

Agenda

Council Meeting
Wednesday 14 December 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

Table of contents

1	Acknowledgement of Country	4
2	Recording of live streaming of this Council meeting	4
3	Present	4
4	Apologies	4
5	Conflicts of interest	4
6	Petitions	4
7	Deputations and presentations to Council	4
8	Adoption of minutes	4
9	Mayor's report	5
9.1	Mayor's Report - November to December 2022.....	5
10	Record of meetings of Councillors and Council staff	7
10.1	Record of Meetings of Councillors and Council Staff - November to December 2022.....	7
11	Director Planning and Environment reports	11
PE.1	PLN/2022/216 - 64 Moffats Lane Romsey - Resubdivision of two (2) lots into two (2) lots.....	11
PE.2	Zero Net Emissions Plan for Council operations.....	37
PE.3	Rural Land Use Strategy.....	42
PE.4	Roadside and Footpath Trading Policy.....	65
12	Chief Executive Officer reports	69
	Nil	
13	Director Corporate reports	70
COR.1	Governance Rules.....	70
COR.2	Audit and Risk Committee Biannual Report - December 2022.....	74
COR.3	Audit and Risk Committee - Appointment of Chair for 2023, Extension of Independent Member and Adoption of Audit and Risk Committee Charter.....	88
COR.4	Contracts to be awarded as at December 2022.....	99

14	Director Community reports	101
	COM.1 Customer Service Charter review	101
	COM.2 Municipal Public Health and Wellbeing Plan 2021-2025 and Disability Action Plan- 2021-2025 - Year One reports 2021-22.....	115
15	Director Assets and Operations reports	150
	AO.1 Capital Works Monitoring.....	150
16	Notices of motion and rescission	153
	Nil	
17	Urgent business	153
18	Confidential reports	154
	18.1 Council's Social and Affordable Housing: Update and Leasing	154
	18.2 2023 Australia Day awards.....	154

1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

3 PRESENT**4 APOLOGIES****5 CONFLICTS OF INTEREST****6 PETITIONS****7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL****8 ADOPTION OF MINUTES****Recommendation**

That Council confirms the minutes of the Scheduled Council Meetings of Macedon Ranges Shire Council held on 22 November 2022 and 23 November 2022, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - NOVEMBER TO DECEMBER 2022****Summary**

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

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

It has only been a few weeks since the last council meeting and in that time the Macedon Ranges has hosted many events and celebrated exciting achievements. Live music was back at Hanging Rock which showcased our great natural environment and the beauty of the Hanging Rock precinct. Hanging Rock also saw the inaugural First and Forever concert which featured 23 indigenous artists. Thank you to all Council staff for your hard work to bring these events together.

We have had many end-of-year festivities with carols taking place around the Shire, street festivals and markets. All these wonderful events bring many visitors to our region and encourage support of the local economy.

Councillors were pleased to be invited to or involved in the following events:

- Loddon Murray Community Leadership Program graduation event in Bendigo on 25 November.
- Queers on the Catwalk project at the Mountview Theatre in Macedon on 25 November.
- 'You're the Voice' concert by Resonance String Orchestra in Castlemaine on 26 November.
- Macedon Ranges Accommodation Association's 20th birthday celebrations on 30 November.
- Community Christmas lunches across the Macedon Ranges (Darraweit Guim, Gisborne, Woodend and Kyneton) throughout December.
- Community Environment Group end of year celebration at Hanging Rock on 1 December.
- 'In the Shade of the Mountain' book launch in Woodend on 3 December.
- Carols by Candlelight event in Gisborne on 4 December.
- Celebration ceremony in honour of the 'Treasures of this Land' time capsule at the Kyneton Primary School on 8 December.
- Kyneton Senior Citizens Club lunch on 15 December.
- Kyneton Men's Shed Christmas party on 16 December.
- 2023 Arts and Culture Event Program Launch at the Kyneton Town Hall on 15 December.

Councillors also participated in the following delegate meetings:

- Workspace Board meeting in Bendigo on 8 December.

16 Days of Activism Against Gendered Based Violence

On 25 November we walked against violence to mark the start of the 16 days of Activism Against Gender Based Violence. Council is committed to building a safe, inclusive and respectful community and proudly supported Respect Victoria, Safe + Equal and numerous community organisations during this campaign. Many events were held across the Shire to raise awareness and to start important discussions on how to 'call it out'.

International Volunteer Day

We celebrated International Volunteer Day this month to acknowledge the vital role that volunteers play in the delivery of Council services and activities. Our community has so many passionate and dedicated volunteers that deliver so many services, which makes this such a great place to live. Without them, many of our services would not be possible. Council hosted an afternoon tea to say thank you and to hear about the invaluable contribution our volunteers make to our community.

2022 Victorian Tourism Awards

I am excited to say the Macedon Ranges Autumn Festival has been crowned the state's best of its kind at the 2022 Victorian Tourism Awards. This was the top spot in the Festivals and Events category. We all know how beautiful our region is, especially during autumn, and this year the event attracted almost 15,000 visitors. The Autumn Festival will now go on to represent Victoria at the Australian Tourism Awards to be held in Sydney in March 2023. Council also took out bronze in the Local Government Award for Tourism category. This recognises excellence in tourism planning, facilities and the contribution to the Victorian Tourism industry. Well done to all staff involved and congratulations.

Current community consultations

- Making recycling easier (Submissions close at 5pm on 20 December)
- Proposed relocation of the Riddells Creek Fire Station (Submissions close at 5pm on 23 December)

I encourage residents to have their say in these important community consultations. I know it is a busy time of year, but if you have time, feedback is greatly appreciated.

Council Office Closures

Please note Council office closures will occur from 3:00pm Friday 23 December and reopen as usual on Tuesday 3 January 2023. Please visit Council's website for further information.

It has been another big year with many challenges but also much to celebrate. I would like to thank Councillors, Council staff and all our community for your resilience as we navigated many challenges over the last 12 months. I am grateful that we can work together in a positive community spirit to continue making the Macedon Ranges a great place to live.

I would also like to take this opportunity to wish everyone a safe, happy and healthy festive season and New Year.

Mayor Death

Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - NOVEMBER TO DECEMBER 2022****Summary**

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

Recommendation

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

Record of meetings

Type of meeting	Councillor Briefing
Date and time	22 November 2022 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor)(elected during meeting) • Cr Jennifer Anderson (Deputy Mayor)(elected during meeting) • Cr Rob Guthrie • Cr Anne Moore • Cr Geoff Neil • Cr Janet Pearce • Cr Mark Ridgeway • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Dominic Bonanno (on leave)
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Evert Grobbelaar, Manager Statutory Planning • Awais Sadiq, Coordinator Statutory Planning • Patricia Clive, Coordinator Governance

	<ul style="list-style-type: none"> Lucy Webb-Wilson, Senior Officer Governance - Council Business
Apologies officers	NIL
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> CEO & Councillor only session Governance Rules – Draft for finalisation Agenda Review for 23 November Council Meeting Council Meeting Election of the Mayor & Deputy Mayor Planning Matters Agenda Review for 14 December 2022 Planning Delegated Committee Agenda Review for 7 December 2022 Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Pearce Declared a conflict on COR.1 in the 23 November agenda review but did not leave the meeting as the matter was not discussed.</p> <p>Did they leave the meeting? No</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	06 December 2022 8:30am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> Cr Annette Death (Mayor) Cr Jennifer Anderson (Deputy Mayor) Cr Dominic Bonanno Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Mark Ridgeway Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> Bernie O'Sullivan, Chief Executive Officer

	<ul style="list-style-type: none"> • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Rob Ball, Manager Strategic Planning and Environment • Evert Grobbelaar, Manager Statutory Planning • Amy Holmes, Manager Community Strengthening • Colin Marshall, Manager Facilities and Operations • Leanne Khan, Coordinator Strategic Planning • Awais Sadiq, Coordinator Statutory Planning • Patricia Clive, Coordinator Governance • Alana Stevens, Executive Assistant • Stuart Gunnell, Team Leader Facilities Maintenance and Services • Isobel Maginn, Senior Strategic Planner • Lucy Webb-Wilson, Senior Officer Governance - Council Business • Jack Wiltshire, Strategic Planner • John Perry, Statutory Planning Officer
Apologies officers	NIL
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • Monthly Councillor Only Session • CEO & Councillor only session • Geographical Place Naming Traditional Owners • Public Toilet & BBQ Strategy (feedback received) • Updated Draft Customer Service Charter discussions • Housing in the Farming Zone • Future Strategic Planning Program • Planning Matters including: PLN/2022/253 – 84 Premier Mine Road PLN/2021/587 – 1164 Kyneton-Springhill Road 89 Ross Watt Road • Gisborne Futures Update • Monthly Capex Monitoring Report • Planning Delegated Committee Agenda Review for 7 December

	<ul style="list-style-type: none"> • Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie declared a material conflict of interest in relation to 89 Ross Watt Road as he lives opposite the site. This item was covered in Planning Matters and Gisborne Futures.</p> <p>Did they leave the meeting? Yes at both 1:10pm-1:21pm & 2:20pm-2:22pm</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	PLN/2022/216 - 64 MOFFATS LANE ROMSEY - RESUBDIVISION OF TWO (2) LOTS INTO TWO (2) LOTS
Officer:	Awais Sadiq, Coordinator Statutory Planning
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Statement of Planning Policy Assessment ↓ 2. Plan ↓ 3. Farm Management Plan (under separate cover) 4. Agriculture Victoria Responses ↓
Applicant:	Macaulay Town Planning
Date of receipt of application:	1 June 2022
Trigger for report to Council	Councillor Call-in

Summary

The proposal is for the re-subdivision of two lots into two lots.

The application was advertised. No objections have been received to date.

Key issues to be considered relate to the impact of the proposal on the agricultural land and the genuine need for the proposed subdivision to facilitate or enhance the existing agricultural operation.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered not appropriate. It is recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

Recommendation

That Council issues a Notice of Decision to Refuse to Grant a Permit for the resubdivision of two (2) lots into two (2) lots for the land at 64 Moffats Lane, Romsey LOT 1 and LOT 2 TP 248701W P/Monegetta, on the following grounds:

1. **The proposal is contrary to Clause 14.01 of the Planning Policy Framework, as it will result in inappropriate fragmentation of rural land and fails to consolidate lots in rural zones.**
2. **The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it will not result in the facilitation or enhancement of the ongoing primary use of the land for productive agriculture and will result in a dwelling excision outcome which policy discourages.**
3. **The proposal is contrary to the purpose and decision guidelines of the Farming Zone in relation to the protection and retention of productive agricultural land.**

Existing conditions and relevant historySubject land

The subject site is located at the intersection of Moffats Lane and Black Range Road, approximately 3.2km south-west of the Romsey Township. The site comprises two contiguous allotments having regular shapes with an overall area of approximately 49 hectares. The site has a Moffats Lane frontage of 817m and a Black Range Road frontage of 390m.

The subject site is relatively flat. An existing dwelling, associated outbuildings and agricultural buildings are concentrated towards the north-east, along the common property boundary between the two allotments. It also comprises seven dams throughout the site and scattered vegetation. Access to the subject site is via both Moffats Lane and Black Range Road, which are both unsealed all-weather roads.

Surrounds

Surrounding area comprises land in the Farming Zone, generally varied in size, particularly with larger properties to the south and smaller properties to the north. Surrounding properties are predominantly cleared with existing dwellings and associated sheds. The surrounding land in the area are traditionally used for mixed farming, particularly stock grazing and equine enterprises.

Registered restrictive covenants and/or Section 173 Agreements affecting the site

The title provided with the application shows that the property is not encumbered by any restrictive covenant and/or Section 173 Agreement.

Previous planning permit history

The site has no planning permit history:

Proposal

The proposal is for re-subdivision of two lots into two lots with the following details:

- Lot 1 having an area of approximately 20.63 hectares. It will comprise the existing dwelling and all other buildings (sheds) on the subject land. Access will be via the existing crossover and gravel driveway off Moffats Lane.
- Lot 2 having an area of approximately 28.22 hectares. It will be vacant in terms of buildings and works. Access will be via an existing crossover and gate off Moffats lane and off black Range Road.

Relevant Macedon Ranges Planning Scheme controlsSection 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
11	Settlement
11.03-3S	Peri-Urban Areas

14.01-1S	Protection of Agricultural Land
14.01-2S	Sustainable Agricultural Land Use

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement (MSS)
21.03	Vision-Strategic Framework Plan
21.04	Settlement
21.07	Natural Resource Management

Zoning

Clause no.	Clause name
35.07	Farming Zone (Schedule)

Overlay

Clause no.	Clause name
Nil	

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

General provisions

Clause no.	Clause name
65	Decision Guidelines
71.02-3	Integrated Decision Making

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	No
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	No

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
Nil	

Authority (Section 52)	Response
Melbourne Water	No response has been received.
Greater Western Water	No objection.
Agriculture Victoria	Raised concerns.
MRSC Engineering	No objection subject to conditions.

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. No objections for the application have been received.

Officer assessment

Planning and local policies seek to support and enhance agricultural pursuits by ensuring future development does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses. These objectives are reiterated in the purpose of the Farming Zone.

The proposal is not in keeping with the purposes of the zone and is inconsistent with the objectives of both planning and local policy. The information submitted with the application does not reasonably demonstrate the need for the re-subdivision to operate agricultural uses.

Planning Policy Framework

The Planning Policy Framework (PPF) strongly discourages fragmentation and loss of agricultural land. The policies seek to protect Victoria's agricultural base as an important component of the State's economy. Throughout the PPF, preventing dispersed settlement in rural areas, limiting or reducing fragmentation of agricultural land, and discouraging incompatible land uses, are the predominant themes in relation to agriculture.

Clause 14.01-1S, relating to the protection of agricultural land, aims "*to protect the state's agricultural base by preserving productive farmland*". The clause states that in considering a proposal to develop agricultural land, the following factors must be considered:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *Land capability.*

Collectively, these policies place great emphasis on the importance of protecting existing agricultural land from inappropriate development. Clause 14.01-1S is particularly clear in

requiring a nexus between development of farmland and ongoing productive use of agriculture, to protect against loss of agricultural land.

It is also the intent of planning policy to encourage consolidation of existing rural settlements rather than facilitating dispersed and isolated development. The associated strategies are intended to protect land for agriculture and to ensure that any proposal is limited to that which is required to improve agricultural production. One of the strategies under Clause 14.01-1S is to “*encourage consolidation of existing isolated small lots in rural zones.*” The aim for this strategy is to avoid the fragmentation of farming land by allowing the consolidation into other parcels to make land viable for agriculture.

In a *Stewart v Alpine SC* [2009] VCAT 1559, Member Naylor made following remarks in relation to consolidation and fragmentation of farming land for an application to subdivide seven existing lots into five lots varying in size from 1 hectare to 130 hectares (in two parts):

“I agree with the Council that the proposed lots do create a level of fragmentation that is contrary to the objectives of the Subdivision in Rural Areas local planning policy.... Rather, I am of the opinion the approach taken by ... of reviewing the subdivision and/or consolidation of the lots that make up this land holding in totality is the right one. The strong planning policy support for the retention of rural land in units capable of sustaining rural activities; and not threatening or reducing the agricultural capability of land through subdivision needs to be considered in determining what a suitable subdivision of this land should be. Any future subdivision needs to be justified having regards to all of the objectives and policy requirements of the Subdivision in Rural Areas local planning policy. For these reasons, I will affirm the Council’s decision and order that no permit be granted.”

The submitted Farm Management Plan is not adequate to justify the need for the subdivision on the site and this will be discussed in detail under the zone consideration. The proposal does not relate to a genuine need to facilitate agriculture and operation of proposed agricultural uses.

Planning policy has emphasised the need to protect agricultural land and in this case the proposal would serve to prevent the use of the subject site as part of a larger agricultural land holding. The existing lot could still be amalgamated with adjoining lots to form part of a larger agricultural enterprise or the land can continue to be used for agriculture in its current form.

Local Planning Policy Framework

Clause 21.03-2 – Land use vision states the following:

“Agriculture remains an important part of the character and economy of the Shire, especially the high quality soils in the east of the Shire and in the north where there has been less land fragmentation. Effective land management is a key priority.”

As per the Strategic Framework Plan at Clause 21.03-3 the site is located within Class 2 – Good Capability Agriculturally Productive Land Class. Whilst the applicant is stating that the land will continue to be used for agriculture however adequate justification has not been provided in relation to the proposal resulting in enhancement of the existing agricultural use.

Local policy further emphasises the intrinsic value of agricultural land, particularly Clause 21.07-1 (Agriculture), which emphasises the importance of agriculture as an important contributor to the productivity and economy of the shire.

Clause 21.07-1 provides local content to support Clause 14.01 of the PPF. The relevant objectives provided within this clause are:

- *To protect agricultural land.*

- *To provide for sustainable, productive agriculture within the Northern Catchments and Agricultural Landscapes areas identified on the Rural Framework Plan in Clause 21.03, discourage land use and development that is contrary to the vision for these areas and limit expectations of land use change and speculation.*
- *To protect the quality soils of land with high capability for agriculture.*
- *To maximise benefit from high value agriculture.*
- *To facilitate productive agricultural activity and ensure new development is related to the on-going productive use for agriculture.*

The various strategies associated with these objectives generally encourage the management of land for agriculture, discourage conversions of productive agricultural land to non-productive purposes, ensure new development relates to the productive use of the land and ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.

Local policy at Clause 21.07-1 (Agriculture) further reiterates the need for consideration to be given to the potential for subdivision to support the continued use of the land for productive and sustainable agriculture. The primary objectives of the policy are to ensure that land is retained for agricultural use and to protect agricultural activity and landscapes.

It is considered that the re-subdivision is not appropriate given the proposed size of the lots, and would result in fragmentation of land which is contrary to the objectives and strategies of Clause 21.07-1. The proposal has not demonstrated that the agricultural outcome after the re-subdivision would improve on the existing agricultural use and management of the land.

