council may establish delegated committees and community asset committees and must establish an Audit and Risk Committee. If established, delegated committees must exercise a power delegated by Council, while community asset committees must manage a community asset in the shire.

In the past 18 months, Council has established two Delegated Committees – the Submitters Delegated Committee and the Planning Delegated Committee – as well as the Audit and Risk Committee.

## Discussion

Council currently has a number of Advisory Committees/Working Groups which have been established, led and resourced by Council.

Advisory committees do not make decisions, but provide Council with specific information on issues and opportunities to engage with the community and gauge community opinions, which may assist Council in decision-making on particular matters. They may be established

for a specified time to consider a project, such as the development of a particular strategy, or for an indefinite period to provide advice on a particular subject. Advisory committees usually operate under Terms of Reference, and have no formal delegation powers.

Council's existing Advisory Committees/Working Groups that have had Councillor delegates appointed are:

- Chief Executive Officer Performance Appraisal Advisory Group
- Audit and Risk Committee
- Submitters Delegated Committee
- Planning Delegated Committee

Council also has an Audit and Risk Committee established, under section 52 of the LGA 2020.

External organisations, committees and/or working groups are generally involved in local, regional or national issues that may be of interest to Macedon Ranges Shire Council or councils more broadly. The current groups are:

- Braemar College Fellows
- Calder Highway Improvement Advisory Committee
- Central Victorian Greenhouse Alliance
- Goldfields Library Corporation Board
- Local Government Waste Forum
- Macedon Ranges Agribusiness Forum
- Macedon Ranges Heritage Council
- Macedon Ranges Local Safety Committee
- Municipal Association of Victoria Emergency Management Committee
- Municipal Association of Victoria
- Rural Councils Victoria
- Workspace Australia

Delegates to advisory committees or external committees and organisations are encouraged to report issues of significance to Council on a regular basis.

Attachment 1 describes the purpose, structure, membership and meeting schedule for internal and external committees. Councillors have considered their interest in being a Council delegate on the various committees prior to this meeting and will determine their nominated delegates during this meeting. Last year, Council decided not to appoint Councillors to some of these committees so they have not been included in the attachment.

The Victorian Local Governance Association (VLGA) no longer requires a delegate as all Councillors are members. The Gisborne Futures working group involves all Councillors and, rather than meeting monthly, workshops/briefings will take place throughout the year as required.

The Health and Wellbeing Advisory Committee was established to provide input to strategy and policy development work undertaken across Council in the context of its impact on the health and wellbeing of all residents and other stakeholders of the Macedon Ranges.

After a number of challenges in attracting and retaining members, Council resolved to disband the Health and Wellbeing Committee on 27 October 2021.

### Membership and subscriptions

There are a number of peak bodies and associations that support Victorian councils and councillors through representation and advocacy, policy development and advice, and other activities, such as training and professional development. Access to these services is through a membership and/or subscription process. Council also has Councillor delegate representation to a number of the organisations as detailed in Attachment 1.

Membership is not compulsory, however the Municipal Association of Victoria is a legislated peak body for local government in Victoria.

Council has membership of the following organisations and pays an annual fee to receive their services, as outlined below:

<b>2021/2022 Annual fee (excl GST)</b>	<b>Peak body or organisation</b>	<b>Service</b>
\$39,829	Municipal Association of Victoria (membership only)	Membership
\$14,359.48	Victorian Local Governance Association	Membership
\$15,810	Central Victorian Greenhouse Alliance	Membership
\$3,000.00	Rural Councils Victoria Incorporated	Membership
\$300.00	Australian Local Government Women's Association - Victorian Branch	Rural Council Membership Fee

### **Consultation and engagement**

Officers from across the organisation have contributed to the preparation of this information.

### **Collaboration**

There has been no collaboration with other councils or agencies in the preparation of this report.

### **Innovation and continuous improvement**

Council's utilises the information and advice gathered through its participation in the various committees, organisations, bodies and associations listed in this report to continuously improve its services and make informed, strategic decisions.

### **Relevant law**

The LGA 2020 provides that Council can establish delegated committees and community assets committees and must establish an Audit and Risk Committee. The LGA 2020 is silent on the establishment of other types of committees by councils.

**Relevant regional, state and national plans and policies**

There are no regional, state or national plans or policies that are applicable to the preparation of this report.

**Relevant Council plans and policies**

The subject matter of this report is in alignment with the Council Plan strategic objective *Delivering strong and reliable government*.

**Financial viability**

The current resourcing and support for the operations of these committees, along with funding of membership are included in Council's 2020/21 Budget.

**Sustainability implications**

There are no sustainability implications as a result of the preparation of this report.

**Officer declaration of conflicts of interest**

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



**Attachment 1 – Councillor appointments to committees and working groups**

Committee and Purpose	Number of delegates	Meeting frequency	Internal/ External	2020/21 delegate/s	2021/22 delegate/s
<p><b>Audit and Risk Committee</b>                      The Audit and Risk Committee is established under Section 53 of the <i>Local Government Act 2020</i> as an Advisory Committee to Council. Its role is to assist Council in the effective conduct of its responsibilities, and to review and provide advice in good corporate governance, managing risk and improving operational controls. The Committee consists of three independent members and two Councillor delegates. The Committee meets a minimum of four times a year. Meeting minutes are circulated to the Councillors, Executive, Managers and Auditors.</p> <p><b>The first term is proposed to run through until 31 December 2021 as the committee's performance review is undertaken during the final Audit and Risk Committee meeting of the calendar year (held in December).</b></p>	<p>Two (2) Councillor delegates</p>	<p>At least 4 times per annum.</p>	<p>Internal</p>	<p><b>Cr Neil Cr Ridgeway</b></p>	
<p><b>Submitters Delegated Committee</b>                      The Submitters Committee is a delegated committee of Council established on 26 August 2020 to hear from applicants/land owners and objectors/submitters on statutory planning applications; and from submitters on matters on which Council has invited submissions to be made in accordance with section 223 of the <i>Local Government Act 1989</i> and Council's Community Engagement Policy.</p>	<p>Nine (9) Councillor delegates</p>	<p>As required</p>	<p>Internal</p>	<p><b>All Councillors</b></p>	

<p><b>Planning Delegated Committee</b></p> <p>The Planning Delegated Committee (PDC) was established by Council on 23 June 2021 as a delegated committee under section 63 of the <i>Local Government Act 2020</i> to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters including planning applications and to determine planning matters.</p>	<p>Nine (9) Councillor delegates</p>	<p>Monthly</p>	<p>Internal</p>	<p><b>All Councillors</b></p>	
<p><b>Performance Appraisal Advisory Group</b></p> <p>The structure of the committee to appraise the performance of the Chief Executive Officer will be determined in the CEO Employment and Remuneration Policy which is due to be adopted by Council at the December 2021 Council Meeting.</p>	<p>Mayor and two Councillors</p>	<p>Annually</p>	<p>Internal</p>	<p><b>Mayor Cr Guthrie Cr Death</b></p>	
<p><b>Macedon Ranges Agribusiness Forum</b></p> <p>This forum provides a voice for local agricultural businesses. Membership consists of representatives from various agricultural industry sectors including viticulture, wool, alpacas, apiculture, sheep, beef and horticulture. The forum focusses on creating a greater awareness of the sector, addressing the challenges that each industry faces, identifying opportunities for growth and further development and to work with Council to implement the Agribusiness Plan.</p>	<p>Note: the Terms of Reference do not specify a specific number of Councillor delegates.</p>	<p>Bi-monthly</p>	<p>Internal</p>	<p><b>Cr Bonanno Cr Pearce</b></p>	
<p><b>Annual Meeting of Braemar College Ltd</b></p> <p>Braemar College was established in the 1970s by the</p>	<p>One councillor and one substitute</p>	<p>Meets annually in May</p>	<p>External</p>	<p><b>Cr Ridgeway Cr Neil (substitute)</b></p>	

<p>Newham and Woodend Shire (pre-amalgamation) in conjunction with local churches. Every year, a representative from each organisation is invited in their capacity as shareholders to attend the Annual General Meeting of Braemar College.'</p>	<p>delegate</p>				
<p><b>Calder Highway Improvement Committee</b> The Calder Highway Improvement Committee is an Advisory committee to VicRoads and the State Government. The committee advocates for long term investment strategies to deliver improvements to the safety and operation of the Calder Highway from Mildura to Melbourne.</p>	<p>One (1) Councillor delegate and one (1) substitute delegate</p>	<p>Three (3) times annually</p>	<p>External</p>	<p><b>Cr West Cr Moore (substitute)</b></p>	
<p><b>Central Victorian Greenhouse Alliance (CVGA)</b> The CVGA is one of 10 Local Government Alliances in Victoria and represents a partnership of 13 local governments in the region. Based in Castlemaine, CVGA staff work closely with all members and the state and federal governments to strategically reassess and refocus traditional service.</p>	<p>One (1) Councillor delegate and one (1) substitute delegate</p>	<p>Quarterly</p>	<p>External</p>	<p><b>Cr Moore Cr Anderson (substitute)</b></p>	
<p><b>Goldfields Library Corporation Board</b> The Goldfields Library Corporation is a regional library service serving the City of Greater Bendigo, Loddon Shire Council, Macedon Ranges Shire, and Mount Alexander Shire. Responsibility for the provision and management of the library service rests with the Library Board, which comprises two representatives from each of the four member Councils and is established by the Regional</p>	<p>One (1) Councillor Delegate and one (1) Council officer</p>	<p>Monthly</p>	<p>External</p>	<p><b>Cr West Cr Guthrie (proxy)</b></p>	

Library Agreement adopted by the member Councils. The responsibilities and authority of the Board include policy determination, strategic planning and service <del>ed</del> ation					
<b>Loddon Mallee Waste and Resource Recovery Group Forum</b>  This group advises the board of directors of the Waste and Resource Recovery Group on matters and issues affecting the role of councils in waste and resource recovery infrastructure and to act as a conduit for consultation between the Waste and Resource Recovery Group and the councils in its waste and resource recovery region.	One (1) Councillor delegate	Bi-monthly	External	<b>Cr Bonanno Cr Guthrie (substitute)</b>	
<b>Macedon Ranges Heritage Council</b>  This group is a representative group of all Historical Societies in the Shire. The MRHC shares ideas and expertise and provides a focal point for the Macedon Ranges Shire Council.	Two (2) Councillor delegates	Bi-monthly	External	<b>Cr Moore Cr Guthrie</b>	
<b>Macedon Ranges Local Safety Committee</b>  The Macedon Ranges Local Safety Committee is convened by the local Victoria Police authority and includes representatives of Victoria Police, Council, Cobaw Community Health, Macedon Ranges Health, Kyneton District Health, Central Victorian Primary Care Partnership, Gisborne Secondary College and the office of the local Parliamentary member for Macedon.	One (1) Councillor delegates and one (1) substitute delegate	Monthly	External	<b>Cr Moore Cr Ridgeway (Substitute)</b>	

<p><b>Municipal Association of Victoria (MAV)</b></p> <p>The MAV is the peak advisory body for councils in Victoria. The objectives of the MAV are to improve community awareness of local government, advocate for and provide leadership and support for the sector.</p> <p>Cr Anderson is on the Board of the MAV representing the North Central Region but the current constitution states she can remain as part of her two-year term even if she is not the nominated representative of Council</p>	<p>One (1) Councillor delegate and one (1) substitute delegate</p>	<p>As needs basis</p>	<p>External</p>	<p><b>Cr Anderson Cr Pearce (substitute)</b></p>	
<p><b>MAV Emergency Management Committee</b></p> <p>The Committee provides advice to the MAV on local government emergency management matters identified by the sector in the MAV Strategic Plan, or in response to emergency management sector priority projects.</p>	<p>One (1) Councillor delegate and one (1) substitute delegate</p>	<p>Quarterly</p>	<p>External</p>	<p><b>Cr Anne Moore Cr Mark Ridgeway (substitute)</b></p>	
<p><b>Rural Councils Victoria Inc (RCV)</b></p> <p>RCV represents the interests of rural councils within Victoria it has 38 members.</p> <p>The defined purposes of RCV organisation are to:</p> <ol style="list-style-type: none"> <li>(1) heighten awareness and understanding of issues that impact on rural communities;</li> <li>(2) assist with building the capacity of rural councils to face challenges;</li> <li>(3) provide leadership on local governance;</li> <li>(4) develop and support rural councils; and</li> <li>(5) develop policy and advocate for rural councils.</li> <li>(6)</li> </ol>	<p>One (1) Councillor delegate only for the purpose of voting at the AGM</p>	<p>Annually</p>	<p>External</p>	<p><b>Cr Neil Cr Pearce (substitute)</b></p>	

<p><b>Workspace Australia</b></p> <p>Workspace Australia Ltd (Workspace) is a community 'not for profit' social enterprise which was established to improve employment opportunities for socially disadvantaged individuals thereby reducing the personal and social costs of unemployment. Workspace provides training and enterprise activities for the benefit of individuals seeking employment in Regional Victoria. Workspace operates a number of Social Enterprises that create employment throughout Central Victoria. Workspace has been operating at the business incubator in New Gisborne since 1998.</p>	<p>One (1) Councillor delegate</p>	<p>Bi-monthly</p>	<p>External</p>	<p><b>Cr Guthrie</b></p>	
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<b>CX.3</b>	<b>CONTRACTS TO BE AWARDED NOVEMBER 2021</b>
<b>Officer:</b>	<b>Corinne Farley, Coordinator Contracts</b>
<b>Council Plan relationship:</b>	<b>5. Deliver strong and reliable government</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

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

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

### Recommendation

**That Council notes that the following contract will be awarded by Council officers under delegated authority: C22.1146 Lighting Replacement Gisborne Tennis Courts**

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### Background information

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

### Opportunity to review delegated authority

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

### C22.1146 Lighting Replacement Gisborne Tennis Courts

This contract involves the installation of new LED lights and towers on tennis courts 1, 2, 5 and 6 at the Gisborne Tennis Courts, illuminating the courts to the required Australian Standard level for club competition standard (350 lux). The Gisborne Tennis Courts are located Dixon Fields Robertson Street Gisborne.

The contract also includes the installation of a new facility electrical switchboard (including new electrical pits, conduit and cabling), with capacity allowed for future growth and development at the site and to investigate and resolve ongoing tripping issues with existing lights on courts 7 and 8.

The Chief Executive Officer has delegated authority to award this contract.

### Consultation and engagement

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

**Collaboration**

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

**Innovation and continuous improvement**

Council reviews its Procurement Policy regularly, in accordance with the *Local Government Act 1989*. These reviews consider options for innovation and are part of continuous improvement processes.

**Relevant Law**

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

**Relevant regional, state and national plans and policies**

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

**Relevant Council plans and policies**

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

**Financial viability**

Funds for all contracts to be awarded, as listed above, have been provided in the 2021/2022 capital works budget.

**Sustainability implications**

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

**Officer declaration of conflicts of interest**

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



<b>CX.4</b>	<b>PROCUREMENT POLICY 2022</b>
<b>Officer:</b>	<b>Corinne Farley, Coordinator Contracts</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Draft Procurement Policy 2022 (under separate cover) <a href="#">⇒</a></b>

### Summary

Council adopted its most recent version of the Procurement Policy in June 2021. Council is now required to adopt a procurement policy that meets new requirements in the *Local Government Act 2020* by 31 December 2021. This policy must be reviewed at least once in the four-year term of Council.

### Recommendation

**That Council adopts the Procurement Policy 2022.**

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### Background

The statutory requirements for procurement policies are set out in sections 108 and 109 of the *Local Government Act 2020* (LGA 2020). Council is required to prepare and adopt a procurement policy that meets these requirements by 31 December 2021.

The policy must specify the principles, processes and procedures applying in respect of the purchase of goods and services by the Council, including for the carrying out of works. The procurement policy must seek to promote open and fair competition and provide value for money.

The procurement policy must include the following:

- the contract value above which the Council must invite a tender or seek an expression of interest;
- a description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money;
- a description of how the Council will seek collaboration with other councils and public bodies in the procurement of goods or services;
- the conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest; and
- a description of the process to be undertaken in inviting a public tender or expression of interest.

The current Procurement Policy was adopted by Council on 23 June 2021. It was broadly consistent with the previous policy but brought before Council on the basis that Councillors requested a short-term minor review of the policy. At that time, Councillors were advised that a further review of the policy would be required by 31 December 2021 and of the collaborative work underway across councils to standardise the policy.

### Discussion

The purpose of the Procurement Policy is to confirm the principles, internal controls and delegations that apply to the purchasing of goods and services, or undertaking works (such as construction and maintenance) thereby ensuring that Council continues to –

- enhance the accountability and transparency of its procurement practices
- achieve good value for money and receive the benefits normally expected by seeking prices in a competitive market
- delegate appropriate levels of responsibility and control to Officers

The substance of the majority of clauses in the current policy have been included in the new policy and a number of new clauses have been incorporated. Some process and procedural items have been removed from the draft policy and these items will be included in a Procurement Process Manual.

The body of the attached draft Procurement Policy is in line with a policy template recently finalised in collaboration with the ten councils that comprise the Loddon Mallee Procurement Network (LMPN) councils. The LMPN is one of nine Regional Procurement Excellence Networks (RPEN) established many years ago by Local Government Victoria. The nine RPEN groups across Victoria have representation from all 79 councils. RPEN's are intended to provide a platform for local governments to collaborate on procurement and general business practices. The staff who participate in the LMPN are generally staff with a high level of expertise in procurement. The benefits of developing and adopting a common procurement policy resulting from cross-council collaboration include:

1. having a high standard of excellence due to input from all LMPN members;
2. having a standard policy across councils which facilitates contractors more easily working across councils and understanding Council expectations; and
3. giving Council a more robust position in any review of its policy by regulatory agencies, such as the Independent Broad-based Anti-corruption Commission.