The proposal does not demonstrate a nexus between agricultural land use and the necessity for the subdivision. It is considered that the proposal is contrary to the relevant policies and vision within the Local Planning Policy Framework (LPPF) relating to protection and sustainable use of agricultural land. It is therefore considered that the proposal is contrary to the relevant policies and vision within the LPPF relating to protection and sustainable use of agricultural land.

Farming Zone

The purpose of the Farming Zone is to provide land for agriculture, retain productive agricultural land and to ensure non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The decision guidelines of the zone seek to implement the purposes and for the reasons which will be outlined below it is considered that the re-subdivision of the land fails to satisfactorily address the decision guidelines and is therefore contrary to the stated purposes of the Zone.

The submitted farm plans are not sufficient to justify the need for the subdivision as the main justification for the proposal is to achieve succession planning. Succession planning is not considered to be a relevant justification under the planning scheme when considering such applications. It is therefore considered that the applicant has not demonstrated a reasonable justification for the proposal.

The proposed farm management changes are limited when compared to the current operation, and represent maintenance of the current land use rather than an enhancement to agriculture justifying a re-subdivision need. Therefore, if the proposal was undertaken and two more readily separately disposable lots were to be created the outcome would be considered an undesirable fragmentation despite no new lots being created. Agriculture Victoria supported that the land should be consolidated.

Agriculture Victoria considers that despite the assurances of succession planning there is no binding agreement available under land use planning terms that the resulting lots cannot be sold and operated under separate ownership than what is proposed.

The proposed re-subdivision will incorporate all buildings, including the dwelling into one lot and with the resulting vacant lot becoming more separately disposable and potentially subject to future applications for a dwelling.

In *Tonina Nominees Pty Ltd v Mitchell SC* [2009] VCAT 553, Presiding Member Cimino and Member Mainwaring refused a five lot re-subdivision (creation of four lots less than the minimum lot size) in Farming Zone. Members made following comments in relation to the expectation of having dwellings on smaller lots in Farming Zone:

“We consider that the proposed re-subdivision heightens the expectation that the four smaller lots would be used for residential lifestyle purposes compared to the current layout. It is true that discretion exists for a permit to be granted to use and develop each of the existing lots for a dwelling. However... because a permit can be granted does not imply that one should or will be granted. The expectation that a permit would be issued for a dwelling on any of the existing vacant lots is misconceived, particularly given the thrust of the local policies that apply where the further loss of agricultural land for residential purposes and the development of rural residential development in established agricultural areas is clearly discouraged.

Further, the proposed re-subdivision would not, in our view, advance the purpose of the zone. The purpose of the zone is geared toward the implementation of policy; providing for agricultural use; encouraging the retention of agricultural land and that non-agricultural use “particularly dwellings, do not adversely affect the use of land for agriculture... it follows that the proposed re-subdivision, which is fundamentally aimed at creating lots that are suited to rural residential use would not advance the purpose of the zone. Rather the re-subdivision would work against it.”

Agriculture Victoria considers that whilst enhancements to the proposed future farm management are shown the deliverance of these does not appear to be reliant or dependant of the re-subdivision. Therefore, Clauses 21.07-1 and 35.07-6 do not support the need for the development. For the subdivision to achieve the intent of Clauses of 21.07-1 and 35.07-6 it appears reliant on land ownership based on succession planning plus adherence to the enhancements set out in Farm/Land Management Plans. A break in this association combined with no assurance around land ownership diminishes reliance on the intended enhancements of Farm/Land Management Plan.

The primary purpose of the development as outlined is to achieve a land ownership change following the creation of a saleable lot, however, despite the additional detail the proposal still puts at risk the future retention of productive agricultural given the proposed fragmentation. Keeping the land in one farming unit provides the best assurance that the subject land continues to provide for agriculture long term as supported by the purpose of the Farming Zone. Agriculture Victoria considers that the proposal does not meet the strategic objectives of the Macedon Ranges Planning Scheme, including the purpose of the Farming Zone.

In this instance it is useful to have regard to the comments of Senior Member Byard in *Greg Chalmers Pty Ltd v Greater Geelong CC* [2007] VCAT 292 in relation to fragmentation of rural land as a result of subdivision:

“Generally speaking, the more rural land is fragmented into smaller pieces the less useful and useable it is for farming purposes. It has long been recognised in rural planning, indeed for decades that fragmentation of rural land, with or without a proliferation of non-farm rural houses not required for farming purposes are a very

serious threat to the continued usefulness and useability of farming land. Fiddly bits of land are less useful, particularly if of an appropriate shape and location, than larger areas. The whole trend of farming practice has been to increase areas required for farming enterprises whilst there has been continuing pressure to cut land up into smaller amounts to exploit its residential value. Good town and country planning looks for residential uses to be located in or on the edge of towns, or at least in areas planned for that purpose, rather than spread over rural zoned areas.”

The proposal would serve to permanently remove land from agricultural use, limit the expansion and operation of adjoining and nearby agricultural uses and is not reasonably required to support and enhance agricultural production.

Senior Member Russell Byard in *Smith v Baw Baw SC* [2016] VCAT 611 has made following comments in relation to the proliferation of the rural houses:

“There is now, and for decades past has been, a desire by some people to capitalise on the residential value of farming land but this is to the detriment of farming purposes. It is thus that policies against the fragmentation of farming land by subdivision into small less useful or useless pieces (useless, that is to say from a farming point of view) have been formulated. Indeed, the tendency over 50 years or so has been for the areas needed for viable farming to increase rather than decrease, notwithstanding the advantages of advanced farming techniques, machinery, fertiliser and so on.

I should add, that it is not a question of every piece of land being a viable farm, standing alone. Substantial pieces of land can be aggregated to be the basis of viable agricultural activities. To do that it is convenient but not always necessary for pieces of land being used to be contiguous. A piece of land, not sufficient for a viable farm in itself, is still valuable farm land that can be owned, leased or used for agistment in association with other farm land. However, fragmentation into little bits is strongly contraindicated.”

The main failures of the proposal in relation to the provisions of the PPF, LPPF and Farming Zone are as follows:

- It will fragment existing productive agricultural land.
- It will result in the loss of productive land.
- It will potentially remove land from agriculture.

For the reasons discussed above, the proposal would incrementally further fragment the agricultural landscape character; lead to a concentration or proliferation of dwellings in the area; impinge the opportunity to use this land for more productive, sustainable agriculture and eventually have an adverse impact on use of the land for agriculture.

71.02-3 Integrated Decision Making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

It is considered that the proposal will be unable to balance conflicting objectives and will not result in sustainable development of the land. The objectives in relation to the protection of agricultural land will outweigh the development objectives within the planning scheme. The proposal will be contrary to Planning and local policy. The permit application does not result in net community benefit.

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.

Conclusion

The protection of Farming Zone land is of paramount importance to the policy contained within the planning scheme and to the local and wider community.

It is considered that this application does not justify a need for subdivision and that the application should be refused.

Consistency of the proposal with the Statement of Planning Policy (SOPP):

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.				N/A	The sight is not located within significant landscape overlay.
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.				
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.				
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.				
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.				
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced				N/A	No native vegetation will be removed to facilitate the proposal.
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.				
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.				
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value				
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.				
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.				

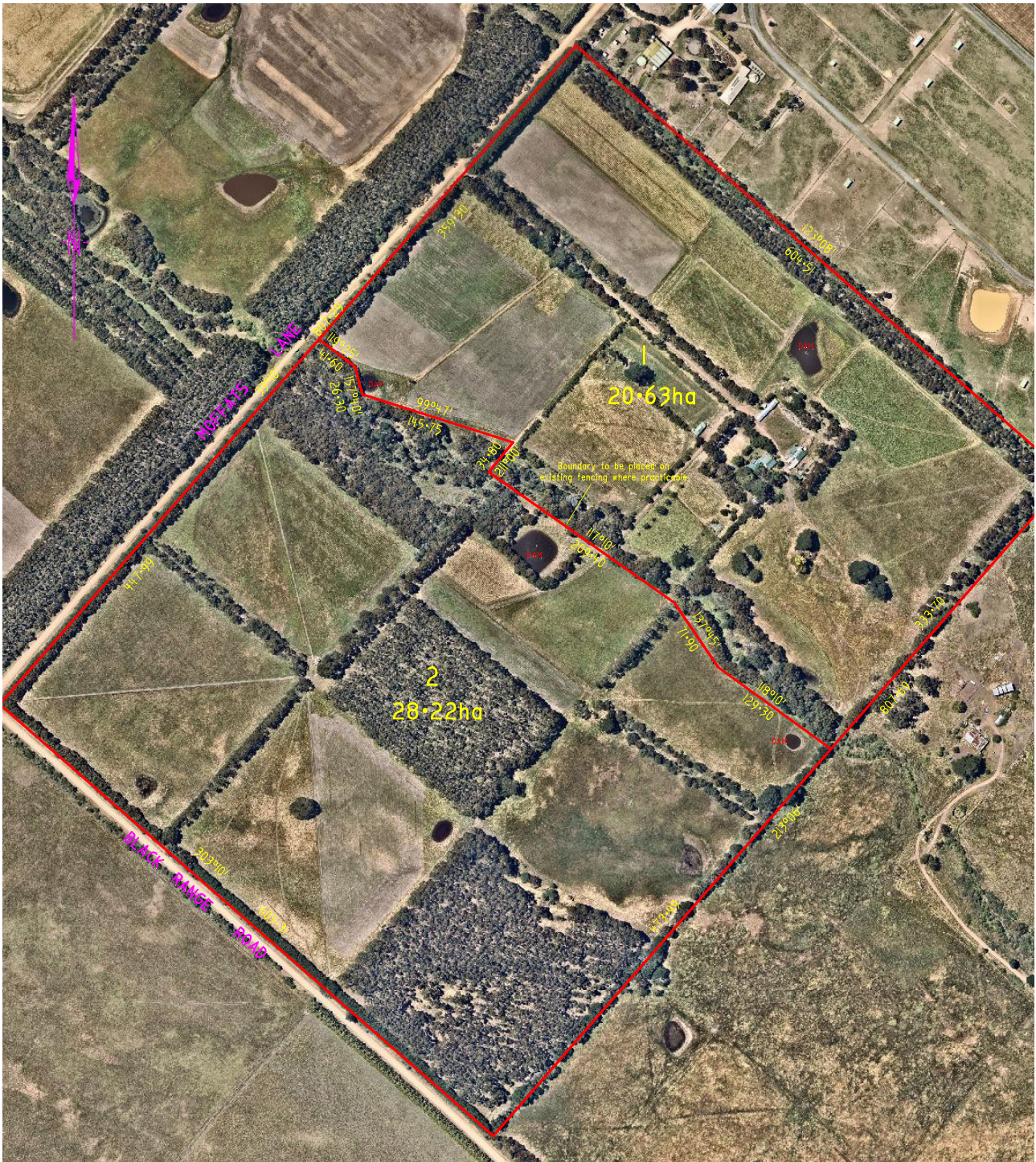
Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.				N/A	The subject site is not located within Special Water Supply Catchment Area. The application was referred to Melbourne Water in relation to the presence of waterway on the site. No response has been received from Melbourne Water.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.				
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.				
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.				
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.				
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.				
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.				
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.				N/A	The subject site is located within area of Aboriginal cultural sensitivity however proposal does not require a Cultural Heritage Management Plan.
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.				
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		when planning and managing land use and development, water and other environmental resources.				
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.				
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.				
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.			X		The proposal does not meet this objective as it is not specifically aimed at enhancing the agricultural capacity of the land. The proposal does not reasonably demonstrate a nexus between agricultural land use and the necessity for the subdivision.
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.		X		The proposal will not meet this strategy and it will be unable to support agricultural uses on site. A farm management plan has been submitted to justify the subdivision which was referred to Department of Agriculture who have raised concerns in relation to the proposal. The agricultural use can continue to operate without the subdivision.
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).		X		
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.		X		

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.		X		
		Manage the effects of rural land use and development on important environmental and cultural values.			N/A	
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.		X		
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.				N/A	
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.				
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.				
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.				
		Protect the unique rural character of towns in the declared area.				
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental				N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	values, and consistent with the unique character, role and function of each settlement.					
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.				
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).				
		Encourage infill development that respects the townships' character.				
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.				
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.				
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.				
		Encourage the use of voluntary Cultural Heritage Management Plans.				
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.				N/A	
		Provide timely infrastructure and services to meet community needs in sequence with development.				
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.				
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.				
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.				
		Ensure equitable access to community infrastructure.				
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.				
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.		✓			
		Support community and government planning for disaster preparedness and climate resilience.			N/A	
		Manage bushfire risks while also retaining valued biodiversity and landscape character.	✓			The site is located within bushfire prone area however it can meet the bushfire measures in relation to access, water supply and BAL rating.
		Plan for more renewable energy generation and distribution.			N/A	
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.			N/A	



Note: Dimensions shown are subject to FINAL SURVEY
 No Vegetation will be removed for new re-aligned boundary.

IES WALSH LICENSED SURVEYOR
 BOX 35
 LESFORD, 3460
 : 0427847930
 jil: ajwalsh@mmnet.com.au

NOTATIONS	
ORIGINAL SCALE: 1:2000	SURVEYORS REF. 3509 V2 SHEET 1 OF 1

PROPOSED BOUNDARY RE-ALIGNMENT
PARISH OF MONEGETTA SECTION A CROWN ALLOTMENTS 13 & 14(PART) 64 Moffats Lane, Romsey April 2022



Agriculture Victoria

Department of Jobs, Precincts and Regions

22 July 2022

Koko Cheng
Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151,
KYNETON VIC 3444

Email: mrsc@mrsc.vic.gov.au

Dear Koko,

RE: Resubdivision of Two (2) lots (boundary realignment)**Land at: 64 Moffats Lane, Romsey, VIC 3434
CA13 and PTCA14 Section A Parish of Monegeetta****Your Ref: PLN/2022/216**

Thank you for the opportunity to provide comment pursuant to a notice of application under Section 52 of the *Planning and Environment Act, 1987*.

Council has requested comment on the proposed boundary realignment and concerns regards the fragmentation of agricultural land.

The advice provided in this letter relates to:

1. Planning context
2. Application review.
3. Strategic objectives and protection of agricultural land

1. Planning context

The subject land is zoned Farming Zone, Clause 35.07 of the Macedon Ranges Planning Scheme, and is affected by;

- Areas of Aboriginal Cultural Heritage Sensitivity
- Two waterways named Sandy Creek and Duckhole Creek

The proposal is for the re-subdivision of two existing lots. Lot 1 & 2 TP248701 (formally known as Crown Allotments 13 and Part Crown Allotment 14 Section A Parish of Monegeetta) have a combined property area of 48.84 ha. Crown Allotment 13 is currently 31.63 ha in area and Part Crown Allotment 14 is 17.36 ha. The common boundary of these two lots runs south-west to northeast through the property with the existing dwelling likely to straddle the internal boundary. The dwelling and associated shedding and other supporting farming infrastructure is clustered around the existing dwelling at the northern end of this common boundary.

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The common boundary is proposed to run south-east to northwest following existing fence lines that follow Sandy Creek. Proposed Lot 1 will be 20.63 ha and contain the existing dwelling along with all other buildings associated with the dwelling and the associated farming enterprise. Proposed Lot 2 will be 28.22 ha being the residual area south of Sandy Creek that is currently fenced into multiple paddocks sown to pasture, including two distinct woodlot areas along with other conservation/windbreak planting areas.

A Planning permit is required pursuant to Clause 35.07-3 (Subdivision) in the Farming zone.

2. Application review.

Council has referred the application to Agriculture Victoria requesting any comments on the application. Agriculture Victoria has considered the following documents:

- Planning Report – Proposed Boundary Realignment, Macaulay Town Planning, dated May 2022, 15 Pages.
- Farm/Land Management Plan Moffitts Farm, Proposed Lot 1 64 Moffats Lane, Romsey, dated 14 March 2022. (37 Pages)
- Farm/Land Management Plan Sandy Creek Farm, Proposed Lot 2 64 Moffats Lane, Romsey, dated 14 March 2022. (43 Pages)
- Proposed Boundary Re-alignment Plan, prepared by James Walsh Licensed Surveyor, dated, April 2022.
- A further information response to Council's request letter dated 29 June 2022. Letter of response is undated and totals 4 pages.