The procurement policy adopted by the LMPN was based on the Northern Councils Alliance (NCA) policy template, but modified to suit councils in the LMPN. This NCA template is a collaborative template supported by Local Government Victoria and available for download from their website. The contents of the body of the policy are the agreed contents of the LMPN group and it is preferable that there are no changes at all to the body of the policy. However, in light of the fact that each council may have some individual requirements, the template provides for councils to include specific Council requirements in the appendices to the policy. The current standard policy provides for these to be able to be modified at any time with the approval of the Chief Executive Officer without a resolution of Council. However, this Council has a significant interest in managing some key issues in relation to procurement which are covered by the appendices, such as the mandatory weighting of the environmental benefit criterion. The policy has been modified accordingly.

### **Consultation and engagement**

As set out above.

### **Collaboration**

This policy has been developed in collaboration with the Loddon Mallee Regional Procurement Network.

### **Innovation and continuous improvement**

This Procurement Policy is the result of work across Council to produce a high quality and consistent policy, which aligns with best practice.

**Relevant law**

The Procurement Policy has been developed to meet the requirements of the LGA 2020.

**Relevant regional, state and national plans and policies**

This policy has been developed in collaboration with the Loddon Mallee Regional Procurement Network.

**Relevant Council plans and policies**

The recommendation outlined in the report supports Council's strategic priority to deliver strong and reliable government.

**Financial viability**

There is no financial implication. The policy promotes procurement activities to be carried out on the basis of obtaining Value for Money.

**Sustainability implications**

The policy will enhance the achievement of Council's sustainable objectives.

**Officer declaration of conflicts of interest**

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

<b>CX.5</b>	<b>INSTRUMENT OF APPOINTMENT AND AUTHORISATION TO STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987</b>
<b>Officer:</b>	<b>Allison Watt, Coordinator Governance</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>S11A - Delegations - Instrument of Appointment - Planning and Environment Act <a href="#">↓</a></b>

## Summary

It is proposed that Council appoint a number of statutory and strategic planning staff as authorised officers under the *Planning and Environment Act 1987*. Appointments are made by way of instruments of appointment and authorisation, which empower specified persons to exercise the powers granted to authorised officers by law.

The staff proposed to be appointed are:

- Stephen Pykett
- Evert Grobbelaar
- Koko Cheng
- John Perry
- Daniel Hall
- Edwin Irvine
- Chelsea Bongiovanni
- Declan Hunter

## Recommendation

**That Council:**

- 1. In the exercise of the powers under s. 147(4) of the Planning and Environment Act 1987, resolves to appoint Stephen Pykett, Evert Grobbelaar, Koko Cheng, John Perry, Daniel Hall, Edwin Irvine, Chelsea Bongiovanni and Declan Hunter as authorised officers for the purposes of that Act, in accordance with the Instrument of Appointment and Authorisation (attached).**
- 2. Resolves that the appointments remain in force until varied, revoked or the above named officers cease to be an employee of Council, whichever occurs first.**

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## Background

The *Planning and Environment Act 1987* (P&E Act) confers specific powers, rights and duties on 'authorised officers' appointed by a 'responsible authority'. Council is a 'responsible authority' for the purposes of the P&E Act and has power under s. 147(4) to appoint any of its officers and employees as 'authorised officers' for the purposes of the P&E Act. The appointment by Council of staff as 'authorised officers' enables those staff to administer and enforce the P&E Act and regulations thereunder.

Council is presented an Instrument of Appointment and Authorisation under the P&E Act in respect to:

- Stephen Pykett, Acting Director Planning and Environment
- Evert Grobbelaar, Manager Statutory Planning
- Koko Cheng, Statutory Planner
- John Perry, Statutory Planner
- Daniel Hall, Graduate Statutory Planner
- Edwin Irvine, Strategic Planner Amendments
- Chelsea Bongiovanni, Strategic Planner
- Declan Hunter, Strategic Planner Subdivisions

This Instrument provides for those officers to enter and/or inspect land to enable an assessment under the provisions of the P& E Act. Such inspections would usually relate to a planning enforcement matter.

### **Discussion**

Council subscribes to the Maddocks Authorisation and Delegations Service, which provides templates for the development of Instruments of Appointment and Authorisation.

The Instrument attached to this report is based on the S11A template provided as part of that subscription service. The attached Instrument has also been settled by Council's Manager Legal and Corporate Governance, who is an admitted lawyer with a current practicing certificate.

### **Consultation and engagement**

Officers involved in the preparation of this report have consulted internally with the Director Planning and Environment.

### **Collaboration**

No collaboration with other councils or sector agencies was required for the preparation of this report.

### **Innovation and continuous improvement**

Innovation and continuous improvement was not required in the preparation of this report.

### **Relevant law**

This report meets Council's obligations under the *Local Government Act 2020* and the *Planning and Environment Act 1987*.

### **Relevant regional, state and national plans and policies**

There are no regional, state or national plans or policies applicable to the subject matter in this report.

### **Relevant Council plans and policies**

The subject matter in this report contributes to Council's obligations under the Council Plan theme of delivering strong and reliable government.

**Financial viability**

There are no financial, IT or asset management implications resulting from the consideration of this report.

**Sustainability implications**

There are no social or environmental implications resulting from the consideration of this report.

**Officer declaration of conflicts of interest**

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



Maddocks

Maddocks Delegations and Authorisations

*S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)*

**Macedon Ranges Shire Council**

**Instrument of Appointment and Authorisation**

***(Planning and Environment Act 1987 only)***



Maddocks

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

In this instrument "officer" means -

**Koko Cheng, John Perry, Stephen Pykett, Daniel Hall, Edwin Irvine, Evert Grobbelaar,  
Chelsea Bongiovanni and Declan Hunter**

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

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers Koko Cheng, John Perry, Stephen Pykett, Daniel Hall, Edwin Irvine, Evert Grobbelaar, Chelsea Bongiovanni and Declan Hunter be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

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

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on 24 November 2021.

Signed:

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Mayor, Councillor

Date: ##insert

Signed:

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Chief Executive Officer

Date: ##insert



**13 DIRECTOR CORPORATE AND COMMUNITY REPORTS**

<b>CC.1</b>	<b>QUARTERLY REPORT FOR PERIOD ENDING 30 SEPTEMBER 2021</b>
<b>Officer:</b>	<b>Travis Harling, Manager Finance and Reporting</b>
<b>Council Plan relationship:</b>	<b>5. Deliver strong and reliable government</b>
<b>Attachments:</b>	<b>Quarterly Report - July to September 2021 (under separate cover) <a href="#">⇒</a></b>

**Summary**

The Quarterly Report for the period ended 30 September 2021 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – People, Culture and Performance Report
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

The report also provides a high-level summary of the organisation's performance to 30 September 2021.

**Recommendation**

**That Council notes the Quarterly Report for the period ended 30 September 2021.**

**Background**

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

**Discussion****Section 1 and 2 - Financial performance to 30 September 2021**

The Income Statement reports an operating surplus of \$27.98m for the first three months of the 2021-22 financial year, which is \$12.87m unfavourable to budget. This is largely due to costs incurred as a result of the June storm clean-up. Capital expenditure totalled \$5.18m for Quarter 1, which was \$2m less than budget.

**Section 3 to 9 – Quarterly Report 30 June 2021**

Sections 3 to 9 of the report provide Council an update on the progress of completing various Council Plan actions for the 2021/22 financial year, and includes reports relating to People Culture and Performance and Risk Management. The report also includes a Governance Schedule and several other reports relating to Councillor Expenses and activities.

**Consultation and engagement**

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

**Collaboration**

Collaboration with other councils, governments and/or statutory bodies was not required in relation the Quarterly Report.

**Innovation and continuous improvement**

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

The Quarterly Report is reviewed by the Executive and incorporates feedback from various levels of management to enhance readability and allow for continuous improvement.

**Relevant law**

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

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

**Relevant regional, state and national plans and policies**

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

**Relevant Council plans and policies**

Sections 1 and 2 of the Quarterly Report, report on the financial status of Council with relation to the Council Budget. Section 3 of the Quarterly Report, reports the Council's progress against each of the actions set out in the Council Plan.

**Financial viability**

The Quarterly Report provides information on Council's operating and financial performance for the quarter ending 30 September 2021. The financial statements within the report indicate that Council remains in a sound financial position.

**Sustainability implications**

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

**Officer declaration of conflicts of interest**

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

<b>CC.2</b>	<b>AUDIT AND RISK COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS</b>
<b>Officer:</b>	<b>Gina Lyons, Director Corporate and Community</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Audit and Risk Committee - Appointment of Independent Members - Confidential attachment - Confidential</b>

### Summary

The Audit and Risk Committee comprises two Councillors and three independent members from the Macedon Ranges Shire community. This report seeks for Council to consider an amendment to the Committee Charter, to allow for up to four independent members, for Council to appoint two new independent members, along with an extension of an existing independent member and the appointment of Chairperson for 2022.

To protect the privacy of the candidates, the Panel's appointment recommendations are included as a confidential attachment to this report. The successful appointees' details will be made public once all candidates have been advised of the outcome of their application.

### Recommendation

#### That Council:

1. **Approves an amendment to the Audit and Risk Committee Charter, to allow for an additional independent member to be appointed to the Committee (allowing for up to four independent members);**
2. **Approves the appointments recommended in the confidential attachment to this report.**
3. **Offers an extension to independent member Peter Matthews for the period to 31 December 2024;**
4. **Endorses the appointment of independent member, Peter Matthews as Audit and Risk Committee Chairperson from 1 January 2022 to 31 December 2022;**
5. **Writes to the unsuccessful candidates, thanking them for being willing to offer themselves in service to the community; and**
6. **Makes the appointments public, once all candidates have been informed of the outcome of their application.**

### Background

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

The Committee's Charter was adopted by Council at its meeting on 26 August 2020.

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

### Discussion

#### Amendment to the Audit and Risk Committee Charter

The Audit and Risk Committee Charter specifies that the Audit and Risk Committee be comprised of five members – two Councillors and three independent persons. All members have full voting rights.

Following the recent expression of interest process and the high quality of applications received, it is recommended that Council approves an amendment to the Committee Charter to allow for up to four independent members. This will enable Council to strengthen the Committee with an additional member with complementary skills and experience. An additional independent member will ensure that in the instance of a resignation that the effectiveness of the Committee will not be impacted, along with ensuring adequate succession planning.

Expression of Interest process

An Expression of Interest (EOI) process has been conducted to fill a vacancy for one of the independent persons.

Public notice was given in the Midland Express and the Star Weekly. Advertising also occurred on Council’s website, social media channels and Seek.

At the close of applications, eight expressions of interest were received. It should be noted that three of the applications received did not meet the criteria as they are not a resident of the shire, a property owner or business operator. On this basis, only five were assessed.

Their applications were circulated separately to the selection panel.

The panel evaluated all applicants. A shortlist of three candidates were selected for an interview. On Monday 25 October 2021, these applicants were interviewed. Each interview was conducted with a series of questions designed to draw out candidates’ experience and skills.

Positions

Current terms of Independent Committee Members are as follows:

<b>Position</b>	<b>Member</b>	<b>Current term commencement</b>	<b>Position due to expire (three-year term)</b>
Position 1	Michelle Betson (resigned)	2020	2022
Position 2	Peter Matthews	2019	2021
Position 3	Maggie Williams	2021	2023

Following expression of interest process and recommendation to allow for up to four Independent Members, as such the following recruitment cycle is recommended:

Position	Member	Revised commencement term	Position due to expire (three-year term)	Proposed Changes
Position 1	<i>As per confidential recommendation</i>	1/12/2021	31/12/2022	Replacement of Michelle Betson following resignation
Position 2	Peter Matthews	1/1/2022	31/12/2024	Extension provided of further three-years
Position 3	Maggie Williams	1/2/2021	31/12/2023	No Change
Position 4	<i>As per confidential recommendation</i>	1/12/2021	31/12/2024	New position

### Extension of Chairperson

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

At the Audit and Risk Committee Meeting on 15 September 2021, the Committee endorsed Peter Matthews to continue as Chair for the period from 1 January 2022 until December 2022. Council endorsement of this recommendation is sought.

### **Consultation and engagement**

Referee checks were conducted on both preferred candidates, which reiterated the skills and experience which had been demonstrated throughout the selection process.

### **Collaboration**

This process has consisted of a recruitment panel of the following composition:

Peter Matthews, Chair	Chairperson – Audit and Risk Committee
Maggie Williams	Independent Member – Audit and Risk Committee
Cr Mark Ridgeway	Councillor Delegate – Audit and Risk Committee
Bernie O’Sullivan	Chief Executive Officer
Gina Lyons	Acting Director Corporate and Community

### **Innovation and continuous improvement**

An opportunity for continuous improvement of the Committee has been identified in the report and as such it is recommended that an amendment is made to the Audit and Risk Committee Charter to allow for up to four independent members.

### **Relevant law**

This Committee is established and conducted as per the requirements of the Local Government Act 2020.

**Relevant regional, state and national plans and policies**

Nil

**Relevant Council plans and policies**

The conduct of the Audit and Risk Committee is identified in the Council Plan 2021- 2031 under *Strategic Objective 4 - delivering strong and reliable government* and is a priority under *enhance strategy, policy and plan development, and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs*

**Financial viability**

The operation of the Audit and Risk Committee is within Council's operating budget. The cost of an additional independent member will be absorbed by Council's operating budget.

**Sustainability implications**

Nil

**Officer declaration of conflicts of interest**

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

**14 DIRECTOR ASSETS AND OPERATIONS REPORTS**

<b>AO.1</b>	<b>CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER - BALLS LANE PIPERS CREEK</b>
<b>Officer:</b>	<b>Leslie Woo, Designs Investigations Engineer</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>Nil</b>

**Summary**

This report responds to a request (CRM 232651) received by Council to add an approximately 480m long section of Fire Access Track named Balls Lane in Pipers Creek onto the Register of Public Roads. A portion of Balls Lane is already an existing public road managed by Council, extending about 900m from Pipers Creek Road.

Officers assessed the request for including the additional section of Balls Lane track onto the Register of Public Roads in line with the Public Roads Procedure policy (2018). The subject track requires considerable upgrades to meet Council's minimum Category 6 road standard. The officer's recommendation is not to add the 480m long section of Fire Access Track named Balls Lane in Pipers Creek to the Register of Public Roads.

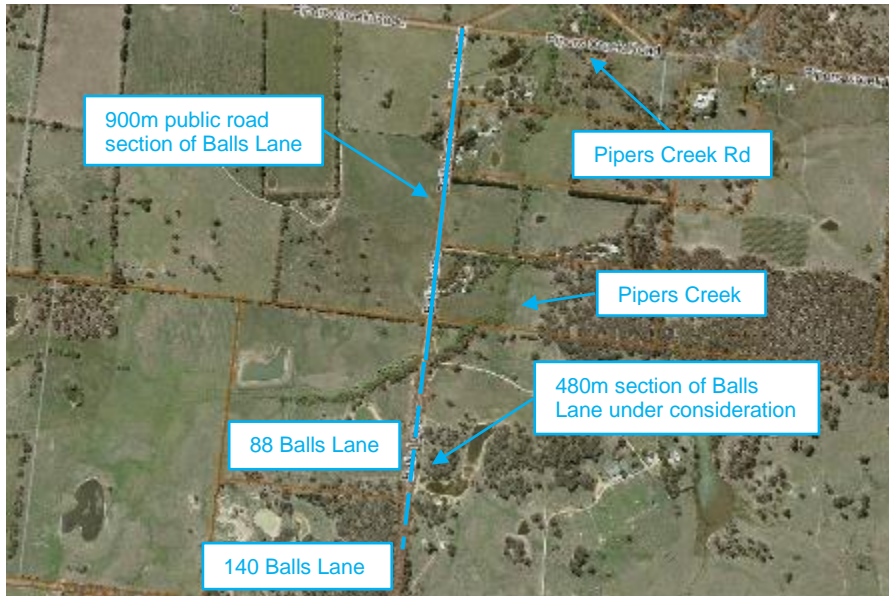
**Recommendation**

**That Council resolves not to include the additional section of Balls Lane in Pipers Creek in the Register of Public Roads and advise the requestor of this outcome.**

**Background**

Located within a road reserve that extends off Pipers Creek Road in Pipers Creek, Balls Lane is about 1,380m long. The first 900m section of Balls Lane is included in the Register of Public Roads and ends at the crossover of 88 Balls Lane. Beyond this point, Balls Lane is a Fire Access Track and continues south to and beyond the entrance of 140 Balls Lane, which the requester owns. The Fire Access Track continues south for another 2.5km before connecting into Three Chain Road. This section of the track is not named Balls Lane.

The 480m section of Balls Lane under consideration is between the entrances of 88 and 140 Balls Lane. The subject track is formed with a granitic sand pavement carriageway ranging from 3.8m to 4.8m and crosses Pipers Creek. This section of Balls Lane appears only to be used by the occupier of 140 Balls Lane, as officers did not identify formal access points from adjoining properties. See Figures 1 to 4 below.



**Figure 1 – Aerial of Balls Lane**



**Figure 2 – Start of the subject section of Balls Lane, South**



**Figure 3 – Midsection of the subject section of Balls Lane**





**Figure 4 – End of the subject section of Balls Lane**

The condition of the pavement appears to be good. However, besides a culvert crossing at Pipers Creek, there is an absence of drains to convey run-off across the access track, which may mean it is not trafficable in times of heavy rainfall. Finally, there is a makeshift turnaround area in front of 140 Balls Lane that can only be utilised by cars. See Figures 5 and 6 below.



**Figure 5 – Trapped Water**



**Figure 6 – Turnaround space**

**Discussion**

Council officers assessed the road against criteria for inclusion into the Register of Public Roads and present the below:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	No	The only property that utilises this section of access track should be limited to the occupier of 140 Balls Lane. No formal access from 83 and 88 Balls Lane were observed.

Criteria	Response	Comments
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	Yes	Land surrounding the subject road is zoned Farming. 83 Balls Lane provides an agistment service and 88 Balls Lane has a vineyard. While 140 Balls Lane appears to be a residential property only, native vegetation covers most of the property so the surrounding properties are considered to be developed to the highest and best economic use.
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	
4. Whether the road connects into and forms a part of the wider network of public roads	No	Beyond the subject section of Balls Lane, the road reserve continues for another 2.5km and connects into Three Chain Road.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	No	Aerial photos and available records of Planning Permit applications have been reviewed for the properties abutting the subject section of Balls Lane. Negligible change in land use has been observed over time from 2015 to 2020.
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	The occupier of 140 Balls Lane should regularly use the subject section of Balls Lane. A pedestrian was observed using the access track on 4/8/2021 at the time of visit by a Council officer.
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	Yes	The subject section of Balls Lane is a Fire Access Track and built in the past at public expense.
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	Council infrequently maintains the Fire Access Track through funding from State Government.
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	Yes	There is no alternative access route for the property of 140 Balls Lane except to use Balls Lane to access Pipers Creek Road.