In reviewing the Planning Report Macaulay Town Planning. Agriculture Victoria has identified the following reasoning for the proposal:

- *Paddocks are covered in excellent multi-species perennial pastures with 23% of the total area (11.23ha) devoted to fenced-off conservation corridors, where approximately 10,000 trees and shrubs have been planted since 1986. A planted windbreak screens the entire perimeter. 8ha (16%) of the land is devoted to multi-species agroforestry with trees pruned for high-value timber production such as housing structural timber and floor boards. The poor form trees are used for fence and shed posts and fire wood. (Page 1 & 2)*
- *It is proposed to realign the boundary between existing Lot 1 (CA13) and existing Lot 2 (CA14) at 64 Moffats Lane, Romsey to facilitate the applicants' farm succession plan. (Page 5)*
- *The existing bona fide Wiltipoll holistic sheep grazing enterprise will continue. The property's annual livestock carrying capacity is above average for the area, being around 80 ewes, 120 weaner lambs and 15 other adult sheep, including rams. (Page 6)*
- *The proposed boundary realignment protects valued agricultural land as it:*
 - *Supports the continuation of a bona fide holistic viable animal grazing enterprise which can in future be managed successfully as two separate farms.*
 - *Facilitates the transition of land management responsibilities to the family's future generation (Page 8)*
- *Clause 17 (Economic Development) Response: As part of the applicants' farm succession plan, the proposal supports the senior land owners to remain living and working on farm while transitioning the responsibility of the land management and productive grazing enterprise over to their successors. Thus, the Objective is supported by the proposal. (Page 9)*
- *Clause 21.07 (Natural Resource Management) Response:*
 - *The proposal is for a boundary realignment of two existing lots in support of a bonafide Grazing animal production (sheep grazing) enterprise for prime lamb. No agricultural land will be removed from productivity. Rather, the proposed*

2

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realignment will enable the senior applicants to remain living and working on the land while transitioning the farm business and best-practice land management stewardship to their familial successors. (Page 10)

- *The proposal does not remove land from productive agriculture. And, being a boundary realignment of two existing lots to create two new better sized lots in support of a farm succession plan, it creates an opportunity for the enhanced productivity and sustainable maintenance of the land into the future. (Page 11)*
- *Concluding remarks: (Page 13)*
 - *Is in accordance with the purposes of the Farming Zone.*
 - *Will not remove land from agricultural use but provide for the continuation of productive farming per the Farm / Land Management Plans.*
 - *Furthermore the proposal supports the Francis family's intergenerational program of enhancing the property's natural capital to counter climate change and improve ecosystem functions in conjunction with productive livestock production.*

The Farm/Land Management Plan, Moffitts Farm, Proposed Lot 1 64 Moffats Lane Romsey, Revised 14 March 2022, states;

- *Moffitts Farm long-term business plan is to complement our lamb meat production with the production and sale of breeding animals across a property with high ecosystem functions performance. We are improving our flock using Sheep Genetics Lambplan and use the individual animal indexes generated to market higher eating quality lambs and breeding ewes and rams. To this end, we are concentrating on two genetically distinct lines of no shear (wool shedding) Wiltipoll sheep for sale to small farmers, for whom shearing facilities and labour can present a problem. (Page 1)*
- *Subdividing Moffitts into two titles, Moffitts Farm and Sandy Creek Farm, will allow us to enact Moffitts preferred succession plan, which includes ownership of the farm cottage on Moffitts Farm for as long as we want. (Page 1)*
- *We believe Succession gives the business a much greater chance of surviving. If the farm land and the business only pass to our children when we die, we believe there is a greater chance the farm will be lost after almost 70 years of Francis family ownership. (Page 1)*
- *While the original Moffitts involved the two allotments, it is proposed that Moffitts is divided into two titles. For this purpose one title is for the 20 ha "Moffitts Farm" and the other is for the 30 ha "Sandy Creek Farm". (Page 5)*
- *Both were managed under one property management plan from 1986 to 2021. This management plan embraces landscape restoration, ecosystem functions, and grazing productivity across both titles. However, with a successful establishment of two titles there are some small property management plan differences for each. These differences relate to livestock production not different landscape restoration, and ecosystem functions management which will remain the same for the two properties. (Page 5)*
- *The livestock productivity plan differences are associated with how the smaller property "Moffitts Farm" maintains its role in productive livestock grazing. The plan for "Moffitts Farm" is to enable it to become the lamb finishing property which requires high productivity and quality pastures suitable for optimising lamb growth from September one year to June the next year. These pastures have a high percentage of perennial and annual legume species and herbs with a low percentage of perennial grass species. (Page 5)*
- *Moffitts Farm contains all the original buildings of the Moffitts family – cottage, sheds, and stables built when the farm was first settled in the 1880's. (Page 7)*
- *From 2022 the farm will be primarily used for finishing lambs on high quality summer active pastures. It could also be used for finishing store cattle with the same pastures. (Page 7)*

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The Farm/Land Management Plan, Sandy Creek Farm, Proposed Lot 2 64 Moffats Lane Romsey, Revised 14 March 2022, states;

- *The larger title “Sandy Creek Farm” will concentrate on pastures managed for maintaining the Wiltipoll self-replacing prime lamb ewe flock throughout the year. These pastures are different in composition having higher perennial grass content with lower annual and perennial legume content than pastures dedicated for lactating ewes and finishing lambs. (Page 5)*
- *From 2012 to present the enterprise is a Wiltipoll self-replacing sheep flock selling finished lambs for the domestic market. This farm will be used to run the mature ewes, ewe replacements and rams year round. (Page 7)*
- *From 2019 to present, the enterprise joined Meat and Livestock Australia’s Sheep Genetics program, Lambplan. As there is limited genetic analysis of Wiltipoll performance, the enterprise aims to improve the flock’s genetics to increase the sale of breeding animals. Wiltipolls are ideally suited to smaller farmers as they shed their wool. This removes the need for smaller farmers to invest capital in shearing facilities and procure shearers. (Page 7)*
- *There are no requirements for grid connected power. Livestock water is pumped from the main catchment dam to a header tank for gravity flow back to troughs when required. There are no buildings on Sandy Creek Farm and none proposed as Moffitts Farm will remain the centre for living and farm operations including livestock handling. All sheep handling and management requirements could be handled on Sandy Creek farm with the addition of a set of portable sheep yards. (Page 9)*
- *There are 18 pasture paddocks and 9 conservation corridors, woodlots and riparian zones which can be intermittently grazed if needed to help prevent excess pasture species growth and assist in control of weeds like blackberry and feral animals such as foxes and rabbits. Two original narrow (5m) conservation tree corridors have had their fences removed on one side, such that after 20 years they are now part of a pasture paddock and animals can seek shade and scratch against them. (Page 11)*

Within the 4 pages of response to the further information request by Council’s on the 29 June 2022, the following is stated:

- *If we have to sell outside the family I doubt that a new owner would increase the potential of agriculture since much history and knowledge of farming required for low emissions livestock farming on this land would be lost. Fortunately our eldest daughter is party to these important developments.*
- *If we have to sell outside the family I doubt that a new owner would increase the potential of agriculture since much history and knowledge of farming required for low emissions livestock farming on this land would be lost. Fortunately our eldest daughter is party to these important developments.*
- *The Subdivision will increase the potential of agriculture because the skills associated with the successor’s knowledge of this land, its climate and its productive capacity will be retained, along with her scientific approach to agricultural innovation. She holds an M.Ag Sc. From the University of Melbourne and was employed with the Department of Primary Industries for several years around various locations in Victoria.*
- *In effect, if this re-subdivision is supported, it paves the way for consolidation in the future, whereas consolidation now would most likely lead to loss of the farm in the near future and the skills and knowledge associated with 70 years of family farming in the district lost.*

3. Strategic objectives and protection of agricultural lands.

The following clauses of the Macedon Ranges Planning Scheme are relevant to this application;

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- Clause 14.01-1S Protection of agricultural land, objective: To protect the state's agricultural base by preserving productive farmland, and strategies to:
 - *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
 - *Limit new housing development in rural areas by:*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*
 - *In considering a proposal to use, subdivide or develop agricultural land, consider the:*
 - *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
 - *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
 - *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- Clause 14.01-2S Sustainable agricultural land use, objective: To encourage sustainable agricultural land use and strategies to:
 - *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
 - *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.*
 - *Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.*
- Clause 14.02-1S Catchment planning and management, strategies including:
 - *Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:*
 - *Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,*
 - *Minimise erosion of stream banks and verges, and*
 - *Reduce polluted surface runoff from adjacent land uses.*

Clause 21.07-1 Agriculture

- **Objective 2:** To provide for sustainable, productive agriculture within the Northern Catchments and Agricultural Landscapes areas identified on the Rural Framework Plan in Clause 21.03, discourage land use and development that is contrary to the vision for these areas and limit expectations of land use change and speculation.
 - *Strategy 2.1: Discourage the creation of additional lots in the area as fragmentation of existing lots and an increased density of lots would threaten the vision for these areas to maintain agricultural productivity.*
- **Objective 6:** To facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.
 - *Strategy 6.1 Discourage re-subdivision, excision of a house lot or construction of a dwelling unless it can be demonstrated it is required to facilitate or enhance the ongoing primary use of the land for productive, sustainable agriculture.*

Conclusion

Macedon Ranges Shire Council as the responsible authority will have to make a determination as to whether the application for re-subdivision enhances the agricultural potential and the productive capacity of the land, and generally meets the purpose, objectives and strategies of the Macedon Ranges Planning Scheme.

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Agriculture Victoria notes that:

- The two provided farm/land management plans in terms of agriculture detail and outline:
 - A historic oversight of the properties land usages
 - A level of detail that outlines the properties strong environmental focus in delivering an improvement to conservation and consequently a contributing improvement to agriculture.
 - Detail around stocking rates, pasture improvement, historic and current soil testing results, grazing practices and how the existing farming system combines with the agroforestry and ongoing conservation practices so as to deliver a sustainable business.
- The key differences between the two farm/land management plans relates to the pastures targeted for production on each proposed lot. Lot 1 proposes pastures suited for growing out and finishing off lambs with up to 95 Wiltipoll lambs for sale between September and June. Lot 2 is proposed to maintain pastures suited for more year round production so as to maintain around 75 Wiltipoll breeding ewes and 3 associated rams on average.

Agriculture Victoria considers that the application provides sufficient detail on current and expected stock and land management practices. Agriculture Victoria acknowledges that with the two proposed farm/land management plans it is the applicants expectation that these could be linked to each proposed lot so as to provide some future certainty around ongoing agriculture.

Agriculture Victoria understands that the proposed functionality between the two proposed farm/land management plans represents a small adjustment to the existing land use practices. Whilst these plans represent the applicant's intentions based on planned succession ownership, proposed land ownership information is unable to be relied upon.

Agriculture Victoria notes the question raised by Council in its referral which stated that they are concerned with the fragmentation of agriculture land surrounding this proposal.

Agriculture Victoria notes the current location of the common lot boundaries within the property is unlikely to facilitate separate ownership leading to a shift in current land management practices. The proposed farm management changes are limited when compared to the current operation, and represent maintenance of the current land use rather than an enhancement to agriculture justifying a re-subdivision need. Therefore, if the proposal was undertaken and two more readily separately disposable lots were to be created the outcome would be considered an undesirable fragmentation despite no new lots being created. Agriculture Victoria supports Councils view in their comments that the land should be consolidated.

Agriculture Victoria considers that despite the assurances of succession planning there is no binding agreement available under land use planning terms that the resulting lots cannot be sold and operated under separate ownership than what is proposed.

The proposed re-subdivision will incorporate all buildings, including the dwelling into one lot and with the resulting vacant lot becoming more separately disposable and potentially subject to future applications for a dwelling.

This has potential for a proliferation of dwellings and a further reduction in available productive agricultural land.

Agriculture Victoria considers that the proposal does not demonstrate how the proposal will enhance agricultural production in the longer term, including reference to:

- Clause 21.07-1 Agriculture, Strategy 6.1 under Objective 6 which states:
 - *Discourage re-subdivision, excision of a house lot or construction of a dwelling unless it can be demonstrated it is required to facilitate or enhance the ongoing primary use of the land for productive, sustainable agriculture.*

6

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- Clause 35.07, Farming Zone decision guidelines at Clause 35.07-6 also states:
 - *Whether the use or development will support and enhance agricultural production.*

Agriculture Victoria supports the need for farmers to appropriately plan and consider their own family farm succession plans. However, Agriculture Victoria would encourage Council to further discuss with the applicant as to if in achieving their desired family succession goals that the use of the Macedon Ranges Planning Scheme in this proposed way is appropriate.

Recommendation

If Council determines that the proposal meets the strategic objectives of the Macedon Ranges Planning Scheme, and a permit was to be granted to allow a re-subdivision, Agriculture Victoria makes the following recommendations:

- That any permit issued that allows the use and development of a dwelling in the Farming Zone is in association with agricultural production, protects against the potential for further subdivision of the land and ensures the use does not compromise farming activity in the area.
- That the domestic development on proposed Lot 1 be contained within an envelope minimising the domestic use of the land, whilst maximising and maintaining the agricultural use of the land and is shown on any approved plan as part of any permit issued.
- That conditions be placed on the permit to protect agricultural land through a binding agreement on title which ensures:
 - The existing dwellings and any permitted future dwellings must not be subdivided from the lot in the future, and the lots must not be subdivided to increase the number of lots, by excision or otherwise.
 - That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority.

Please provide a copy of the outcome for our records.

Please contact me if you require any further clarification.

Regards



Sam Porter

Agriculture Victoria Planning and Advisory Service
Agriculture Victoria

Department of Jobs, Precincts and Regions

62-68 Ovens Street, Wangaratta, Victoria, 3677

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7

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Agriculture Victoria

Department of Jobs, Precincts and Regions

6 September 2022

Koko Cheng
Statutory Planning Officer
Macedon Ranges Shire Council
PO Box 151,
KYNETON VIC 3444

Email: mrsc@mrsc.vic.gov.au

Dear Koko,

RE: Resubdivision of Two (2) lots (boundary realignment)**Land at: 64 Moffats Lane, Romsey, VIC 3434
CA13 and PTCA14 Section A Parish of Monegeetta****Your Ref: PLN/2022/216**

Thank you for the opportunity to provide comment pursuant further information received in relation to a notice of application under Section 52 of the *Planning and Environment Act, 1987*.

This letter of advice is to be read in conjunction with the Agriculture Victoria response dated 22 July 2022.

The advice provided in this letter relates to Agriculture Victoria's consideration of the documentation provided in support of the application including the following further information supplied 22 August 2022:

- Applicant Response to RFI Letter 8 August 2022 (13 Pages)
- Moffitts Farm/Land Management Plan Revised 3 August 2022 (46 Pages)
- Sandy Creek Farm/Land Management Plan Revised 3 August 2022 (47 Pages)
- Planning Report – Proposed Boundary Realignment, 64 Moffats Lane, August 2022 (21 Pages)

Council has referred the application to Agriculture Victoria noting the following:

- *The applicant has agreed to enter into a Section 173 agreement in relation to ongoing compliance with the land management plans on both lots and to restrict the construction of a dwelling on the proposed Lot 2 (vacant lot) as a permit condition*
- *Council still has concerns in relation to whether the proposed re-subdivision will result fragmentation of agricultural land and believes that consolidation is potentially the best planning outcome for the subject site.*

Council has asked Agriculture Victoria to:

- *Review the updated documents and advise whether the proposal will enhance and facilitate agricultural productivity under the consideration of Clause 21.07-1 and Clause 35.07*

1

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With regard to addressing Clause 21.07-1 Agriculture, Strategy 6.1 under Objective 6 and Clause 35.07, Farming Zone decision guidelines at Clause 35.07-6, Agriculture Victoria notes that all four further information documents supplied seek to better outline where the proposal, once carried out will lead to an improvement and enhancement to the existing agriculture. Agriculture Victoria further notes the following surmising key statements:

- *The purpose for the proposed boundary realignment is to facilitate the applicants' farm succession plan (Page 1 – Planning Report)*
- *The Farm/Land Management Plans provided with the application demonstrate the subdivision will result in a more productive farming outcome for both lots. (Page 1 – Planning Report).*

Caselaw that may be considered includes the Victorian Civil and Administrative Tribunals (VCAT) rulings:

Stoll v Baw Baw SC [2018] VCAT 603 references Pincott & Ors v Baw Baw SC [2012] VCAT 1137 in a consideration of the merits of applications purporting to the creation of lots with a dwelling to accommodate family members.

Stoll v Baw Baw SC [2018] VCAT 603 notes: It was stated the smaller lot was to be used for the purpose of a dwelling for a member of the landholder family, from which the property could be managed.[49]

The Member Gaschk states that: *In setting aside the council's decision to issue a permit for the proposed subdivision, Member David made the following statement that is relevant to the matter before me [50]:*

- *The Tribunal must take a long-term view. It is not influenced by the potentially short-term stated needs of a particular landowner over and above the longer-term community interest as expressed through the planning scheme, and the interpretation of policies and strategies within it, including those for land use zones and overlays.*

The Member Gaschk follows up with: *In this regard the creation of a separate title for the dwelling on lot 1 at 2.1ha, simply enables the future sale of that title to another party without any connection or interest to the adjoining farm activity. In my view, the complications observed by Member David at paragraph 60 of his decision could also become an issue for the adjoining farm operations. [51]*

Pincott & Ors v Baw Baw SC [2012] VCAT 1137, Member David made the following statement: I have previously identified that it has been regularly stated and inferred that the purpose of the small realignment lot is to provide for a dwelling for a member of the Toscano family. However, despite this stated intent, the allotment would be a separate entity in its own right that could be on-sold at any time in the future as a small rural residential lot located in the Farming Zone. This is not encouraged in the planning scheme, and the planning system is regularly complicated by objections against farming and associated activity in the rural zones by rural-living residents who appear to have limited understanding of or tolerance for surrounding uses for which the land is specifically zoned. [60]

Agriculture Victoria considers that:

- Whilst enhancements to the proposed future farm management are shown the deliverance of these does not appear to be reliant or dependant of the realignment. Therefore, Clauses 21.07-1 and 35.07-6 don't support the need for the development.
- For the subdivision to achieve the intent of Clauses of 21.07-1 and 35.07-6 it appears reliant on land ownership based on succession planning plus adherence to the enhancements set out in Farm/Land Management Plans.
- Despite the additional information targeting improvements proposed for each lot, reliance in each direction still exists between both Farm/Land Management Plans. A break in this association combined with no assurance around land ownership diminishes reliance on the intended enhancements of Farm/Land Management Plan.

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- The primary purpose of the development as outlined is to achieve a land ownership change following the creation of a saleable lot, however, despite the additional detail the proposal still puts at risk the future retention of productive agricultural given the proposed fragmentation.
- Keeping the land in one farming unit provides the best assurance that the subject land continues to provide for agriculture long term as supported by the purpose of the Farming Zone.
- The provision of accommodation through additional dwellings to house family members and or farm workers can be achieved without the subdivision of land.

Conclusion:

Macedon Ranges Shire Council as the responsible authority will have to make a determination as to whether the application for re-subdivision of two lots is supported or otherwise.

Agriculture Victoria considers that the proposal does not meet the strategic objectives of the Macedon Ranges Planning Scheme, including the purpose of the Farming Zone.

The refusal of the application appears supported by the VCAT decisions cited above.

This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority.

Please provide a copy of the outcome for our records.

Please contact me if you require any further clarification.