Criteria	Response	Comments
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	No	No signage was observed.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	Available records of Planning Permit applications have been checked and no such condition was found.
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	The existing access track is considered acceptable for access by emergency vehicles. However, there is an inadequate turnaround area in front of 140 Balls Lane. Culverts and table drains are needed to convey run-off across the subject access track.
15. Whether the use is occurring "as of right", in particular evidence of previous permission;	Yes	The current land use (residential) at 140 Balls Lane has existed for a long time and pre-dates available records within Council
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	There are sections along the access track where it is only 3.8m wide and do not meet the minimum 4.5m carriageway width requirement.
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	Yes	There is a Powercor power pole located on the subject section of Balls Lane.
18. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There is post and wire fencing located along both sides of the road reserve. Reflective posts and an old gate have been installed at the culvert crossing of Pipers Creek.

Given the results above, Balls Lane scored 7 out of 18 guiding principles and therefore does not trigger strong consideration for inclusion in the Public Road Register.

**Consultation and engagement**

Officers did not undertake community consultation or engagement due to the nature of the request. Officers contacted the requester for further supporting information for consideration.

**Collaboration**

Officers undertook no collaboration with other local governments or statutory authorities as it is not considered necessary for this recommendation.

**Innovation and continuous improvement**

Officers prepared this recommendation following Council's Public Roads Procedure Policy (2018).

**Relevant law**

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

**Relevant regional, state and national plans and policies**

This recommendation does not have any direct or indirect policy and legislative implications on regional, state, national plans or policies.

**Relevant Council plans and policies**

Officers prepared this recommendation following Council's Public Roads Procedure Policy (2018).

**Financial viability**

If the subject section of Balls Lane was added to the Register of Public Roads, it would require considerable upgrades. These upgrades include but are not limited to:

- (1) installation of barriers at the culvert crossing of Pipers Creek,
- (2) considerable removal of native vegetation to provide clearance to the minimum carriageway width of 4.5m and turnaround area at its southern end,
- (3) addition of pavement materials to strengthen and widen pavement to meet minimum construction standards for a Category 6 Road,
- (4) a turnaround area at its southern end; and
- (5) installation of culverts at low points in the access track.

Officers estimate the cost to undertake (1), (3), (4) and (5) at \$17,000 excl GST. The cost estimate on costs to remove native vegetation to meet minimum clearance requirements is not available at this time. Investment in these works would not provide the best value for the community.

**Sustainability implications**

As stated above, to meet minimum carriageway width and create a turnaround area at the southern end of the fire access track under consideration would require considerable removal of native vegetation. This is not recommended.

**Officer declaration of conflicts of interest**

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

<b>AO.2</b>	<b>CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER - DRAKE STREET MALMSBURY</b>
<b>Officer:</b>	<b>Leslie Woo, Designs Investigations Engineer</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

This report is in response to a request (CRM 202120) received by Council to add an approximately 80m long section of access track located off Drake Street, Malmsbury to the Register of Public Roads.

Officers assessed the request for including the track onto the Register of Public Roads in line with the Public Roads Procedure Policy (2018). The officer's recommendation is to add the additional section of Drake Street to the Register of Public Roads.

### Recommendation

**That Council resolves to include the additional section of Drake Street, Malmsbury in the Register of Public Roads and advise the requestor of this outcome.**

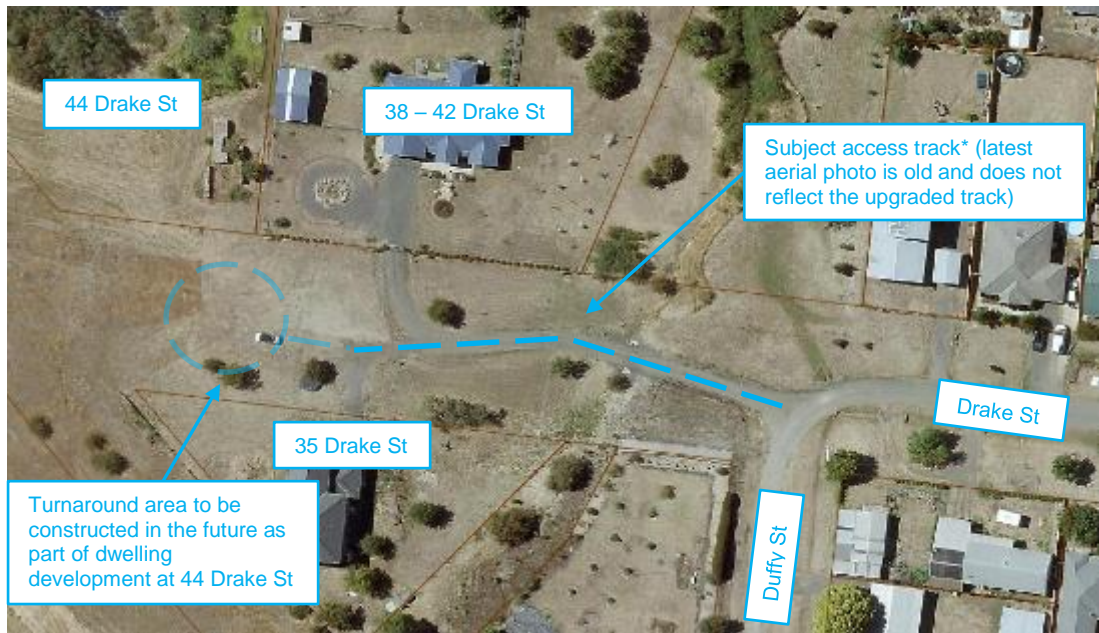
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### Background

The subject access track is about 80m long and extends from Drake Street and Duffy Street to the dwelling at 35 Drake Street. Over time, this access track has been progressively built as part of the dwelling developments at 35 and 38-42 Drake Street. The proposal is to extend the access track and construct a turnaround area as part of the future dwelling development at 44 Drake Street. See Figures 1, 2 and 3 below.

The access track was initially constructed as a 4m wide gravel track by the requester/landowner to access a new dwelling at 38-42 Drake Street. The works were completed in May 2016 as per Planning Permit PLN/2016/37.

Council subsequently received another application (PLN/2018/505) to construct a dwelling at 35 Drake Street in November 2018. Council officers at the time considered that the access track would benefit several existing and future dwellings (35, 38-42 and 44 Drake Street), and it should become a public road, provided that it is upgraded to Council's standard.



**Figure 1 – Aerial of the dwelling development at 44 Drake Street**



**Figure 2 – Drake Street from Duffy Street Intersection**



**Figure 3 – Drake Street Looking West**

Planning Permit PLN/2018/505 imposed a condition for widening the access track to 5.5m between Duffy Street and the crossover for 35 Drake Street. This width complies with Council’s guidelines (Engineering Requirements for Infrastructure Construction Policy) for an Access Place with up to five lots.

The 35 Drake Street dwelling was completed in January 2019. The current access track was upgraded in April 2021, in general accordance with the requirements of Planning Permit PLN/2018/505 and Asset Protection Permit APP/2020/149.

Council officers decided to defer the construction of the roundabout requirement until the future development at 44 Drake Street to allow for equitable cost-sharing of the road construction. Issued in August 2020, Planning Permit (PLN/2020/169) is for a dwelling development at 44 Drake Street with the requirement to construct the turnaround area.

**Discussion**

Council officers assessed the road against criteria for inclusion into the Register of Public Roads and present this assessment below:

<b>Criteria</b>	<b>Response</b>	<b>Comments</b>
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	Yes	Two existing dwellings (35 and 38-42 Drake St) utilise this access track. A future third dwelling is proposed at 44 Drake St.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	Yes	Land abutting the subject access track is zoned General Residential Zone 1 or Rural Living Zone. Almost all abutting freehold land besides 43 Bennett St contains or will contain a dwelling. A tributary of the Coliban Water encumbers 43 Bennett St so all land is considered to be developed to the highest and best economic use.
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	Land abutting the subject access track is either freehold land or a reserve containing a small tributary of the Coliban River.
4. Whether the road connects into and forms a part of the wider network of public roads	No	The subject access track will likely remain as Access Place or dead-end road.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	Yes	A future dwelling is proposed at 44 Drake St (Planning Permit PLN/2020/169), increasing traffic along the subject access track.
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	The occupiers regularly use the subject access track at 35 and 38-42 Drake St

<b>Criteria</b>	<b>Response</b>	<b>Comments</b>
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	No	
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	No	The properties of 38-42 and 44 Drake St have alternative access rights to Bennett St but have elected to construct or connect to the subject access track.
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	Yes	A no-through road sign has been installed at the intersection of Drake St and Duffy St for the subject access track.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	Yes	Planning Permits PLN/2018/505 and PLN/2020/169 have imposed requirements for the extension and upgrade of the subject access track as Drake Street.
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	Yes	The constructed access track is in accordance with Council standards.
15. Whether the use is occurring "as of right", in particular evidence of previous permission;	No	
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	The constructed width of the access track is 5.5m and follows Council's engineering guidelines for an Access Place.



Criteria	Response	Comments
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	Yes	There are existing utility water, sewer, power and telecom services that have been installed to service the existing dwellings
18. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There is post and wire fencing located along the north side of the road reserve. Flexible guide posts have been installed at the culvert crossing under the access track.

Given the results above, the subject access track scored nine out of 18 guiding principles and merits consideration for inclusion in the Public Road Register.

### **Consultation and engagement**

Council officers have extensively consulted and engaged with the landowners (or their representatives) of 35, 38-42 and 44 Drake Street for the recommend outcome.

### **Collaboration**

No collaboration with other local governments or statutory authorities occurred, as it is not necessary for this recommendation.

### **Innovation and continuous improvement**

Officers prepared this recommendation as per the Council's Public Roads Procedure Policy (2018).

### **Relevant law**

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

### **Relevant regional, state and national plans and policies**

This recommendation does not have any direct or indirect policy and legislative implications on regional, state, national plans or policies.

### **Relevant Council plans and policies**

Officers prepared this recommendation as per the Council's Public Roads Procedure Policy (2018).

### **Financial viability**

Should the subject access track be added to the Register of Public Roads, an additional liability is placed onto Council's road maintenance responsibilities.

### **Sustainability implications**

There is a potential risk that the dwelling development at 44 Drake Street does not take place, and the landowners at 35 and 38-42 Drake Street may request Council to complete the turnaround area. Officers estimate the cost of the turnaround area construction at \$4,000 excl GST.

**Officer declaration of conflicts of interest**

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

<b>AO.3</b>	<b>RIDDELLS CREEK MOVEMENT NETWORK STUDY</b>
<b>Officer:</b>	<b>Gary Randhawa, Manager Engineering and Resource Recovery</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

This report provides an update on the current status of the Riddells Creek Movement Network Study.

### Recommendation

**That Council notes this report and receives a further update on the progress of the Riddells Creek Movement Network Study before 30 August 2022.**

### Background

Council carried Resolution 2021/59 at the Scheduled Council Meeting on 25 August 2021, which included at point 8:

*“Requests the Chief Executive Officer to bring a report to the November 2021 Scheduled Council meeting outlining the current status of the Riddells Creek Movement Study as funded in the FY21 Budget.”*

This report is the response to this resolution.

### Discussion

As part of budget deliberation for the Financial Year 2020/21 (FY 20/21) Council funded a community submission for the Riddells Creek Movement Network Study (RCMNS). The funding available at the time was \$60,000. Council noted that this was not enough to fund the study entirely; however, it was enough to start and progress the study for completion in FY 2021/22.

The \$60,000 covers the initial traffic assessments, a community issues and opportunities process, a desktop review of the area’s potential development and growth, and preliminary drafting of the study document. Further funding will enable the finalisation of the study along with final consultation.

Officers started this work in quarter one of FY 2020/21 when the major 2020 Victorian COVID19 lockdown occurred; this resulted in the rescheduling of the initial issues and opportunities process to early 2021. The Ames Road consultation was also postponed. This resulted in the further rescheduling of the RCMNS issues and opportunities process.

Further deferral resulting from COVID19 restrictions brought the RCMNS into conflict with the broader municipal Road Safety and Mobility Strategy (RSMS) work. The RSMS will be a holistic document providing strategic oversight of the planning and management of the road and pathway network across the shire. Undertaking consultation on both simultaneously would confuse issues, and as the RSMS will be a guiding document for future Movement Network Studies, this work has taken precedence.

Council is still committed to completing the RCMNS and will consider the potential for stage two as part of the financial year 2022/23 budget deliberations.

Officers' initial activities

The following activities began in the first quarter of FY 2020/21 before the COVID-19 lockdown:

- Project plan
- Stakeholder analysis
- Communication plan
- Desktop study of existing documentation and materials

The desktop study included a review of the following documents:

- 2010 Riddells Creek Movement Network Study (TraffixGroup) – an internal operational document
- 2010-2020 Customer Request Data
- 2019 Road Condition Survey (Sealed and Unsealed Roads)
- Macedon Ranges Shire Council Walking and Cycling Strategy
- Shire-wide Strategic Footpath Plan
- Riddells Creek Structure Plan 2013 (Parsons Brinckerhoff)
- Historic Traffic Count Data – All recent traffic surveys
- Loddon Campaspe Integrated Transport Strategy
- Municipal Community Satisfaction Survey

Customer feedback and concerns gleaned from the customer request system over 10 years included:

- Unsealed road issues (approximately 450 requests)
- Sealed road issues (approximately 450 requests)
- Traffic management (approximately 200 requests)
- Impacts of growth on traffic

Many complaints from residents relate to increases in traffic and the impact this has on unsealed roads. Council is aware of the effects of increased township population on the unsealed roads within township boundaries - further work is in planning to create a strategy to respond to these challenges.

Other known gaps include:

- Main Road as a Strategic Corridor, noting:
  - Car Parking
  - Pedestrian Connectivity
  - Intersection Analysis
  - Active Transport
  - Service Roads Standards
- Critical Intersections:
  - Main Road /Station Street

- Hamilton Road / Gisborne-Kilmore Road
- Sunbury-Riddell Road / Gisborne-Kilmore Road
- Raws Lane / Gisborne Kilmore Road
- Pedestrian Connectivity (including formal crossing improvements):
  - Station Street and Sutherlands Road
  - Strategically link - Racecourse Road, Richardson Street and Sutherlands Road
- Railway Station and Shopping Precinct Traffic Management

#### Officers note

- Riddells Creek requires a comprehensive traffic and transport strategy (Movement Network Study) that addresses the existing township's needs and considers the future development of the existing township
- Council officers are investigating undertaking a broader Mobility and Road Safety Strategy to address similar issues across the Shire
- Without this study, the possible impacts from growth (e.g. Amess Road PSP) are more difficult to assess
- Community consultation is an essential feature of the Riddells Creek Movement Network Study. The intention will be to create a community-driven traffic and transport strategy for Riddells Creek
- COVID19 restrictions have delayed the Riddells Creek Movement Network Study (Gap Analysis) in two ways:
  - Traffic volumes are not 'usual', especially when noting people working from home and school closures
  - challenges in reaching out to people to seek input and holding in-person Community engagement sessions

#### Links to the Road Safety and Mobility Strategy

Across the shire the community have raised concerns regarding pedestrian and cyclist safety, wildlife trauma and speed limits on sealed and unsealed roads. Officers identified a need for a whole-of-municipality approach to road safety and mobility via a strategy to address these concerns.

This RSMS links with the work required for the RCMNS and the Woodend Corridor Study. The intent is to provide high-level strategic guidance in the planning and management of the road network. The high-level document will be the head document to subordinate Movement Network Studies and other road-related documents.

Given this, officers have progressed the work on the RSMS, utilising the outcomes of the RCMNS desktop analysis while awaiting a return to pre COVID-19 or new COVID-19 traffic movements in Riddells Creek.

#### Next steps

Officers will complete the draft RSMS. On completion, officers will commence community consultation for RCMNS. Consultation should begin in March 2022.

Officers will report the preliminary findings of the RCMNS at a Scheduled Council Meeting no later than 30 August 2022. The report will include the plan for completing the RCMNS, noting this is subject to budget approval.

**Consultation and engagement**

There has been no consultation regarding the RCMNS. Currently, when officers receive resident concerns, their direct issue is noted and addressed. Officers invite the resident to join the direct contact consultation lists for the RSMS and RCMNS.

RCMNS consultation should begin March 2022, pending the adoption of the RSMS. The first round of consultation will focus on understanding the community's concerns (issues and opportunities) relating to existing transport and mobility infrastructure issues. It will provide Council officers with an opportunity to listen and learn from local knowledge and experience.

**Collaboration**

Officers will collaborate with the Transport Accident Commission, Vic Roads/Regional Roads Victoria/Department of Transport and emergency services in undertaking the RCMNS.

**Innovation and continuous improvement**

The shire-wide RSMS provides a strategic approach to set a municipal benchmark and align the development of future movement network studies, including RCMNS. Council ensures that long-term actions and solutions are investigated and adopted for a safer shire-wide road network through this strategic approach.

The RCMNS will investigate and learn how others have addressed issues.

**Relevant law**

There are no laws relevant to specifically creating a movement network study. The study will incorporate laws impacting the study's outcomes.

**Relevant regional, state and national plans and policies**

Nil

**Relevant Council plans and policies**

The following Council plans and policies guide the consideration of this report:

- Macedon Ranges Shire Council Walking and Cycling Strategy
- Shire-wide Footpath Plan
- Riddells Creek Structure Plan 2013 (Parsons Brinckerhoff)
- Loddon Campaspe Integrated Transport Strategy

**Financial viability**

Resource requirements for undertaking Stage 1 of the RCMNS are within the current budget resources. As previously advised, when Council allocated funds for Stage 1 of the RCMNS, Stage 2 required funding. Officers will present a business case for these funds.