Regards

**Sam Porter**

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Agriculture Victoria

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PE.2	ZERO NET EMISSIONS PLAN FOR COUNCIL OPERATIONS
Officer:	Silvana Predebon, Environment Policy and Sustainability Officer
Council Plan relationship:	2. Healthy environment, healthy people 4. Delivering strong and reliable government
Attachments:	Plan - Counting Down To Zero - Zero Net Emissions for Council Operations - Final for Adoption - November 2022 (under separate cover)

Summary

Counting Down to Zero provides a guide for Council to work towards its target for a Zero Net Emissions status for its operations by 2030. Its completion is a commitment in the 2022-23 Council Plan. The plan is focussed on accounting for all greenhouse gas emissions associated with Council's operations, and working to minimise those emissions as much as possible, before using offsets to meet the target.

The plan sets the following target to achieve:

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

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

In adopting this plan, Council commits to 33 actions to be undertaken over the next seven years, noting that actions may be refined over time in response to rapid changes in external factors influencing the management of emissions.

Recommendation

That Council:

- 1. Notes the framing of its new emission reduction target:
Zero Net Emissions for Council operations by 30 June 2030, from the baseline of 3,260.6* tonnes CO₂-e at 30 June 2022.

*OR as retrospectively amended to account for additional indirect sources of greenhouse gas emissions;**
- 2. Adopts the attached plan Counting Down to Zero: Our plan to reach Zero Net Emissions for Council operations by 2030 (Stage 1) as a guide for working towards the emission reduction target;**
- 3. Notes that the plan will be reviewed every two years to account for the rapid changes in external factors that influence climate action; and**
- 4. Notes that progress on implementation of the plan and towards the target for Zero Net Emissions will be reported on annually.**

Background

Council's adoption of the Environment Strategy in June 2016 included the adoption of a target to reduce greenhouse gas emissions from its operations by 25% by 2020-2021, from the baseline year of 2014-2015. The Climate Change Action Plan, adopted by Council in June

2017, outlined the works required to reach this target, which equated to 1,910 tonnes CO₂-^e, from a baseline figure of 7,640 tonnes CO₂-^e.

At 30 June 2021, emissions from Council's operations equated to approximately 5,370 tonnes CO₂-^e, assuming a "business as usual" scenario to account for impacts of pandemic-induced restrictions on Council operations. This reduction in greenhouse gas emissions was almost 30% from the baseline year. With Council having exceeded its adopted emissions reduction target, the Climate Change Action Plan effectively "expired".

In October 2021, Council committed to achieving Zero Net Emissions for its operations by 2030 when it adopted the refreshed Environment Strategy. A key action in the strategy was to prepare a plan to guide Council in meeting that goal.

Counting Down to Zero is that plan, developed in consultation with staff from relevant units across Council. One key aspect of preparing the plan related to expanding the greenhouse gas inventory, from the original inventory limited to electricity and gas and fuel usage that was directly paid for by Council, to also include emissions associated with contracted waste collection and transportation services. Over time, as information about indirect sources of emissions can be accounted for, the inventory will be further expanded to include other sources of emissions, like electricity usage at Council owned sites tenanted to community groups. This will increase Council's accountability for its operations, and its influence on climate action across the community.

Discussion

Defining a new emissions reduction target

The term "Zero Net Emissions" refers to achieving an overall balance between greenhouse gas emissions released into, and greenhouse gas emissions removed from, the atmosphere.

A "Zero Net Emissions by 2030" target implies that "zero" is relative to a baseline. Given the expiry of Council's Climate Change Action Plan on 30 June 2021, and the commencement of a contract through the Victorian Energy Collaboration (VECO) to supply electricity as 100% renewable energy on 1 July 2021, 2021-2022 has been selected as the baseline year from which to measure emissions associated with Council operations.

In defining the new emissions reduction target, the sum total of emissions directly associated with Council operations, and including emissions associated with Council's contracted waste management services was calculated to be 3,260.6 tonnes CO₂-^e. As noted above, this figure will change over time as additional indirect sources of emissions are accounted for and more accurate data becomes available.

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

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

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

Reaching the target

While it's the sum total of emissions that is measured, reducing the amount of emissions released into the atmosphere reduces the need to remove emissions from the atmosphere.

From this perspective, a hierarchal approach to reaching the sum total of “zero” was adopted in preparing the plan:

- (1) Reducing emissions
- (2) Avoiding emissions
- (3) Offsetting emissions

An additional approach, namely “Influencing emissions”, was also included, to extend Council’s intentions to key stakeholders involved in its operations and the provision of services.

Counting Down to Zero will guide Council to reach its target, through focusing on the following key actions to reduce and avoid emissions:

- “Getting off gas” at Council owned buildings, particularly at the two aquatic centres
- Transitioning Council’s passenger fleet to zero emission vehicles
- Working with community groups to reduce emissions from tenanted facilities
- Increasing generation and supply of power through installing solar panels and battery power storage at Council owned buildings, and potentially through larger renewable energy generation projects.
- Improving the environmental performance of new and existing Council owned buildings through application of the Sustainable Buildings Policy and aiming to minimise emissions from projects from inception through to construction and operation

Minimising emissions through these types of actions also minimises the need to purchase offsets to reach a Zero Net Emissions target, and to then maintain that status on an annual basis. Based on current knowledge, Council will inevitably need to purchase offsets to “cancel out” residual emissions which cannot be eliminated through works. *Counting Down to Zero* includes actions that will prepare Council for offsetting emissions, including the development of a policy to guide the purchase of offsets, and exploring options for creating offsets that provide co-benefits for local communities, economies and biodiversity.

Reducing - and eventually eliminating - emissions from Council operations also reduces financial and reputational risks to council. Financially, Council benefits from investment in energy efficiency and low carbon technology both through avoiding increasing costs for gas and fuel, and minimising annual costs for purchasing offsets. From a reputational perspective, actively addressing climate change demonstrates genuine commitment to addressing the climate emergency, thereby building community trust in Council. And importantly, reducing greenhouse gas emissions will contribute to the greater effort to minimise risks to Council operations associated with the adverse impacts of climate change

Consultation and engagement

Given the internal focus of the Zero Net Emissions Plan, the preparation of *Counting Down to Zero* involved several discussions with staff across multiple units within Council, particularly the Facilities Management, Resource Recovery, and Property and Valuations units.

Some targeted community consultation was also undertaken in the preparation of the plan. A discussion with the Halls Committees of Management network at their meeting in June 2022 indicated strong interest in pursuing a changed approach to payment of electricity accounts and accounting for associated greenhouse gas emissions. Also, a general discussion with the Macedon Ranges Sustainability Group at its committee meeting in August 2022 indicated

support for Council to increase its accountability for greenhouse emissions as much as possible across its operations, to demonstrate leadership to the community and commitment to enacting its Declaration of Climate Emergency.

The implementation of the 33 actions proposed in the plan will require more detailed consultation and collaboration with units across Council on an ongoing basis. Consultation with the community will mostly be with tenants and user groups of Council owned buildings, particularly in regards to utility management and payment of accounts.

Collaboration

As outlined above, successful implementation of *Counting Down to Zero* will depend upon collaboration amongst many units of Council on an ongoing basis, to reduce and avoid greenhouse gas emissions associated with Council operations as much as possible.

Staff will also seek support and explore potential partnerships to help implement actions where appropriate, and as opportunity arises, for example, through the Central Victorian Greenhouse Alliance, or through funding programs from state and federal governments.

Innovation and continuous improvement

Counting Down to Zero is designed to be a living plan. Council will monitor and report progress on implementation of actions and towards the target on an annual basis, either through the annual environment report or Council's Annual Report.

The plan has been developed based on best available information at the time of preparation. To keep the plan current, it will be reviewed every two years until 2030, enabling Council to respond to rapidly evolving technologies and practices relevant to addressing climate change, and ensuring that Council practices continuous improvement in climate action

Relevant law

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

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

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the development of the Zero Net Emissions Plan, as its relevance is mostly to internal operations and procedures of Council

Relevant regional, state and national plans and policies

Counting Down to Zero is consistent with Victoria's Climate Change Strategy, particularly two of its five pillars: A clean energy economy and Innovation for the future. Implementation of the plan will contribute to the legislated state target for emissions reduction (45-50% by 2030)

Relevant Council plans and policies

Counting Down to Zero has a clear line of sight to Council's key policy document, the Council Plan, particularly:

- Strategic priority: Lessen the severity of climate change through actions that enable council and the community to reduce greenhouse emissions
- Action: Finalise a Zero Net Emissions plan for council operations to guide our efforts in achieving zero net emissions by 2030

The development of the plan was also noted as a high priority action in the Environment Strategy - Refreshed 2021, adopted by Council in September 2021

Financial viability

Counting Down to Zero has a focus on asset management, in regards to minimising emissions associated with the construction and renewal of Council's many facilities, and throughout their operational life. Actions range from getting off gas (particularly at high use sites like the aquatic centres) to replacing passenger fleet vehicles with electric or other low carbon vehicles, to applying the Sustainable Design Policy to all classes of works.

While in some instances the works will incur a high capital cost, they will deliver long term financial viability, both through direct savings and avoided costs associated with operation of the facilities. This is likely to become more financially viable over time given the increasingly volatile market for gas and fuel.

Action 31 of *Counting Down to Zero* identified the conversion of the Sustainability Officer role that is currently funded until September 2023 to be converted to a permanent position from 2023/24. This role would facilitate the implementation of the plan, would enable the monitoring and reporting on its impact and to undertake the regular reviews and updates. The funding for the Sustainability Officer role would need to be considered and funded as part of the 2023/24 Council budget process.

Sustainability implications

The foundation behind *Counting Down to Zero* is environmental sustainability, and the related social and financial benefits. Reducing greenhouse gas emissions involves transitioning away from fossil fuels, which has a significant role in avoiding the worst climate forecasts for climate change on society and the economy.

From Council's perspective, decarbonising its passenger and heavy vehicle fleet, switching from gas to electricity (from renewable sources), improving the environmental performance of buildings, and procuring goods and services with minimal emissions associated with their manufacture and delivery, not only reduces the environmental impacts of Council operations and delivers long term financial sustainability, but also helps to improve wellbeing and build resilience within the community.

Officer declaration of conflicts of interest

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

PE.3	RURAL LAND USE STRATEGY
Officer:	Rob Ball, Manager Strategic Planning and Environment
Council Plan relationship:	2. Healthy environment, healthy people 3. Business and tourism
Attachments:	Summary of Key Community Feedback Themes and Options to Address Issues ↓

Summary

The draft Rural Land Use Strategy (RLUS) was released for community consultation on 19 July 2021 for a period of two months. In response to the 4400 postcards sent to landowners, various media releases, newspaper notices and social media promotions of the draft RLUS, Council received a total of 177 written submissions outlining feedback on the draft RLUS. The key themes raised in response to the community consultation process are summarised in the table at **Attachment 1** to this report.

This report outlines the key issues raised in feedback received from the community and makes a number of recommendations on the future of the RLUS project. Specifically the report recommends that due to feedback from the community and landowners, the current unresolved status of the State Government's Planning for Melbourne's Green Wedge and Strategic Agricultural Land project and a number of potential risks to successfully progressing some components of the draft RLUS, that Council resolves to not progress the current RLUS project.

Recommendation

That Council:

- 1. Notes the feedback received from the community on the draft Rural Land Use Strategy.**
- 2. Notes the significant amount of background work, research and community feedback that has been developed and captured as part of the Rural Land Use Strategy project.**
- 3. Notes the unresolved status of both the State Government's Planning for Melbourne's Green Wedge and Strategic Agricultural Land project, and bushfire considerations as a result of protecting and enhancing vegetation.**
- 4. Resolves to not progress the current Rural Land Use Strategy project.**
- 5. Notes that any future related work would be progressed as a new project and subject to Council approval as part of any future Council Plan and/or budget process.**
- 6. Notifies all submitters and subscribers to the Rural Land Use Strategy project of Council's decision.**

Background

As part of the "In the Rural Living Zone" project which was adopted by Council in September 2015 the beginning of the 'In the Farming Zone; Strategy was foreshadowed. The 'In the

Farming Zone' Strategy was to replace the existing and outdated policy; Rural Land Strategy 2002.

In 2015 Council prepared and consulted on a Localised Planning Policy, which then became the focus of Macedon Ranges Protection Advisory Committee (MRPAC).

Council's submission to MRPAC outlined that a Planning Scheme Review and a Rural Land Review were likely to commence in 2016-17. Whilst noting there was a policy gap in the rural land use activities, the final MRPAC report did not make recommendations in regards to this. Specifically the MRPAC Final Report noted:

"There are clear tensions between existing rural zones and rural land use activities, in particular as they relate to viability of farming enterprises. The Committee considers there is a gap in policy and the absence of guidelines to assist with these tensions. In suitable locations, alternative planning controls that permit a greater range of on farm business activities may assist with farm business viability.

The Committee supports Council's suggestion of investigating the possible application of the Rural Activity Zone as a means of addressing some of these tensions." (Pages 31 and 32).

"The Committee also concludes that the bio-link projects occurring within the Shire should be assessed, to determine where resources should be allocated, and planning controls applied to bio-links be reviewed to assess whether they are providing adequate protection.

The Committee concludes that the protection of potentially productive agricultural land should be prioritised in the LPS, acknowledging that rural activities must be compatible with, and subservient to, overarching productivity and environmental protection objectives.

The Committee also supports Council's proposed consideration of the potential introduction of the Rural Activity Zone, to address concerns in relation to a lack of flexibility in the current framework to accommodate appropriate agribusiness and tourism-related activities." (Page 36)

Council began the Rural Land Review (part one) in the 2016-17 financial year with an allocation of \$75,000. At the time it was acknowledged that the available funds and resources would not support a Rural Land Review and the project was limited to land in the Farming Zone only (hence 'In the Farming Zone' Strategy').

The purpose of the 'In the Farming Zone' Strategy was to:

- Identify the values and features of rural land within the Farming Zone to be protected and enhanced
- Identify key opportunities and constraints of rural land use and development within the Farming Zone
- Respond to land use changes occurring as a consequence of social and economic pressures including the decline in traditional agriculture and increased interest in residential development and emerging rural industries
- Improve the quality of land management activities and water conservation while encouraging rural farming activities
- Develop a vision for rural land within the Farming Zone and articulate how it will be implemented through the planning scheme by:

- Investigating and identifying sub regions in the municipality that require different strategies to support and promote appropriate and sustainable agricultural enterprises
 - Developing a set of policies, zone and overlay provisions that prevent the fragmentation of agricultural land as appropriate to the sub regions
 - Developing a set of policies, zone and overlay provisions that protect the significant environmental values and attributes of rural land in the sub regions
 - Developing local policy guidance to allow for the consideration of dwellings on lots that have marginal agricultural value, do not impact on agricultural viability of surround land and has access to infrastructure.
- Preparation of planning scheme amendment documents to give effect to the recommendations of the strategy.

The project produced a Research and Investigations Report, incorporating comprehensive stakeholder engagement, an extensive landholder survey and a draft “In the Farming Zone Strategy”. This was delivered in early 2018.

It was decided at the time of completing the above outputs that a review be undertaken of the draft ‘In the Farming Zone Strategy’. The review found that the strategy provided good analysis of the shire’s farming areas, with key sectors and issues considered in detail. It also noted that the draft “made inherent assumptions that zone boundaries between the Farming Zone (FZ) and Rural Conservation Zone (RCZ) were correct”, and recommended that the review of the RCZ (as supported by the Planning Scheme Review and advice by the Department of Environment, Land, Water and Planning) be conducted.

It was also recommended that the strategy include an analysis of the effectiveness of the current planning controls, and clearer links to the Biodiversity Strategy and Landscape Assessment Study which had commenced at the time.

At the Ordinary Council Meeting of 26 June 2019, it was resolved to expand the scope of the ‘In the Farming Zone’ Strategy to include land in the RCZ. The project was renamed the Rural Land Use Strategy. The overall aims of the RLUS project remained broadly the same as the ‘In the Farming Zone’ taking into account the expanded scope.

At the Scheduled Council Meeting of 24 March 2021 Council endorsed the draft RLUS for purposes of community consultation. The community consultation process commenced on 19 July 2021 and finished on 17 September 2021.

Discussion

Submissions received in response to the draft RLUS covered a range of issues, however there are some aspects of the draft RLUS that have generated more interest than others and as indicated by the summary table, submitters have expressed views both for and against various aspects of the draft RLUS.

The four elements which received the largest number of responses were:

- (1) The proposed rezoning of land from the Farming Zone (FZ) to the Rural Conservation Zone (RCZ) and vice versa.
- (2) Introduction of a minimum lot size of 100 hectares for subdivision of FZ land (NB: under the schedule to the FZ, much of the FZ land in the west of the shire is already subject to a 100 hectare minimum lot size).
- (3) Requiring a planning permit for all dwellings under the FZ.

(4) The application of the Rural Activity Zone.

The number of submissions received in relation to each of these issues is shown below:

Proposal	No. submissions	
	In favour	Opposed
Rezoning FZ to RCZ	8	50
Rezoning RCZ to FZ	15	28
100ha minimum lot size in FZ	23	22
Dwellings to be associated with agriculture in FZ	17	27
Application of the Rural Activity Zone	9	18

In addition to the above submitters raised a number of other matters including:

- Designation of land as ‘strategic agricultural land’
- Perceived economic and land value impacts
- Level of focus of RLUS on environmental protection
- Tourism in rural areas
- Establishment of biolinks.

Again, submitters expressed a range of views both supportive and otherwise in relation to these issues.

Proposed Rezoning Rural Conservation Land to Farming Zone Land

One of the key objectives of the draft RLUS is to “Support and promote agriculture and protect productive agricultural land”. It also seeks to “Protect and enhance significant environmental and landscape values, protect water supply catchments”. Part of the analysis undertaken by the consultants who were engaged to develop the draft RLUS was to review and map productive agricultural land and more broadly strategic agricultural land areas.