When completed, the RCMNS is likely to result in recommendations requiring future funding via Council or grant opportunities. Financing for any proposed actions will be via Council's future budget deliberation processes.

**Sustainability implications**

The RCMNS intends to ensure the road network supports a sustainable community, environment and township.

**Officer declaration of conflicts of interest**

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

<b>AO.4</b>	<b>TREE MANAGEMENT POLICY - UPDATE</b>
<b>Officer:</b>	<b>Simon Finlay, Manager Open Space and Recreation</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>Draft Township Street and Park Tree Management Policy (under separate cover) <a href="#">⇨</a></b>

### Summary

The Tree Management Policy 2019 (Policy) was due for review in November 2020. Officers completed the Policy review and separated the policy part from the procedure part. The new Policy is renamed the Township Street and Park Tree Management Policy.

Due to the volume of community consultation currently being undertaken by Council, the revised Policy (**attachment 1**) will be made available for community consultation early in 2022 and be presented to a scheduled Council Meeting before 30 June 2022.

### Recommendation

#### That Council:

- 1. Endorses the draft Township Street and Park Tree Management Policy for the purpose of community consultation;**
- 2. Undertakes community engagement and consultation early in 2022, in accordance with the Local Government Act 2020 and Council's Community Engagement Policy;**
- 3. Notes that following community consultation, officers will report back to a Scheduled Council Meeting before 30 June 2022, with a summary of community feedback and finalised policy for adoption.**

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### Background

Council's current Tree Management Policy was adopted at the 27 March 2019 Ordinary Council Meeting and is due for review. This document has served the management of public trees well. However, there is scope to improve the Policy, particularly regarding protecting existing trees, developer delivered works and criteria for approved tree removal.

The existing Policy provided an overview of the strategic direction for managing the Council's trees, located within our township streets and parks and contains technical guidelines that underpin the implementation of the policy and outline best practice arboriculture for tree management. These latter elements are procedural in nature and are best suited to separation from the Policy.

### Discussion

An internal review of the Tree Management Policy (2019) has highlighted the need to separate the procedural elements from the Policy. Therefore officers developed the Township Street and Park Tree Management Policy and the Township Street and Park Tree Management Plan. A revision of the Preferred Species List will occur in conjunction with the development of the Management Plan.



Officers plan to undertake community consultation early in 2022. The Township Street and Park Tree Management Plan and Preferred Species List are operational documents that will not form part of the consultation process. However, once developed and reviewed, they will be made available on Council's website for community information.

**Consultation and engagement**

Officers will undertake internal consultation between now and December 2021, with community consultation occurring in early 2022.

**Collaboration**

Officers reviewed several policies from several other councils as part of the review of this policy.

**Innovation and continuous improvement**

The Township Street and Park Tree Management Policy reflects the current best practice approach and involved reviewing numerous current policies from other councils.

**Relevant law**

There are no direct legislative implications or risk associated with Council receiving this report.

**Relevant regional, state and national plans and policies**

There are no regional, state or national plans or policies applicable to the report's subject matter.

**Relevant Council plans and policies**

This matter is relevant to Strategic Objective 1 - Connecting Communities in the Council Plan 2021-2031. It relates to maintaining and improving the visual amenity of Council's streetscapes and parks through tree management.

**Financial viability**

There are no financial implications in Council considering this matter by 30 June 2022.

**Sustainability implications**

There are no sustainability implications with Council considering this matter by 30 June 2022.

**Officer declaration of conflicts of interest**

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

<b>AO.5</b>	<b>MOUNT MACEDON MEMORIAL CROSS - COMMITTEE OF MANAGEMENT</b>
<b>Officer:</b>	<b>Simon Finlay, Manager Open Space and Recreation</b>
<b>Council Plan relationship:</b>	<b>1. Connecting communities</b>
<b>Attachments:</b>	<b>Committee of Management – Instrument of Appointment, 3 September 2021</b>

### Summary

A Committee of Management (the Committee) manages the Mount Macedon Memorial Cross, and Council has been a member for many years. The Minister for Energy, Environment and Climate Change, under delegation from DELWP via the *Crown Land (Reserve) Act 1978*, recently reappointed the Committee. However, Council is yet to confirm its intention to continue as a representative on the Committee.

This report discusses the issues associated with the Council being represented on the Mount Macedon Memorial Cross Committee of Management and makes the following recommendation.

### Recommendation

#### That Council

- 1. Continues to appoint a person to be Council's representative on the Mount Macedon Memorial Cross Committee of Management for the next three-year term.**
- 2. Requests that the Chief Executive Officer appoint a Senior Officer to represent the Council on the Committee of Management.**

### Background

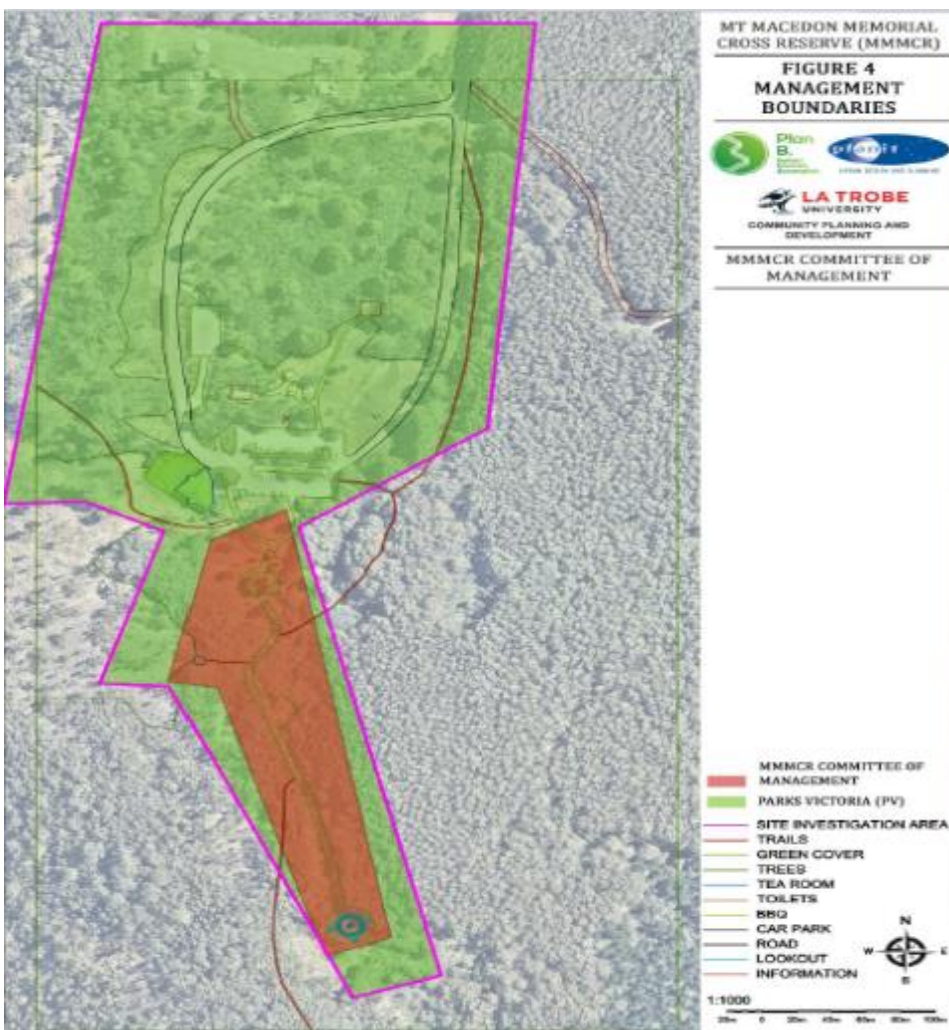
Macedon Ranges Shire Council has been a member of the Mount Macedon Memorial Cross Committee of Management for at least forty four years. Initially, there were three Council representatives, all Councillors, one from each of the local Councils. During this time Council has worked alongside the Committee, the landowner (now the Department of Environment Land Water and Planning (DEWLP)), and the land manager (Parks Victoria).

The Minister for Energy, Environment and Climate Change, under delegation from DELWP via the *Crown land (Reserve) Act 1978*, appoints the Committee. Re-appointment occurs every three years. The Committee was recently re-appointed on 3 September 2021. Current members include:

- David Mann AM, Chair
- Terry Larkins OAM PSM, Secretary and Treasurer
- Bruce Mildenhall
- Frank Donovan, OAM
- Siobhan Rogan, Area Chief Ranger Ballarat, Parks Victoria

The objectives of the Committee are to provide care, protection and management of the Mount Macedon Memorial Cross Reserve (the Reserve) following the requirements of the Act, with support and oversight provided by DELWP. The Committee oversees the day to day operations of the Reserve. It can also make decisions regarding vegetation management, access to and use of the Reserve, and development and maintenance within the Act’s regulations. General maintenance of the Reserve area is provided by Parks Victoria, although the Committee engages an external contractor to maintain the flower gardens.

Parks Victoria manages the land surrounding the Reserve. This management includes the tearooms, which Parks Victoria owns and is operated under a commercial lease. Figure 1 is taken from the 2019 Mount Macedon Memorial Cross Reserve Masterplan, and provides an overview of the park’s management boundaries.