This analysis identified that there was land currently zone RCZ that was considered productive agricultural land and currently supported a number of active farms. The draft RLUS in response recommends this land be rezoned from RCZ to FZ to reflect this. As this land also has biodiversity values and forms part of the Cobaw Biolink area the draft RLUS also proposes to apply a new Environmental Significance Overlay (ESO) control to protect and enhance those biodiversity values and assist in the further creation of the biolinks.

The application of the FZ would support those landowners that are already farming their land to invest in their farming activities while the new ESO control would ensure any future development protects and more importantly enhances the biodiversity outcomes on the land.

It is noted that the area proposed to be rezoned to FZ already benefits from a Vegetation Protection Overlay (VPO) that seeks to protect all significant remnant vegetation and conserve the habitat and environs of identified wildlife corridors. This VPO is not proposed to be changed. The proposed ESO would enhance this current protection by enabling the planning scheme to require new developments to enhance biodiversity values rather than just protect and conserve existing values.

The concerns raised by community members that the removal of the RCZ would reduce the planning schemes capacity to protect and enhance the biodiversity values of this land is acknowledged. In response to this concern it is recognised that the draft RLUS would benefit

from further outlining how the proposed change to the FZ with an ESO provides a better balance in supporting productive agricultural land and farming while providing Council with a greater ability through the planning scheme to achieve enhanced biodiversity outcomes as articulated in Council's Biodiversity Strategy.

One limitation to the proposed approach of adopting the FZ with a new ESO that seeks to require both the protection of existing vegetation and potentially the creation of additional vegetation is the ability to appropriately consider and respond to the potential bushfire risk that may be created by this approach over time. To address this Council approved as part of its 2022/23 budget funds to undertake a bushfire risk assessment of the draft RLUS proposed recommendations in relation to zones and overlays.

Officers have not to date engaged consultants to prepare this assessment however a similar bushfire risk assessment was undertaken recently in relation to the implementation of Council's adopted Landscape Assessment Study. The results of this assessment and associated engagement with the Country Fire Authority (CFA) and the Department of Environment, Land, Water and Planning (DELWP) highlight the challenges any changes to the planning scheme that seek to protect and enhance vegetation cover may have in addressing bushfire risk.

Based on this experience it is the officers view that the ESO recommended for consideration by the draft RLUS may not gain the support of the CFA and DELWP in regards to bushfire risk and therefore may not be able to be progressed as part of any future planning scheme amendment.

In the absence of certainty that the proposed ESO can adequately address bushfire risk and gain the support of DELWP and CFA there is a risk that the proposed rezoning of land from RCZ to FZ would not achieve the desired balance between supporting agricultural activities and achieving positive biodiversity outcomes.

Proposed rezoning Farming Zone land to Rural Conservation Zone

The draft RLUS recommends to rezone three areas from FZ to RCZ which seeks to implement a recommendation in Council's Biodiversity Strategy to consider the current planning controls for four areas identified as potentially having high biodiversity values.

The consultant team as part of preparing the draft RLUS undertook an analysis of the four areas identified in the Biodiversity Strategy. Out of this analysis it was recommended that three of the four areas warranted some level of additional protection under the planning scheme to reflect their environmental values. The draft RLUS recommended that the RCZ be applied to these properties.

This component of the draft RLUS received the most number of submissions opposing the recommendation. Most of the submissions opposing the change were from affected landowners. There were a number of submissions from the community supporting the change.

The argument put forward opposing this recommendation was that the subject land was both being utilised for productive agriculture uses while also achieving positive environmental outcomes. This balance was being achieved under the current FZ and in the absence of any overlay controls related to protection of native vegetation and biodiversity values, Landowners articulated concerns that the proposed zoning change would impact their ability to continue to farm their land and was also not required to achieve positive environmental outcomes as demonstrated by the biodiversity values present on their land.

There was generally no dispute that the three areas identified contained biodiversity values. In reviewing the submissions received it is reasonable to understand the argument put forward that the presence of biodiversity values does demonstrate that good farming and

land management practices can achieve positive biodiversity outcomes even in the absence of planning controls to help regulate these outcomes.

In light of the feedback from landowners and community members, it is recognised that it could be perceived the draft RLUS was adopting an inconsistent approach by both proposing to rezone land from RCZ to FZ to support farming and biodiversity outcomes, while also recommending to rezone land from FZ to RCZ to achieve the same outcome.

To address this inconsistency and address landowner concerns about the proposed FZ to RCZ an option could be to explore the application of a tailored ESO and/or VPO that can ensure the protection and enhancement of biodiversity values of these three areas while keeping the retaining the existing FZ. This option would be consistent with the proposed RCZ to FZ with an ESO recommendation. Although this option has not been tested with landowners this may address any concerns around existing use rights and the right to farm while also ensuring native vegetation is appropriately protected and biolinks enhanced and created where identified.

It is noted that this approach (FZ with ESO) adopted for the Pipers Creek and Pastoria East areas would be consistent with the approach adopted for the area proposed to be rezoned from RCZ to FZ with an ESO because they are all within an area identified as Strategic Agricultural Land. The third area around Lauriston is outside of the identified Strategic Agricultural Land area and therefore may warrant a different approach.

Similar to the proposed RCZ to FZ with a new ESO, one of the risks with adopting this alternative approach would be addressing bushfire risk and the uncertainty about whether DELWP or CFA would support this regime of planning controls. It is also noted that a bushfire risk assessment is still required to be completed for the proposed FZ to RCZ as the RCZ elevates the emphasis on the protection and enhancement of biodiversity values and could lead to an increased bushfire risk.

Changes to subdivision minimum lot size and permits for dwellings in the Farming Zone

The draft RLUS recommends that the current minimum subdivision requirements under the FZ be changed to ensure consistency of minimum lot sizes across the shire (currently 40ha in the east and 100ha in the west) and to manage any further fragmentation of FZ land.

Similarly the draft RLUS recommends that the current exemption for a dwelling on land greater than 40ha in the FZ be changed so that all dwellings proposed in the FZ be subject to a planning permit.

Both of these changes were in line with and contemplated by the State Government's Planning for Melbourne's Green Wedge and Strategic Agriculture Land (MGWSAL) project. This project has yet to be endorsed by the State Government

A number of submissions were received in relation to both of these recommendations with a relatively even split between submissions supporting the recommendations and those opposing the recommendations. It is noted that these two recommendation would impact just over 600 properties (minimum subdivision size) and about 420 properties (all dwellings require a permit).

As the State Government had been progressing the MGWSAL project it was reasonably anticipated that the outcomes of this project would be known prior to Council making a decision about the draft RLUS. At the time of writing this report the MGWSAL project had not been approved by the State Government. It is unknown whether post the State Election this project will be endorsed by the State Government and relevant minister and if endorsed what changes to the draft released for community consultation will be included.

This uncertainty in regards to the MGWSAL project leaves Council in a position of uncertainty in relation to the draft RLUS. Council could reasonably progress forward with these two elements of the draft RLUS if it believed having heard the views of the community that there are still merits to the recommendations however there may be benefits on further engagement with DELWP post-election to gauge the direction the MGWSAL project is heading on these two matters.

Proposed introduction of the Rural Activity Zone

The draft RLUS recommends Council applies the Rural Activity Zone (RAZ) to land north of Woodend, surrounding Kyneton and Malmesbury. Council received 18 submissions opposing this recommendation and nine in support.

This recommendation in the draft RLUS to introduce the RAZ, seeks to implement recommendations in Council's adopted Economic Development Strategy and Visitor Economy Strategy.

Most of the concerns raised in submissions opposing the introduction of the RAZ related to the zone enabling a broad range of uses and concerns the zone would result in an increased and detrimental level of rural based development.

Officers still believe that there are merits in considering the application of the RAZ for the general area identified by the draft RLUS. It is acknowledged however, that a further review of the proposed extent of the application of the RAZ needs to be undertaken. There is currently no budget for the consultant to undertake a further review of the proposed RAZ area so would need to be completed by officers. Given the current strategic planning work program this review would not likely be completed within the 2022/23 financial year.

Consultation and engagement

The draft RLUS was released for community feedback from 19 July to 17 September 2021. The consultation period was promoted on Council's Have Your Say web page, an online question and answer webinar, 4458 postcards mailed directly to landowners in the study area, four media releases, four local newspaper advertisements, six social media posts, three e-news articles to subscribers, 12 news stories at local, regional and state level.¹

To date 177 submissions have been received. **Attachment One** summarises the key themes raised, provides options for Councillors to consider for each theme and suggests a way forward and provides a summary of pros and cons of recommended responses.

Collaboration

Council sought feedback on the draft RLUS from a range of government departments, service providers, community groups and statutory bodies. Collaboration with other internal Council departments has also helped inform and shape the development of the draft Rural Land Use Strategy with particular input from the Environment, Visitor Economy and Economic Development units.

Innovation and continuous improvement

Council is committed to continuous improvement in relation to the RLUS project. The RLUS seeks to replace the 2002 Rural Land Strategy and ensure the Macedon Ranges Planning Scheme includes up to date and relevant policies to guide land use and development within the shire's rural areas. The development of the draft RLUS has been informed by a significant amount of research and analysis.

¹ More print, radio and television articles have appeared post comment period.

Should the Rural Land Use Strategy project not be progressed, as outlined in the recommendation, all the background research and community feedback received to date will be retained and able to inform any future related projects.

Relevant law

This report is consistent with the *Planning and Environment Act 1987* and the Macedon Ranges Planning Scheme.

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

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

Relevant regional, state and national plans and policies

Alongside the work Council has been progressing on the RLUS, the State Government has also been undertaking a process to review the policy framework for MGWSAL. This review is a Plan Melbourne action which has been slated or underway for some time. This review includes most of the land within the shire and does in part intersect with some of the work Council is progressing in regards to the RLUS.

The last update on the MGWSAL project prior to the State election was that a final report had been produced and is awaiting a State Government decision.

It is understood that the recommendations of the MGWSAL project align with the draft RLUS but there is currently a level of uncertainty about the future of the MGWSAL project and its final outcomes and this will depend on the Government post the State election to resolve.

Relevant Council plans and policies

This report seeks to progress a number of priorities in the Council Plan 2021-2031:

Strategic Objective – Healthy Environment, Healthy People.

The draft RLUS supports this objective by providing strategic direction on how rural and agricultural land is to be protected and enhanced; assisting in the management and protection of biodiversity; and assisting in the preservation of landscape vistas.

Strategic Objective 3 – Business and Tourism

The draft RLUS supports this objective by providing strategic direction for the use and development of rural land that will encourage economic vitality (tourism, agribusiness, local employment options).

The Biodiversity Strategy 2018 identified a review and an update of the Macedon Ranges Planning Scheme as necessary to refer to the biolinks identified in that strategy and provide policy direction for their protection and enhancement. The draft RLUS was informed by an investigation of the four areas shown on figure 20 (page 52 of the Biodiversity Strategy 2018) and concluded that three of the four warranted a planning scheme control and these have been reflected in the draft RLUS.

The Economic Development Strategy recognises that the Agribusiness Sector in the Macedon Ranges represents an amalgam of integrated industry linking primary production with food product manufacturing. These sectors provide important local produce, support local employment and provide direct links with the visitor economy.

Page 26 of the Economic Development Strategy identifies that:

“current planning policy at a local level, and in particular the application of existing rural land use zones can be inhibiting for some local economic development outcomes..... The EDS recognises this constraint on rural land use, which could present opportunity for activation of rural land while simultaneously improving environmental conditions. The application of appropriate controls on use and development can incentivise investment in rural land that is required to enhance environmental assets.”

The draft RLUS has recommended the consideration of different planning controls to both incentivise investment in rural land that can contribute to achieving positive environmental outcomes.

Financial viability

The draft Rural Land Use Strategy has been a priority of Council and funded through the Council budget process.

Council included funding in the 2022/23 budget funding to undertake further work to support the RLUS project including funding to undertake a bushfire risk assessment.

If Council resolves to not progress the current RLUS project any future related work would be required to be considered and approved by Council as a new project through a future Council Plan and/or budget process.

Sustainability implications

The draft RLUS seeks to strengthen policy and controls in order to recognise and protect diverse and significant natural values of the shire’s rural areas and support the establishment of biolinks and restoration of ecological connectivity. The draft RLUS also looks to support the diversification and adaption of rural activities to respond to climate change.

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 – Draft RLUS - Summary of Key Themes and Options to Address Issues