**Figure 1: Mount Macedon Memorial Cross Reserve Masterplan 2019, Management Boundaries**

The Committee continues to explore opportunities to maintain and enhance the facilities, infrastructure and the natural environment of the reserve area and surrounding parkland. The primary purpose of the Mount Macedon Memorial Cross Reserve Masterplan (completed 2019) was to make recommendations for the upgrade and renewal of the infrastructure and facilities, including the reserve’s memorial elements. Parks Victoria and Council were engaged in the development of the Masterplan.

**Discussion**

Council's most recent formal representation on the Committee was former Chief Executive Officer (CEO) Margot Stork.

While Council has no land management responsibility over the Reserve and surrounding parkland, Council is responsible for statutory planning controls and benefits from the tourism opportunities that the site attracts. Council has also contributed funding to the Committee for their ANZAC Day Service through Council's grant programs and provided general advice and support to the Committee in preparing this service.

While the Committee can apply for and receive government funding, the Committee's most recent funding was via Council as the auspice organisation. This \$50,000 grant from the Department of Premier and Cabinet – Veterans Branch further developed concepts and created a detailed program plan for the refurbishment and further development of the memorial elements of the Reserve, based on the 2019 Masterplan. Council contributed in-kind project management services to deliver this grant project. The Committee intends to use the detailed program plan to seek future funding to realise the development objectives of the Reserve.

The Committee wishes to continue working with Council in the future development of the Reserve and surrounding site through Council's representation on the Committee.

Officers present the following considerations in assessing Council's continued representation on the Committee:

- Council has been a long-standing member of the Committee, and withdrawal poses potential reputational damage.
- While Council has no land management responsibility within the Reserve or surrounding parkland, Council's involvement in the Committee ensures that Council's interests are appropriately represented, particularly regarding planning, environmental, heritage and tourism considerations.
- Council has an opportunity to work alongside Parks Victoria and the other members of the Committee in contributing to this iconic and significant war memorial site.
- Financial implications are considered negligible. The only commitment from this report is Officer time to participate in Committee meetings – the commitment is approximately two hours every two/three months with some additional time outside of the meetings to ensure Council is appropriately represented and informed. Any ad hoc contribution is limited.
- The Committee may seek Council's project management services to support future project delivery at the reserve. Any such support needs to be funded through Council's budget process or via the Committee's project funding.
- The Committee can apply for and obtain its own grant funding. Council is not required to act as an auspice organisation for future grant funding.
- The Council can continue to support the Committee with their ANZAC day service preparations and work alongside the Committee to promote the Memorial Cross Reserve.

Considering the above information, officers recommend that the Council representation on the Committee continue, noting that this representation is at the manager level.

**Consultation and engagement**

Community consultation relating to this report is not considered applicable.

**Collaboration**

Except for the Committee, Council has not undertaken collaboration with other councils, governments and/or statutory bodies relating to this report.

**Innovation and continuous improvement****Council has reviewed its ongoing membership on the Committee in the interest of continuous improvement. Relevant law**

If Council elects to be a member of the Committee, the appointment is made under section 14(2) and (3) of the Crown Land (Reserves) Act 1978, and under the delegation of 3 December 2019, by the Minister for Energy, Environment and Climate Change.

There are no Terms of Reference for the Committee. Instead, there are a set of regulations (under the Crown Land (Reserves) Act 1978), which apply to the management of the Reserve, Committee of Management Responsibilities and Good Practice Guidelines. There is a requirement for Committee members to complete an online induction program and a declaration of private interests form. Attached for reference is the latest Committee of Management Instrument of Appointment dated 3 September 2021.

**Relevant regional, state and national plans and policies**

There are no regional, state or national plans or policies applicable to the subject matter.

**Relevant Council plans and policies**

This matter has an indirect relationship with Strategic Objective – Connecting Communities, noting this land is not owned or managed by Council.

**Financial viability**

Financial implications are considered negligible as the only commitment resulting from this report is Officer time to participate in Committee of Management meetings.

**Sustainability implications**

There are no sustainability implications associated with this matter.

**Officer declaration of conflicts of interest**

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



Department of Environment,  
Land, Water & Planning

Your Ref:  
Our Ref: 07COM4024 (5955)  
Date: 3 September 2021

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Mr T H Larkins  
Secretary  
Mount Macedon Memorial Cross Reserve Incorporation  
8 Beech Court  
GISBORNE VIC 3437

Dear Mr Larkins

**MOUNT MACEDON MEMORIAL CROSS RESERVE INCORPORATED**

The persons mentioned on the attached Reserve Committee Schedule have been appointed by the Minister for Energy, Environment and Climate Change as a Committee of Management of the reserve identified on the attached Reserves Schedule.

The term of appointment will expire on 12 May 2023.

It should be noted that you are required to provide a financial statement of receipts and expenditures at the end of June each year.

Information for Committees of Management is available from the web page [www.delwp.vic.gov.au/boards-and-governance/committees-of-management](http://www.delwp.vic.gov.au/boards-and-governance/committees-of-management).

The web page includes the most up to date version of the Committees of Management Responsibilities and Good Practice Guidelines, an on-line induction program for Committee members, declaration of private interest forms and information about insurance for Committees can all be accessed via this easy to navigate page.

Should you have any queries regarding this matter, please contact me on 0436 615 567 or e-mail [Julie.Jones@delwp.vic.gov.au](mailto:Julie.Jones@delwp.vic.gov.au). Please quote the above reference in all related correspondence.

Yours sincerely

**Julie Jones**  
Land and Built Environment Program Officer  
Loddon Mallee

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OFFICIAL



Department of Environment,  
Land, Water and Planning

**COMMITTEE OF MANAGEMENT - INSTRUMENT OF APPOINTMENT**

**MOUNT MACEDON WAR MEMORIAL CROSS RESERVE INCORPORATION**

Under section 14(2) and (3) of the *Crown Land (Reserves) Act 1978*, and pursuant to the delegation of 3 December 2019, I hereby appoint the persons mentioned, over the Crown reservation(s) as specified on the attached schedule, on behalf of the Minister for Energy, Environment and Climate Change

David Gregory MANN	Chairperson
Terence Hugh LARKINS	Secretary
Francis Anthony DONOVAN	Member
Bruce Allan MILDENHALL	Member
Siobhan Gough ROGAN	Member

as members of the MOUNT MACEDON WAR MEMORIAL CROSS RESERVE INCORPORATION constituted by Order in Council of 12 July 2005 vide Government Gazette of 14 July 2005, page 1584, for the period 13 May 2020 to 12 May 2023.

This appointment supersedes any previous appointment in respect of this Committee.

DELWP File ref: 07COM4024

A handwritten signature in blue ink, appearing to read 'Scott Falconer'.

**Scott Falconer**  
**Acting Regional Director Loddon Mallee**  
(As delegate of the Minister for Energy, Environment and Climate Change)

**Date:** 26/08/2021

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**15 NOTICES OF MOTION AND RESCISSION**

<b>No. 39/2021-22: NOTICE OF MOTION - HERITAGE OVERLAY 5 DICKENS STREET, WOODEND</b>
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I, Councillor Mark Ridgeway, give notice that at the next Meeting of Council to be held on 24 November 2021, I intend to move the following motion:

**That Council requests the Chief Executive Office to write to the Executive Director of Heritage Victoria and the Minister for Planning, the Hon Richard Wynne MP, requesting a speedy resolution to the matter of the incorrect heritage overlay that has been assigned to the property at 5 Dickens Street, Woodend, instead of 1-3 Dickens Street.**

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**OFFICER COMMENTS:**

Heritage Overlay 65 (HO65) was placed on 5 Dickens Street Woodend using the powers of the Heritage Act 2017, which identifies places on the Victorian Heritage Register (VHR). The property was placed on the VHR on 21 November 1996. However, it is recognised that the Heritage Overlay and VHR listing should be on 1-3 Dickens St Woodend, and not 5 Dickens Street Woodend. The two properties are in the same ownership.

As the heritage place is on the VHR, the planning scheme amendment to remove/change the listing must be undertaken by Heritage Victoria and the Minister for Planning. Whilst Council tried to amend the Heritage Overlay as part of C134macr, the request was refused by the Minister for Planning on these grounds.

In September 2021, Council officers submitted a request to Heritage Victoria to correct the error. Heritage Victoria responded to acknowledge the error and advise that they have no immediate or short term plans to undertake the correction. Council officers also submitted a request to Heritage Victoria to determine if a permanent permit exemption can be obtained. This request is still pending as at 21 Sept 2021.

On 20 September 2021, Council officers acting under delegation issued Planning Permit PLN/2021/244, allowing the construction of an extension to the existing dwelling at 5 Dickens Street Woodend. This permit was issued following receipt of a permit exemption from Heritage Victoria on 9 September 2021.



**16 URGENT BUSINESS**

**17 CONFIDENTIAL REPORTS****Recommendation**

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

**17.1 Open Space Purchase**

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**Confidential reasons****17.1 Open Space Purchase**

This matter is considered to be confidential under Section 3(1) - a and c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and land use planning information, being information that if prematurely released is likely to encourage speculation in land values.