Issues	Feedback	Options	Pros and Cons of Pursuing this action
<p>Increasing the minimum lot size in the Farming Zone to 100ha (currently 100ha in west of shire and 40ha in east of Shire).</p>	<p>23 submissions in support of the 100ha lot size minimum, and 22 opposed to the expansion of the 100ha lot size minimum.</p>	<p>Continue with policy position of draft RLUS to increase the minimum lot size to 100ha</p> <p>Do not pursue this change, which leaves western part of the shire as 100ha and eastern part of the shire as 40ha.</p> <p>Adopt a smaller lot size minimum of 80ha.</p> <p>Change all land in the FZ to have 40ha minimum.</p> <p>It is understood that the State Government's MGWSAL work will increase the minimum subdivision size from 40ha.</p>	<p>Pros</p> <p>Stops further fragmentation of agricultural land.</p> <p>Places downward pressure on housing development in rural areas.</p> <p>Provides certainty to the agriculture industry that farming operations will be given primacy.</p> <p>The recommendation impacts a maximum of 616 properties (page 29).</p> <p>Cons</p> <p>Makes restructuring of farm holdings difficult.</p> <p>Will impact some landowner's aspirations to further subdivide their land in the future.</p> <p>It may be prudent to await the outcomes of the State Government's MGWSAL project</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>before progressing this action identified in the draft RLUS. If the State approved the MGWSAL with this change then the draft RLUS would not need to include this as an action. If the State does not pursue the change then further engagement with DELWP would be recommended to ensure this proposed action would be supported through any future planning scheme amendment authorisation process.</p>
<p>All dwellings in the Farming Zone require a planning permit. Currently those above 40ha exempt from permit</p>	<p>17 submissions in support of the requirement for a permit for a dwelling, and 27 opposed to the requirement for a permit for a dwelling.</p>	<p>Continue with policy position of draft RLUS and require all dwellings to require a planning permit, with the assessment of the permit application considering the nexus between the productive agricultural use of the land and the need for a dwelling for that agricultural use to occur.</p> <p>Do not pursue this change.</p>	<p>Pros</p> <p>Ensures that only dwellings that are required to support agriculture are permitted to establish in the FZ.</p> <p>Will maximise the control over the use of FZ agricultural land for lifestyle living (rural residential).</p> <p>Cons</p> <p>Will affect FZ land that is inside township boundaries. This can be addressed by giving consideration to rezoning FZ land that is inside township boundaries through the structure planning process.</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
		<p>Consider changing to a different threshold. Mitchell Shire adopts 80ha</p> <p>It is understood that the MGWSAL may include a similar position on removing this exemption</p>	<p>Will impact some landowners aspirations to in the future build a dwelling on their land without the need for a permit.</p> <p>It may be prudent to await the outcomes of the State Government's MGWSAL project before progressing this action identified in the draft RLUS. If the State approved the MGWSAL with this change then the draft RLUS would not need to include this as an action. If the State does not pursue the change then further engagement with DELWP would be recommended to ensure this proposed action would be supported through any future planning scheme amendment authorisation process.</p>
Rural Living	<p>3 submissions note that the RLUS does not mention Rural Living.</p> <p>1 submission does not support changes to the Rural Living Zone (NB: the RLUS makes no reference to the Rural Living Zone, as it is out of scope).</p>	<p>Do Nothing</p> <p>Re-scope the RLUS to include land in the RLZ</p>	<p>Pros</p> <p>The matter of RLZ was adequately considered through the "In the Rural Living Zone Strategy", and Council's adopted position remain valid.</p> <p>Cons</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
	<p>2 submissions requested a rezoning of land to the Rural Living Zone.</p> <p>5 submissions sought more consideration of rural residential development.</p>		<p>The RLUS does not consider all land in the rural areas of the shire, so it is not genuinely a rural strategy.</p>
<p>Rezoning land from FZ to RCZ</p>	<p>50 submissions opposing the rezoning of land from FZ to RCZ, and 8 submissions supporting the rezoning from FZ to RCZ.</p>	<p>Continue with policy position of draft RLUS</p> <p>Do not pursue this change.</p> <p>Consider the use of Overlays (VPO/ESO/SLO) to capture the values of the land.</p>	<p>Pros</p> <p>The application of the RCZ is consistent with other parts of the shire identified as having environmental values that warrant protection.</p> <p>Cons</p> <p>There are significant concerns raised by landowners about the proposed change from FZ to RCZ.</p> <p>The approach of rezoning this land to RCZ is inconsistent with the recommendation in the draft RLUS to rezone land from RCZ to FZ with an ESO.</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>The use of an ESO can require that an area of land is set aside for the planting of native vegetation through a landscaping plan, thus creating the islands and stepping stones of biodiversity identified in the Biodiversity Strategy.</p> <p>Planted vegetation can be specified to be in a certain location so as to ensure defensible space for bushfire protections is maintained.</p> <p>This approach will work in association with existing non-planning scheme actions that promote biodiversity outcomes, and will also ensure that all land owners (including reluctant land owners, and those not currently participating in land care projects) are incentivised to participate, not just those already committed to environmental outcomes.</p> <p>This approach uses a development control to achieve a development outcome, as opposed to the RCZ being land use control attempting to achieve a development outcome.</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>A strategic bushfire risk assessment will be required to determine if this strategy can progress to a planning scheme amendment. There is uncertainty about whether DELWP or CFA would support a new ESO due to concerns about bushfire risk.</p> <p>Where this approach is applied to the creation or enhancement of biolinks - the cumulative impact of implementing this approach will need to be monitored to ensure the exposure of the community to risks of bushfire is not increased.</p> <p>Would continue to potentially allow adverse uses in water catchment areas.</p>
<p>Rezoning land from RCZ to FZ</p>	<p>15 submissions supported the rezoning of land from the RCZ to the FZ and ESO.</p> <p>28 submissions opposed rezoning from RCZ to FZ and ESO.</p>	<p>Continue with policy position of draft RLUS</p> <p>Do not pursue this change.</p> <p>The area is strategic agricultural land which may cause conflict with the</p>	<p>Pros</p> <p>The Farming Zone best aligns with land identified as being strategic agricultural land and is the optimal zone to facilitate agriculture.</p> <p>A wider range of land uses are permissible in FZ than the RCZ, and</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
	<p>Only 1 submission opposing the proposed RCZ to FZ rezoning acknowledged the proposed ESO.</p>	<p>MGAWL work if RLUS does not align.</p>	<p>this will stimulate investment in agricultural business.</p> <p>Creates an investment setting that will provide certainty for agricultural businesses.</p> <p>Agricultural business will be able to expand their operations with a greater range of on-farm business activities, such as place of assembly (subject to planning permits and conditions).</p> <p>The additional investment facilitated by this change will provide the mechanism for planting areas with native vegetation via the action of the ESO that will accompany the rezoning.</p> <p>Planning Scheme can only influence outcomes when a planning permit is triggered. Farming Zone provides greater incentive and opportunity to expand agricultural activities and create opportunity to require environmental outcomes through the planning permit process.</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>The ESO can require that an area of land is set aside for the planting of native vegetation through a landscaping plan, thus creating the islands and stepping stones of biodiversity to create and augment bio links identified in the Biodiversity Strategy.</p> <p>Planted vegetation can be specified to be in a certain location so as to ensure defensible space for bushfire protection is maintained.</p> <p>Aligns with the recommendations of the Biodiversity Strategy, Economic Development Strategy and Visitor Economy Strategy.</p> <p>Cons</p> <p>A strategic bushfire risk assessment will be required to determine if this strategy can progress to a planning scheme amendment. There is uncertainty about whether DELWP or CFA would support a new ESO due to concerns about bushfire risk.</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>Where this approach is applied to the creation or enhancement of biolinks - the cumulative impact of implementing this approach will need to be monitored to ensure the exposure of the community to risks of bushfire is not increased.</p> <p>Perception Council is not committed to environmental outcomes and protection/creation of bio links if RCZ is not retained.</p>
Biolinks	<p>1 submission opposed biolinks.</p> <p>9 submissions support biolinks.</p> <p>The Country Fire Authority (CFA) submitted that biolinks increase the risk of bushfire.</p>	<p>Continue with policy position of RLUS</p> <p>Modify policy of RLUS to ensure policy across biolinks is equivalent.</p> <p>Do not pursue this change</p> <p>Greater non-planning scheme related support (rate discounts, Healthy Landscapes program, grants etc)</p>	<p>Land identified as being strategic agricultural land will be in the best zone to facilitate it's use for agriculture.</p> <p>A wider range of land uses are permissible in FZ, and this will stimulate investment in agricultural business.</p> <p>Creates an investment setting that will provide certainty for agricultural businesses.</p> <p>Agricultural business will be able to expand their operations with a greater range of on-farm business</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>activities, such as place of assembly (subject to planning permits and conditions).</p> <p>The additional investment facilitated by this change will provide the mechanism for planting areas with native vegetation via the action of the ESO that will accompany the rezoning.</p> <p>The ESO can require that an area of land is set aside for the planting of native vegetation through a landscaping plan, thus creating the islands and stepping stones of biodiversity identified in the Biodiversity Strategy.</p> <p>Planted vegetation can be specified to be in a certain locations so as to ensure defendable space for bushfire protections is maintained.</p> <p>Cons</p> <p>A strategic bushfire risk assessment will be required to determine if this strategy can progress to a planning scheme amendment. There is</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			<p>uncertainty about whether DELWP or CFA would support a new ESO due to concerns about bushfire risk.</p> <p>The cumulative impact of implementing this approach will need to be monitored to ensure the exposure of the community to risks of bushfire is not increased.</p>
<p>Rezone land from FZ to RAZ</p>	<p>9 submissions supported the proposed rezoning. Many of these submissions were from tourism related bodies.</p> <p>18 submissions opposed the rezoning to RAZ.</p> <p>2 submissions supported the rezoning of FZ land in Lancefield/Romsey/Hesket area. This is not a recommendation of the draft RLUS, and is not supported due to the land in question being either strategic agricultural land or already in the Rural Living Zone, and hence out of scope for the RLUS.</p>	<p>Continue with policy position of draft RLUS</p> <p>Do not pursue this change</p> <p>Review the extent of proposed RAZ and update as required.</p>	<p>Pros</p> <p>RAZ is still a rural zone that allows for agriculture, but also a wider range of non-agricultural uses.</p> <p>Implements the Economic Development Strategy and Visitor Economy Strategy</p> <p>Provides opportunity for tourism businesses.</p> <p>Cons</p> <p>Can be interpreted as a rural living zone (need clear policy to ensure this doesn't happen).</p> <p>The proposed area is within a Declared Drinking Water</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			Catchment, so new development will need to address how waste water is managed to protect water quality.
Impact on Value of land	<p>18 submissions suggest that the effects of the draft RLUS would lower property values.</p> <p>Five submissions suggest that the effect of the draft RLUS would be to raise property values.</p> <p>One submission proposed that the RLUS would have no effect on property values.</p> <p>The concerns about loss of property value are generally related to changes to minimum subdivision size and exemption for a dwelling on a lot over 40ha.</p>	<p>Continue with policy position of draft RLUS</p> <p>No changes</p>	<p>Pro</p> <p>Decision making is based on the highest and best use of the land, not on what generates the highest sale price.</p> <p>Land banking outside township boundaries is discouraged.</p> <p>Cons</p> <p>FZ land inside township boundaries that may be suitable for urban development is also captured within this policy position, precipitating the need for further structure planning for existing settlements.</p>
Equine	5 submissions supported the Equine	Continue with policy position of draft RLUS	Pros

Issues	Feedback	Options	Pros and Cons of Pursuing this action
	<p>recommendations in the RLUS.</p> <p>7 submission opposed the Equine recommendations in the RLUS.</p>	<p>Delete chapter relating to equine</p>	<p>Provides certainty for the equine industry, and its supporting supply chain businesses.</p> <p>Cons</p> <p>Equine industry is occupying agricultural land but is not producing food or fibre.</p>
<p>Existing use rights</p>	<p>1 submission sought information on existing use rights.</p> <p>Five submissions identified that they have no confidence in relying on existing use rights to enable continuation of farming of their land.</p> <p>This issue relates predominately to proposal to rezone land from FZ to RCZ</p>	<p>Any change of zone as identified in any Council Strategy may carry existing use rights</p> <p>Clarify existing use rights for dwellings and agricultural land uses on Council's website</p>	<p>Pros</p> <p>Existing use rights apply to all land.</p> <p>Cons</p> <p>It is difficult to determine if existing use rights apply without a firm proposal to review.</p> <p>Legal Advice obtained by officers on existing use rights highlights the complexity of existing use rights and the difficulty council has to provide specific advice to each landowner.</p> <p>"Existing use rights" are not existing development rights. The presence of overlays may preclude development, even though use is</p>

Issues	Feedback	Options	Pros and Cons of Pursuing this action
			permitted through the existing use rights clause.

PE.4	ROADSIDE AND FOOTPATH TRADING POLICY
Officer:	Sarah Annells, Manager Safer Communities
Council Plan relationship:	3. Business and tourism
Attachments:	Policy - Roadside and Footpath Trading - Final for Council adoption (under separate cover)

Summary

The Roadside and Footpath Trading Policy will provide guidance about the placement of temporary items on Council owned and managed land and roads (including footpaths) and sets out guidelines for the operation of mobile trading facilities.

Revisions have been made to the current Roadside and Footpath Trading Policy to update the policy and incorporate policy for mobile trading facilities. The draft policy was open for community consultation in September 2022 and the feedback provided during this period has informed the final policy.

Recommendation

That Council adopts the Roadside and Footpath Trading Policy 2022 effective from 15 December 2022 which supersedes the Roadside and Footpath Trading Policy 2019.

Background

The current Roadside and Footpath Trading Policy (the Policy) was adopted by Council at the Ordinary Council Meeting on 28 August 2019. The purpose of this Policy is to provide guidance to individuals, businesses and organisations seeking to place temporary items on Council owned and managed land and roads (including footpaths) for the purposes of roadside and footpath trading.

The final policy (Attachment 1) incorporates the Mobile Trading Guidelines in accordance with the Council resolutions adopted at the 25 May 2022 Scheduled Council Meeting and feedback received during the public consultation period in September 2022.

Discussion

The current Roadside and Footpath Trading Policy (the Policy) was adopted by Council at the Ordinary Council Meeting on 28 August 2019. The purpose of this Policy is to provide guidance to individuals, businesses and organisations seeking to place temporary items on Council owned and managed land and roads (including footpaths) for the purposes of footpath trading.

The draft revised policy incorporated the Mobile Trading Guidelines in accordance with the Council resolutions adopted at the 25 May 2022 Scheduled Council Meeting.

Council Officers conducted a public consultation process in 2022 seeking feedback to help identify opportunities to improve the existing Policy. The consultation period was open for all of September on Council's Have your say website and was publicised via email lists, social

media and the main website. The key changes made to the draft Policy after the consultation period can be summarised as:

- Updated into the new Council policy template, and the inclusion of a gender impact assessment
- Updated process for amending existing permits to add furniture or change layout
- Inclusion of requirement for dogs in outdoor dining areas to remain in the trading zone and not impede the pedestrian zone
- More robust requirements for mobile traders to manage litter and waste, including lawful disposal offsite
- New requirement for mobile traders to comply with State legislation and Council policies in relation to using sustainable materials and phasing out single use plastics.

Consultation and engagement

The results from of our consultation are summarised below:

Feedback themes relating to safety, amenity and accessibility:

- Council should making sure there is provisions in the trading zone so animals do not impede the pedestrian zone
- Concerns about the footpath being too crowded and not enough space provided for users.
- Concerns about so many restrictions to enhancing streetscapes
- Feedback that roadside cafes and outdoor facilities should stay as it is now
- Concern about businesses not following the rules now and not being enforced

Feedback relating to balancing the needs of businesses and the broader community

- Footpaths needing to be prioritised for space and access for pedestrians
- That chairs and tables narrow the footpath making it difficult for people to walk past
- Suggestion to use car parking spots for outdoor trading instead

Mobile trading feedback themes

- Generally mixed feedback with concerns raised about the detrimental impact to existing local businesses and supportive comments provided it is done safely
- Some strong negative feedback around potential impact on neighbouring fixed businesses. Policy was updated to clarify business impact considerations for permit application considerations, giving Council the ability to prohibit/restrict areas for mobile trading

Semi-fixed furniture proposal (in ground socket and sleeve systems)

- Mostly supportive provided they are safe and not at a cost to the rate payer
- One comment about concerns that fixed furniture may limit access for people getting in and out of vehicles

Other feedback

- Need for clear footpaths and not taking space for pedestrians
- Support for hospitality businesses to expand their footpath trading
- Need to consider aesthetics to enhance attractiveness of towns
- Concerns for over-regulation

Collaboration

Attachment 1 was benchmarked against other Council's policies, including City of Greater Bendigo, Melton City Council and City of Ballart.

Innovation and continuous improvement

As a part of the review feedback was sought from internal and external stakeholders and attachment 1 was benchmarked against other Council's policies.

Relevant law

Local Government Act 1989 (Victoria)

Local Government Act 2020 (Victoria)

Macedon Ranges Shire Council General Purposes and Amenity Local Law No 10 of 2013
(and subsequent Local Laws made by Council)

Liquor Control Reform Act 1998 (Victoria)

Road Management Act 2004 (Victoria)

Road Safety Act 1986 (Victoria)

Disability Discrimination Act 1992 (Commonwealth)

Equal Opportunity Act 2010 (Victoria)

Tobacco Act 1987 (Victoria)

Food Act 1984 (Victoria)

Macedon Ranges Planning Scheme

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

Specifically, it is recommended that:

The Roadside and Footpath Trading policy:

- Ensures there are specific safety/accessibility statements within the policy where applicable.
- Provides clear requirements that are enforceable for all businesses to ensure safe and accessible footpaths are for all to use, and which are not negatively impacted by roadside and footpath trading.

- Requires footpaths to be clear of trading related furniture items once the business closes, which helps create safer streetscapes after dark.
- Enables safe and responsible roadside and footpath trading, creating vibrant streetscapes for all to enjoy.
- Is applied equitably to all businesses who use Council land and roads for trading activities

This recommendation will deliver safe and accessible access to Council roadsides and footpaths for both businesses and users of all ages, genders and abilities and has been incorporated into the policy being considered

Relevant regional, state and national plans and policies

None applicable

Relevant Council plans and policies

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

Smoke Free Outdoor Areas Policy 2017

Economic Development Strategy 2021 – 2031

Municipal Public Health and Wellbeing Plan 2021 – 2025

Financial viability

As the implementation of attachment 1 is a function of the Local Laws Team there is no additional financial impact to this policy

Sustainability implications

None Applicable

Officer declaration of conflicts of interest

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

12 CHIEF EXECUTIVE OFFICER REPORTS

Nil

13 DIRECTOR CORPORATE REPORTS

COR.1	GOVERNANCE RULES
Officer:	Patricia Clive, Coordinator Governance
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	<ol style="list-style-type: none"> 1. Draft Governance Rules and Election Period Policy December 2022 FINAL clean (under separate cover) 2. Draft Governance Rules and Election Period Policy December 2022 tracked changes (under separate cover)

Summary

This report is seeking Council approval of the proposed draft Governance Rules in **Attachment 1**.

Recommendation

That Council adopts the proposed draft Governance Rules in Attachment 1.

Background

Council adopted its first Governance Rules in August 2020 as required by the *Local Government Act 2020* (the Act). The objective of the Governance Rules is to provide guidance to Councillors and Council staff for managing the efficient and effective conduct of Council meetings and decision-making. Council commenced a review of the Governance Rules, after eighteen months of operation, to identify and address:

- omissions and conflicts within the existing rules;
- ambiguity in Governance Rules regarding processes and procedures;
- rules not consistent with the Act; and
- opportunities to improve function, clarity of language, format and style.

When amending its Governance Rules Council is required to consult with the community. Two community engagement processes have been undertaken in the preparation of the draft Governance Rules—April 2022 and Oct 2022. One submission was received as a result of the April community engagement process. Feedback from this submission was, where appropriate, incorporated into the draft Governance Rules circulated for the October community engagement process. No submissions were received as part of this community engagement process.

Discussion

The Governance Rules provide the framework for efficient and effective Council meetings and as such need to be easily understood by Councillors, Council staff and the community. An overview of the proposed key changes to the Governance Rules in **Attachment 1** is provided below.

Key general changes include:

- (1) Restructuring the Rules to reflect the elements of a Council meeting—preparation, procedures, conduct and record keeping—allowing the reader to follow the natural flow of the meeting process through the document. The restructure has not been tracked in draft Governance Rules (tracked changes) at **Attachment 2**.
- (2) Location of similar rules together and the removal of rules that do not apply to meeting processes has reduced duplication and the potential inconsistency between Rules.
- (3) Separation of Council and delegated committee meetings to assist with understanding which Rules apply to these meetings. A new Part has been included for delegated committee meetings and references to Chair and members of delegated committee have been removed from Rules in the other Parts.
- (4) Establishing new Parts for both conflict of interest requirements for meetings under the auspice of a Council meeting, and conflict of interest requirements for Council staff. The conflict for interest requirements for Councillors is included in the meeting procedures Part.
- (5) Updating of the Definitions and common terms to ensure common understanding of terms used in the Governance Rules.
- (6) Standardised numbering and referencing have been applied.
- (7) Removal of supporting procedural templates from the Governance Rules to enable improvements and amendments to these documents without further amendment of the Rules.

The key content changes include:

- (1) Outlining the roles of participants in a Council meeting, i.e. Mayor, Deputy Mayor, Councillors, Chief Executive Officer and community members, to establish a common understanding to roles in the meeting.
- (2) Clarifying the process for the election of the Mayor, including scheduling the meeting, nominating candidates, managing voting to achieve an absolute majority to determine the Mayor, determining the office of the Deputy Mayor and establishing a process for appointing and Acting Mayor, if required. The Rules confirm that a lot may be used to determine which candidate with equal fewest votes is defeated.
- (3) Clarifying what constitutes urgent business and the process for Councillors to raise urgent business with the Chief Executive Officer.
- (4) Clarifying processes for notices of motion, notices of rescission and notices of amendment, specifically tightening the timeframe for submitting a notice of rescission or a notice of amendment to ensure Council resolutions are implemented in a timely manner, without undue concern that the decision may be changed.
- (5) Clearly outlining processes for conducting debate including moving a motion, moving amendments and the right of reply. This clarifies that a Councillor moving an amendment does not have a right of reply during the debate on the amendment. However, the original mover of a motion, regardless of the number of amendments considered, retains the right of reply.
- (6) Providing clarity that a point of order must identify a procedural error, an error in fact, misrepresentation of facts or lacks relevance to the debate. Points of order are not part of the debate.
- (7) Making it clear that a point of clarification may be raised to aid understanding of a matter, points of debate or stage of debate. The points of clarification cannot be used to further debate or disrupt the meeting.

- (8) Outlining a process for Council Officers to introduce a report by describing the key details or clarifying the office recommendation.
- (9) Clarifying the requirements for a petition to ensure that all petitioners are clear on the request to Council and that the action is within the remit of Council.
- (10) Establishing a process for community members to make a submission to Council on a matter not subject to a legislative process or review by a delegated committee.
- (11) Clarifying when the Mayor can participate in debate without vacating the chair.
- (12) Providing for the Chief Executive Officer to correct typographical errors or omissions in a Council Report without a resolution of Council to amend without changing the intent of the resolution.
- (13) Updating the legislative references in the Election Period Policy to the Local Government Act 2020.

Consultation and engagement

The community were engaged on proposed changes to the Governance Rules in April 2022. The suggestions from the submission received were considered in the development of the proposed draft Governance Rules subject to a second round of community engagement in October 2022. No further submissions were received.

Collaboration

The review process has included discussions with Councillors, Council staff and governance experts, and an analysis of best practice in Governance Rules across the sector. The proposed draft Governance Rules in Attachment 1 have been reviewed by legal experts to ensure compliance with legislative requirements.

Innovation and continuous improvement

Council has the flexibility to develop meeting processes and procedures that comply with the legislative requirements established in the Act. A review of the initial Governance Rules adopted in 2020 provides an opportunity to improve the applicability and effectiveness of the Rules for Council meetings. During the review process, Governance Rules from across the local government sector have been examined for innovative approaches and best practice.

Relevant law

The draft Governance Rules have been prepared consistent with the Local Government Act 2020, specifically section 60 and 69. Section 60(4) requires Council to engage with the community when amending its Governance Rules.

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The amendments proposed in the draft Governance Rules provide flexibility for participation in Council decision-making and may assist participation of women in the decision-making processes, including Council meetings, delegated committee meetings, petitions and public submissions. Livestreaming, in particular, allows women to participate in Council meetings without having to make arrangements to attend the Chamber in person, which may clash with caring or other responsibilities, and tends to impact women more than men.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of Human Rights and Responsibilities Act 2006. These amendments will provide flexibility for people to participate in public life in accordance with section 18 of the Charter.

Relevant regional, state and national plans and policies

There are no specific plans and policies relevant to the amendments in the Governance Rules.

Relevant Council plans and policies

The proposed amendments ensure the Macedon Ranges Shire Council Governance Rules comply with the legislative requirements and enable Council and committee meetings be conducted efficiently and effectively.

Financial viability

The proposed changes to the Governance Rules have no additional financial implications for Council and will be met within existing budgets.

Sustainability implications

The amendments to the Governance Rules enable ongoing participation in the decision-making process of Council.

Officer declaration of conflicts of interest

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

COR.2	AUDIT AND RISK COMMITTEE BIENNIAL REPORT - DECEMBER 2022
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Audit and Risk Committee Biannual Report to Council ↓

Summary

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee (the Committee) meetings for the second half of 2022.

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

The Audit and Risk Committee Biannual Report - December 2022 is attached and the Committee's Chairperson, Mr Peter Matthews, will attend the Council Meeting to present Council on the report.

Recommendation

That Council notes the Audit and Risk Committee Biannual Report - December 2022 and thanks the Committee for the report.

1.

Background

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

Discussion

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

The report provides a summary of the work performed by the Committee during quarters 1 and 2 of the 2022/23 financial year. The summary is as follows:

External Audit

- Financial Statements 2021/22
- Performance Statement 2021/22
- 2021/22 Audit Closing Report
- 2021/22 Audit Management Letter
- External Audit Reports and regular update from the Victorian Auditor-General's Offices which included the following:
 - VAGO Annual Work Plan
 - Financial Audit matters for 2021-22

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

Internal Audit

- Review of IT Governance
- Review of Communications (with specific focus on the public/community)
- Review of Aquatic and Leisure Centres
- Review of Professional Advice Practice and Controls (field work)
- Confirmed Internal Audit Program for the remainder of 2022/23 and 2023/24

Other

- Financial Reports for the period were presented
- Risk Management briefings and management report were provided
- Reimbursement of Expenditure for Councillor and Delegated Committees
- Council Responses to Local Government Reports and Publications
- Council Fraud Control Report
- Council Compliance Report
- Information Services Update
- Assessments of the performance of internal and external audit, and a self-assessment of the Audit and Risk Committee's performance
- Council Procurement Report
- Council Customer Service Report
- Council Climate Change Risk Assessment
- Council Policy review including:
 - Council Investment Policy – August 2022 meeting
 - Council Occupational Health and Safety Policy – October 2022 meeting
 - Child Safe Standards Policy – October 2022 meeting
 - Governance Rules – November 2022 meeting
 - Customer Service Charter – November 2022 meeting
 - Employee Code of Conduct – November 2022 meeting

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

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

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

Relevant law

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

Relevant law

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

Relevant regional, state and national plans and policies

Not applicable to this report.

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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



Audit and Risk Committee

Biannual Report December 2022

MACEDON RANGES SHIRE COUNCIL

Audit and Risk Committee

Biannual Report December 2022

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

Peter Matthews
Chairperson
Audit and Risk Committee
30 November 2022

1. Introduction

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

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

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

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

- Wednesday 17 August
- Wednesday 5 October
- Wednesday 30 November

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

The Committee members through July 2022 to December 2022 were:

- Professor Peter Matthews, Independent Member and Chairperson (Appointed 2018 until 2024)
- Ms Magdalena Williams, Independent Member (Appointed 2021 to 2023)
- Ms Vinitha Pinto, Independent Member (Appointed 2021 to 2022)
- Mr Jonathan Kyvelidis, Independent Member (Appointed 2021 to 2024)
- Cr. Geoff Neil, Councillor Delegate from 25 November 2020 to 30 November 2022
- Cr. Mark Ridgeway, Councillor Delegate from 25 November 2020 to 30 November 2022
- Cr. Jennifer Anderson, substitute Councillor Delegate from 17 August 2022 to 30 November 2022
- Cr. Janet Pearce, substitute Councillor Delegate from 17 August 2022 to 30 November 2022

At the November 2022 meeting, the Committee made the following recommendations for Council consideration:

- the continued appointment Professor Peter Matthews as Chairperson of the committee for 2023
- the extension of the appointment of Independent Member, Ms Vinitha Pinto for a further three

years to 2025

The Committee agreed to set the meeting dates for 2023 as follows:

- Wednesday 1 March 2023
- Wednesday 7 June 2023
- Wednesday 6 September 2023
- Wednesday 20 September 2023
- Wednesday 6 December 2023

2. Internal Audit

The Internal Auditor is a Consultant to Council. HLB Mann Judd were appointed the internal auditors in 2019 and are fulfilling the role of the internal auditor for the 2021-22 financial year. Mr Mark Holloway is the Audit Partner.

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

2.1 Internal Audit Reports

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

The following reports was presented to the Committee in the second half of 2022:

- IT Governance – presented at the 17 August 2022 meeting
- Communication – presented at the 5 October 2022 meeting
- Aquatic and Leisure Centres – presented at the 30 November 2022 meeting

The following internal audits were in progress during the remainder of 2022:

- Professional Advice Practices and Controls
- Review of Procurement (Open Space & Recreation, Depot & Facility Management)

2.2 Council Progress on Internal Audit Action Items

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

2.3 Performance Assessment of Internal Audit

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

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

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

3. External Audit

3.1 Financial Statements

The Victorian Auditor-General's Office (VAGO) undertook the financial audit for the year ended 30 June 2022. VAGO were represented at relevant Committee meetings by Travis Derricott and Yvonne Liu.

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

The Committee reviewed Council's 2021-22 Financial Statements and the content of the VAGO Closing Report, and recommended they proceed to Council for endorsement.

3.2 Performance Statement

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

The Committee reviewed Council's 2021-22 Performance Statement and recommended they proceed to Council for endorsement.

3.3 External Audit Report

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

- VAGO Annual Work Plan
- Financial Audit matters for 2021-22
- Current or planned Performance Audits undertaken by VAGO
- Parliamentary Reports tabled by VAGO
- Operations undertaken by the Independent Broad-based Anti-corruption Commission
- Local Government Reports
- Active governance matters across Victorian Municipal Councils
- Performance Audits within local government sector undertaken by other Australian audit offices

3.4 Performance Assessment of External Audit

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

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

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

4. Summary of Work Performed

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

4.1 Financial Reports

The quarterly financial reports for the period 1 April to 30 June 2022, and 1 July to 30 September 2022, were presented to the Committee at the meetings of August and November respectively.

4.2 Risk Management

From the August meeting, the Committee received regular briefings from the Chief Executive Officer addressing key highlights and emerging risks that had impacted Council since the preceding Committee meeting.

Council's Risk Management Report provided the Committee with an update on Council's risk management practices including strategic and operational matters, Business Continuity Planning and Insurance Claims. Council's Strategic Risk Register was tabled at the Committee meeting of November 2022.

The Committee reviewed the terms of reference of Council's Risk Management Committee (RMC) and the minutes of each RMC meeting were included as an attachment to the Risk Management Report.

4.3 Reimbursement of Expenditure for Councillors and Delegated Committees

Under S40 (2) of the *Local Government Act 2020* the Audit and Risk Committee must be provided with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a report on this expenditure at the August, October and November meetings.

4.4 Council Response to Local Government Reports and Publications

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

- The Inspector General's Report into the 2019-20 Bushfires - August 2022 meeting
- Fraud Control over Local Government Grants - August 2022 meeting
- Offsetting Native Vegetation Loss on Private Land - October 2022 meeting

4.5 Council Fraud Control Report

At the August and November 2022 meetings, the Committee was briefed on Council's Fraud Control Report. The report confirmed that Council had no suspected instances of fraud to report.

4.6 Council Compliance Report

At the August and November 2022 meetings, the Committee was briefed on Council's compliance with the statutory obligations as at 30 June 2022 and 30 September 2022 respectively. The report provided the Committee with the assurance that Council is complying with the statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020*.

4.7 Information Services Update

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

4.8 Council Procurement Report

At the meeting of October 2022, the Committee was briefed on Council's system, controls and

internal reporting that safeguards Council's procurement function.

4.9 Council Customer Service Report

At the meeting of October 2022, the Committee was provided with an update on the continuous improvement activities Council was undertaking within customer service.

4.10 Council Policy

The Committee reviewed changes made to the following Council policy documents:

- Council Investment Policy – August 2022 meeting
- Council Occupational Health and Safety Policy – October 2022 meeting
- Child Safe Standards Policy – October 2022 meeting
- Governance Rules – November 2022 meeting
- Employee Code of Conduct – November 2022 meeting
- Customer Service Charter – November 2022 meeting

4.11 Review of Audit and Risk Committee Charter and Forward Work Plan

At the November 2022 meeting, the Committee reviewed the Audit and Risk Charter and updated the Charter as follows:

- Overall structure simplified
- Removal of procedural items including member tenure, conduct of additional meetings, and recruitment processes.
- Removed dated references to old practice guides and rescinded legislation.
- Streamlined to remove repetition.
- Included the ability for Council to exercise discretion in appointing independent members other than those who are residents, property owners or business operators within the Shire.
- Made explicit the ability for the appointment of 'alternates' for Councillor delegates.
- Reworded the responsibilities of the Risk Management section to align with the developing risk management framework practices.

The forward work-plan, indicating the schedule of meetings, and the reports to be included in the standing agenda, were also discussed.

5. Self-Assessment of Committee Performance

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

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

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

The Committee has moderated the members responses to the self-assessment and agreed the responses of the survey whilst noting that the survey was completed by members at varying times (either before or after reading the papers for the November meeting). There was disparity in the range of responses to some of the questions, although generally the Committee was satisfied, with some identified areas for further improvement.

COR.3	AUDIT AND RISK COMMITTEE - APPOINTMENT OF CHAIR FOR 2023, EXTENSION OF INDEPENDENT MEMBER AND ADOPTION OF AUDIT AND RISK COMMITTEE CHARTER
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Audit and Risk Committee Charter ↓

Summary

The Audit and Risk Committee comprises two Councillors and four independent members from the Macedon Ranges Shire community. This report seeks for Council to consider an extension of an existing independent member and the appointment of Chairperson for 2023.

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

Recommendation

That Council:

- 1. Offers an extension to the appointment of independent member Vinitha Pinto for the period 1 January 2023 to 31 December 2025;**
- 2. Endorses the appointment of independent member, Professor Peter Matthews as Audit and Risk Committee Chairperson from 1 January 2023 to 31 December 2023; and**
- 3. Approves the attached updated Audit and Risk Committee Charter, to be effective from 15 December 2022, replacing the previous Charter.**

Background

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

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

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

Discussion

Extension of Independent Member – Vinithia Pinto

Following the resignation of an independent member in October 2022, Council undertook an Expression of Interest (EOI) process and resolved at its November 2021 meeting to appoint s Vinitha Pinto as an independent member to ARC as follows:

Position	Member	Revised commencement term	Position due to expire (single year term, replacement)
Position 1	<u>Vinithia Pinto</u>	1/12/2021	31/12/2022

At the recommendation of the Committee, an extension has been offered for a period of three years, aligning the composition of the Committee as follows:

Position	Member	Revised commencement term	Position due to expire (three-year term)	Proposed Changes
Position 1	Vinithia Pinto	1/12/2021	31/12/2025	Includes proposed extension of further three-year period
Position 2	Peter Matthews	1/01/2022	31/12/2024	No change
Position 3	Maggie Williams	1/02/2021	31/12/2023	No Change
Position 4	Jonathon Kyvelidis	1/12/2021	31/12/2024	No Change

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

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

At the Audit and Risk Committee Meeting on 30 November 2022, the Committee recommended Professor Peter Matthews to continue as Chair for the period 1 January 2023 to 31 December 2023. The Committee now seeks Council’s endorsement of this recommendation to proceed.

Amendment to the Audit and Risk Committee Charter

The Audit and Risk Committee Charter has been updated to reflect changes previously resolved by Council, including increases to the numbers of independent members. The charter specifies that the Audit and Risk Committee be comprised of six members – two Councillors and four independent persons.

Further changes to the Charter have been made to streamline the contents, remove procedural elements (which will now form part of a complementary procedure), remove duplication and enable for more flexibility in appointing or retaining members, including the ability for discretion of Council to appoint independent members from sources other than residents, business operators or property owners within the Shire.

The updated Charter is included at Attachment 1.

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

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

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

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

Relevant law

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

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

Relevant regional, state and national plans and policies

The Audit and Risk Committee Charter has been prepared

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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



DRAFT Audit and Risk Committee Charter November 2022



Contents

- Approval 1
- 1. Purpose 2
- 2. Authority..... 2
- 3. Objectives 2
- 4. Composition..... 3
- 5. Meetings 3
- Secretariat..... 4
- 6. Responsibilities 4
- Risk Management..... 4
- Fraud and corruption 4
- Reporting 4
- Internal audit..... 5
- External audit..... 5
- Compliance..... 5
- Other 6
- 7. Professional Conduct..... 6
- Misuse of Position..... 6
- Confidential Information 6
- Conflict of Interest..... 6
- Professional Conduct Definitions 7

Approval

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

1. Purpose

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

2. Authority

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

The Committee has authority to:

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

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

3. Objectives

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

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

The objectives of the Committee are to oversee:

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

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

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

4. Composition

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

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

5. Meetings

- a) The Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- b) Additional meetings may be called by the Chair of the Committee, or at the request of the Mayor or Chief Executive Officer.
- c) The Committee meetings are closed to the public.
- d) All Councillors are invited to attend each Committee meeting, and should advise the Chairperson of their intent to attend a meeting.
- e) All Committee members are expected to attend each meeting. Attendance can be in person, via teleconference or video conference.
- f) A quorum of any meeting will be at least two independent members and at least one Councillor.
- g) The Chief Executive Officer will facilitate the meetings of the Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide pertinent information, as necessary.
- h) The Committee will develop a forward meeting schedule that includes the dates, location, and content of the annual work program for each meeting for the forthcoming year, that cover all the functions and responsibilities outlined in this charter.
- i) Meeting agendas will be prepared and provided at least five working days in advance to members, along with appropriate briefing materials.
- j) Minutes will be taken at each meeting and circulated to the Chair for review within 14 days of the meeting. Approved minutes will be distributed to the Committee for confirmation at the subsequent meeting.

Secretariat

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

6. Responsibilities

The Committee will carry out the following functions and responsibilities:

Risk Management

To obtain reasonable assurance with respect to risk management practices, the Audit Committee will:

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

Fraud and corruption

To obtain reasonable assurance with respect to procedures for the prevention and detection of fraud, and corruption the Audit Committee will:

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

Reporting

- Monitor Council’s financial and performance reporting at regular intervals.
- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgemental areas, and recent accounting, professional and regulatory pronouncements, and legislative changes, and understand their effect on the financial report.
- Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council’s financial performance and position
- Recommend the adoption of the Annual Financial Statements and Annual Performance Statement to Council.
- Understand strategies, assumptions and estimates that management has made in preparing financial statements, budgets, and investment plans.
- Receive details of all reimbursements of expenses of Councillors and members of a delegated

committee.

Internal audit

To obtain reasonable assurance with respect to work of the internal audit providers, the audit committee will:

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

External audit

To obtain reasonable assurance with respect to work of the external assurance providers, the audit committee will:

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

Compliance

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

Other

In addition, the Committee will:

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

7. Professional Conduct

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

Misuse of Position

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

Confidential Information

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

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

Conflict of Interest

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

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

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

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

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

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

Professional Conduct Definitions

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

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

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

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

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

COR.4	CONTRACTS TO BE AWARDED AS AT DECEMBER 2022
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

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

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

Recommendation

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2023-22 Supply Panel Signage – Design, Manufacture and Installation**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2023-27 Road Reconstruction and Footpath Construction Gisborne**

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 proposed contracts, which are being advertised and also indicates whether or not delegated authority to award the contract exists.

C2023-22 Supply Panel Signage – Design, Manufacture and Installation

This contract is for the appointment of several suppliers to a panel for the design, manufacture and installation of signage as required for various locations in the Shire. This contract replaces the existing contract which expires on the 23 March 2023. This is a three (3) year agreement with an option to extend for a further two (2) years.

The CEO has delegated authority to award this contract.

C2023-27 Road Reconstruction and Footpath Construction Gisborne

This contract is for three (3) separate portions. Portion A is for the reconstruction of Sheedy Road Gisborne, Portion B is for the construction of footpath in Bloomfield Road Gisborne and Portion C is for the reconstruction of Fersfield Road Gisborne.

This contract may be awarded to one or multiple contractors and tenderers are invited to price all or just a portion of the tender. The works are to commence in January 2023.

The potential contract may exceed the \$1 million financial delegation of the CEO.

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

Relevant Law

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

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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

14 DIRECTOR COMMUNITY REPORTS

COM.1	CUSTOMER SERVICE CHARTER REVIEW
Officer:	Wendy Le Brocq, Coordinator Customer Service
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Customer Service Charter - 2022 ↓

Summary

The Customer Service Charter (the Charter) was last reviewed and adopted by Council in 2019, and was due for review in November 2022. The Charter guides Council officer's interaction with the community, and is an expression of Council's commitment to providing a high standard of service and ensuring consistency and sustainability in service delivery.

Recommendation**That Council:**

- 1. Endorses the draft Customer Service Charter to be released for community consultation; and**
- 2. Notes that a final Customer Service Charter will be presented to Council for consideration at a scheduled meeting in April 2023.**

Background

Council has a range of policy documents that relate to its operations and how it responds to issues. Such documents assist officers to deal with issues in a consistent manner and provide certainty to people and groups who deal with us.

The Charter is one such policy, and establishes the fundamental service standards that the community can expect when dealing with Council. It also clearly states our expectations of the customer.

The purpose of the Charter is to explain how we provide and maintain a high standard of customer service and to define:

- processes that promote open, responsive and transparent customer service
- timeframes for responding to phone calls, emails, social media enquiries, requests for service and complaints
- what can be reasonably expected from Council staff and what Council reasonably expects of customers
- how Council will manage requests for service consistently
- that we will record and analyse service request data to identify trends and opportunities where we can improve our services
- how we will respond to requests which are the responsibility of other agencies
- that we will protect customer privacy when they contact Council
- the methods of communication we will use to respond to our customers

- the reporting regime that we will use to inform Council of our performance

Discussion

The Customer Service Charter was distributed internally for feedback, to guide the drafting of the updated document (**Attachment 1**).

Officers have proposed a range of changes, including:

- acknowledging contact from a customer to Council within three working days (bringing the Charter into alignment with Council's adopted Complaints Policy);
- updating and expanding the definitions table to provide greater clarity regarding the meaning of complaint, customer, staff, feedback, request for service, services, acknowledgement and resolution;
- an additional commitment and re-ordering of Council's commitments from most to least important for the customer;
- responses be prioritised depending upon the urgency;
- flexibility in relation to the outgoing contact method – where possible the customer is asked their preferred contact method, otherwise it's at the officer's discretion to select the method which best suits the nature of the request;
- complex matters that may not be fully resolved within 28 days be communicated at least once per month;
- support of third party app, Snap Send Solve; and
- strengthening expectations of customer behaviour and conduct to ensure Council provides a safe, welcoming, professional and appropriate environment for staff and customers alike; to promote positive interactions and outcomes.

The updated Charter will guide Council staff in achieving the standards of customer service we aspire to, through interaction with customers.

Consultation and engagement

Internal consultation has been undertaken in the preparation of this document, with the draft distributed throughout the organisation. Lunch-box sessions held at Kyneton and Gisborne Administration Centres, and Council's Operations Centre in Woodend, engaged staff in discussion and the provision of feedback to support the development of the updated Charter.

Community consultation on the endorsed draft Charter is proposed to be undertaken in February 2023 for a period of four weeks.

Collaboration

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

Innovation and continuous improvement

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

In preparing this updated draft Charter document, officers undertook a desktop review of other council's Customer Service Charter documents, and additionally researched relevant information and resources. This includes documents prepared by the Ombudsman to guide complaints handling.

Relevant law

In the preparation of the draft updated Charter, consideration has been given to relevant state and commonwealth legislation, as is listed within **Attachment 1**.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not undertaken in relation to the subject matter of this report given that it does not favour or exclude any gender. The Charter discusses how officers will engage with all customers in a fair and consistent way.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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



DRAFT Customer Service Charter



Date of Adoption	April 2023 (pending Council approval)		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Coordinator Customer Service		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 3 years	<input type="checkbox"/> Other (<i>please specify</i>)
Last Endorsement Date	27 November 2019		
Next Endorsement Date	April 2026 (pending Council approval)		

Acknowledgement of Country

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

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

Contents

Acknowledgement of Country	1
Introduction	3
Purpose	3
Scope	3
Definitions	3
Commitment	4
Our service standards	5
How to contact us	6
Other ways you can contact us	7
Contacting Councillors	7
What you can expect from us	7
What we expect of you	8
What we will not tolerate	8
If you have feedback, we encourage you to inform us	9
Making a complaint	9
Requests which are the responsibility of other agencies	9
Reporting	9
Privacy	9
References	9
Related policies	9
Related legislation	10
Other references	10

Introduction

Macedon Ranges Shire Council (Council) is committed to providing excellent and consistent customer service. We welcome your compliments, complaints and feedback regarding any Council service, program or policy/plan/strategy, because we understand that customer service is improved through customer feedback and review.

Purpose

The purpose of the Customer Service Charter (the Charter) is to explain how we provide and maintain a high standard of customer service and to define:

- processes that promote open, responsive, accessible and transparent customer service
- timeframes for responding to phone calls, emails, social media enquiries, requests for service and complaints
- what you can reasonably expect from Council officers and what we reasonably expect of you
- how we will manage requests for service consistently
- how we will record and analyse service request data to identify trends and opportunities where we can improve our services
- how we will respond to requests which are the responsibility of other agencies
- how we will protect your privacy when you contact Council.

Scope

This policy applies to all staff, including volunteers and third party contractors carrying out services on Council's behalf.

Definitions

Term	Definition
Acknowledgement	Contact made with a customer by staff, to confirm that their enquiry, request for service, feedback or complaint has been received, and (where relevant) indicate when a resolution can be expected.
Compliment	An expression of satisfaction with the quality of action taken or service provided by Council or its contractor.
Complaint	A communication, whether orally or in writing, to Council by a person of their dissatisfaction with – (a) the quality of an action taken, decision made or service provided by a member of staff or a contractor engaged by Council; or (b) the delay by a member of staff or a contractor engaged by Council in taking an action, making a decision or providing a service; or

	(c) a policy or decision made by Council or a member of staff or a contractor.
Customer	Person(s) of any age, including children and young people, who access or utilise our services, including someone who receives services from Council or communicates with Council in relation to Council services, policies or decisions.
Enquiry	An act of asking for information regarding Council's operations, programs and services.
Feedback	<p>Comments, both positive and negative, about services provided by Council without necessarily requiring a corrective action, change of services or formal review of a decision.</p> <p>Feedback can also be an idea, suggestion or opinion on how Council could improve its services.</p> <p>For the purpose of performance reporting and data analysis, negative feedback about Council will be recorded as a complaint.</p>
Resolution	Where staff provide a customer with an answer or communicate a plan of action in relation to an enquiry, request for service or complaint.
Request for service	Contact with Council to seek assistance, to request access to a service, or to inform/make a report about something for which the Council has responsibility. This may include complaints about matters that Council is responsible for enforcing, where the complaint is not about service provided or a decision made by Council, such as a noise complaint or unsightly property complaint.
Services	Actions that provide assistance to Council's customers such as rubbish removal, kindergarten, footpath maintenance, planning, permits and animal management.
Staff	All employees, contractors and volunteers employed or engaged by Council. Does not include Councillors.
Unreasonable customer conduct	Behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for Council, other service users and/or the customer themselves. This includes behaviour which may be considered frivolous or vexatious in nature.

Commitment

We are committed to:

- providing prompt, friendly, courteous and efficient customer service
- improving our customer service by benchmarking and identifying new technologies to improve accessibility, efficacy, transactional ease and overall customer experience
- using systems which are customer friendly and efficient

- actively seeking your feedback on our services to make sure they meet your needs
- addressing barriers that impact diverse and vulnerable people from accessing services
- creating environments where all people, including children and young people are heard, valued and protected from harm and abuse
- enabling access to information and supporting customers to seek information.

Our service standards

The following standards are used to measure the quality of customer service:

Incoming contact method	Acknowledgement	Response	Resolution	Outgoing contact method
In person	Served within 5 minutes Where relevant staff member is unavailable, an acknowledgement will be provided within 3 working days	Response with details on how the enquiry or request is progressing is provided within 10 working days	Resolution communicated within 28 working days For complex matters where action to be taken will exceed 28 working days, updates will be provided at least once per month	Where possible and appropriate, the customer will be asked what their preferred contact method is for responses If no preference is stated, staff will determine the most appropriate contact method for response, based on the nature of the enquiry and the contact details provided by the customer
Phone call	Call answered within 30 seconds Where relevant staff member is unavailable, an acknowledgement will be provided within 3 working days		Staff will advise as soon as practical if these timeframes cannot be met	
Mail	Acknowledgement from relevant staff member provided or sent within 3 working days of receipt			
Email	Automatic acknowledgement on receipt when email sent to mrsc@mrsc.vic.gov.au or Acknowledgement from relevant staff			

	member provided within 3 working days			
Website form	Acknowledgement from relevant staff member provided within 3 working days			
Social media	<p>Council's social media accounts are monitored during office hours, Monday to Friday. General enquiries are answered within 2 working days. More complex enquiries may take up to 10 working days for an answer to be provided.</p> <p>For privacy reasons, if an enquiry requires the disclosure of personal information, customers are encouraged to contact Council via the methods outlined above. For urgent enquiries or requests for service, customers are encouraged to call Council on 03 5422 0333.</p>			
Third party app or other online service	<ul style="list-style-type: none"> ● Council supports the reporting of issues via the third party app Snap Send Solve. Such reports will be acknowledged to within 3 working days and a resolution communicated within 28 working days. For complex matters where action to be taken will exceed 28 working days, updates will be provided at least once per month ● Council's Governance Rules detail the requirements and processes to be followed in relation to electronic and online petitions. 			
Requests and enquiries subject to statutory requirements	<p>A number of requests and / or enquiries to Council are subject to statutory requirements and timelines, as determined by relevant legislation. The above service standards do not apply to such requests and enquiries, which include but are not limited to:</p> <ul style="list-style-type: none"> ● Planning permit applications ● Freedom of Information requests ● Public interest disclosures ● Infringement appeals 			

While some enquiries and requests will be prioritised according to urgency, all effort will be made to meet these service standards.

How to contact us

In person	<ul style="list-style-type: none"> ● Kyneton Administration Centre 129 Mollison Street, Kyneton ● Gisborne Administration Centre 40 Robertson Street, Gisborne
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	<ul style="list-style-type: none"> ● Romsey Community Hub 96–100 Main Road, Romsey ● Woodend Service Centre Corner High and Forest Streets, Woodend <p>Opening hours are posted at all customer service centres and online at mrsc.vic.gov.au/contact</p>
Telephone (24 hours)	03 5422 0333
Fax	03 5422 3623
Mail	PO Box 151, Kyneton Vic 3444
Email	mrsc@mrsc.vic.gov.au
Website	mrsc.vic.gov.au
National Relay Service	<p>TTY users phone 133 677 then ask for 03 5422 0333</p> <p>Speak and Listen (speech-to-speech relay) users phone 1300 555 727 then ask for 03 5422 0333</p> <p>Internet relay users connect to the NRS (relayservice.com.au) and then ask for 03 5422 0333</p>

Other ways you can contact us

We invite you to:

- Contact relevant staff directly, to discuss specific Council services and projects
- Submit a question to be read and answered at a Council Meeting
- Attend consultative and community forums involving Council
- Participate in processes that will assist us to measure, evaluate and improve our customer service, e.g. surveys.

Contacting Councillors

You are welcome to get in touch with your local Councillors, and can find their contact details listed on Council’s website at mrsc.vic.gov.au/councillors.

Councillors may be able to assist you with how to lodge a request for service, or refer you to the appropriate Council channel for your enquiry.

What you can expect from us

When you contact Council, you will receive consistent and excellent customer service:

- we will carefully listen to what you have to say to ensure we can determine the most appropriate way to address your request

- we will act with integrity and treat you with respect
- we will provide you with clear, accurate and timely information
- we will treat your personal information confidentially
- we will behave in a way that aligns with our values of honesty, accountability, innovation, respect and working together
- we will welcome your feedback on our services, our processes and our people.

What we expect of you

You can help us provide good customer service by:

- being honest and acting with integrity
- being courteous and respectful to our staff
- providing complete and accurate information about your request
- working with us to solve problems
- following Council's Complaints Policy when dissatisfied with our service
- making any accusations of misconduct in line with our Public Interest Disclosure Policy and Procedure.

What we will not tolerate

- Shouting, threatening, undermining, harassing, bullying or intimidating behaviours
- Violence (physical and verbal) or aggression
- Abusive, inappropriate or discriminatory language or words of a derogatory or disparaging nature
- Use of inappropriate language in any form, including emails

Failure to meet these expectations will impact and/or compromise the level of service we are able to provide. It may trigger an internal investigation, and consideration of appropriate action to protect our staff, Councillors, customers and the public.

Council has a duty of care to provide a safe working environment for our staff, customers and the public. As such, unreasonable conduct will not be tolerated.

In some cases, it may be deemed necessary to:

- cease the interaction, including ending phone calls or conversations
- ask you to leave a community forum/ feedback/information session/meeting
- escalate the matter to an appropriate staff member, or other regulatory body
- report inappropriate behaviour
- issue warnings to customers
- restrict contact options for customers
- suspend customers from accessing service centres or Council service facilities

- declare an individual as vexatious
- limit access to staff, including email addresses and phone extensions
- report the matter to Victoria Police.

If you have feedback, we encourage you to inform us

- When you have received excellent customer service
- If you believe we fell short in our service in any aspect, so we have opportunities to improve.

Making a complaint

If you feel that the service we have provided to you has not met the terms of this Customer Service Charter, you may lodge a complaint. Complaints can be submitted via Council's website, email, mail, in person, over the phone, or by contacting a Councillor. For more information, please refer to our Complaints Policy, which outlines the procedures for the quick and effective actioning of complaints.

Requests which are the responsibility of other agencies

If we receive requests that are the responsibility of another agency, we will advise you of the agency and their contact details.

Reporting

We measure our customer service performance regularly. This demonstrates our commitment to reporting on our customer service standards. Data is collated and reported to our Executive Leadership Team monthly, as well as to Council Meetings quarterly.

Privacy

Council is committed to protecting your personal information in accordance with our Privacy Policy.

References

Related policies

- > Bullying Prevention Policy (internal)
- > Child Safety and Wellbeing Code of Conduct
- > Child Safety and Wellbeing Policy
- > Complaints Policy
- > Councillor Code of Conduct
- > Employee Code of Conduct (internal)

- > Early Years Child Safe Environment and Wellbeing Policy (internal)
- > Governance Rules
- > Occupational Health and Safety Policy (internal)
- > Occupational Violence and Aggression Policy (internal)
- > Privacy Policy
- > Public Interest Disclosures Policy
- > Public Transparency Policy
- > Sexual Harassment Policy (internal)
- > Social Media Policy (internal)
- > Working Alone or In Isolation Policy (internal)

Related legislation

- > *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- > *Disability Act 2006 (Vic)*
- > *Disability Discrimination Act 1992 (C'wealth)*
- > *Freedom of Information Act 1982 (Vic),*
- > *Information Privacy Act 2000 (Vic)*
- > *Local Government Act 1989 (Vic)*
- > *Local Government Act 2020 (Vic)*
- > *Occupational Health and Safety Act 2004 (Vic)*
- > *Occupational Health and Safety Regulations 2007 2017 (Vic)*
- > *Privacy and Data Protection Act 2014 (Vic)*
- > *Public Interest Disclosures Act 2012 (Vic)*
- > *Public Records Act 1973 (Vic)*
- > *Sex Discrimination Act 1984 (C'wealth)*

Other references

- > Victorian Ombudsman - Councils and complaints - a good practice guide 2nd edition
- > Child Safe Standards 2022

COM.2	MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2021-2025 AND DISABILITY ACTION PLAN- 2021-2025 - YEAR ONE REPORTS 2021-22
Officer:	Naomi Scrivener, Manager Community Wellbeing
Council Plan relationship:	2. Healthy environment, healthy people 4. Delivering strong and reliable government
Attachments:	1. Municipal Public Health and Wellbeing Plan - Year One Report ↓ 2. Disability Action Plan - Year One Report ↓

Summary

To provide Council with an update on actions undertaken within the first year of the *Municipal Public Health and Wellbeing Plan 2021-2025* and the *Disability Action Plan 2021-2025*.

Recommendation

That Council:

1. **Receives and notes the Disability Action Plan 2021-2025 - year one report (easy English);**
2. **Receives and notes the Municipal Public Health and Wellbeing Plan 2021-2015 – year one report; and**
3. **Confirms that, following the annual review of the Municipal Public Health and Wellbeing Plan 2021-2025, no amendments to the original adopted plan are required.**

Background

At its Scheduled Meeting in October 2021, Council adopted the:

- ***Municipal Public Health and Wellbeing Plan 2021-2025* (MPHWP)**

The MPHWP outlines the role that Council will play in improving the health and wellbeing of Macedon Ranges Shire residents. It supports delivery of Council's Community Vision and meets the requirements in the *Public Health and Wellbeing Act 2008* (PHW Act).

- ***Disability Action Plan 2021-2025* (DAP)**

The DAP says how Council will make access and inclusion better for people with a disability, who live, work or visit the Macedon Ranges. In line with the Victorian State Government Disability Action Plan, the document was written in Easy English. The plan is consistent with the provisions in the *Disability Act 2006*. Note, actions from the DAP are also included in the MPHWP.

Section 26(4) of the Public Health and Wellbeing Act requires Council to conduct an annual review of the MPHWP, and enables amendments, if required. Section 38(5) of the *Disability Act 2006* requires Council to report on the implementation of the DAP. Council also committed within the DAP that '*we will tell you if we have met our goals.*'

Discussion

In line with the above-mentioned requirements, an annual review of both plans has been undertaken and reports compiled.

Municipal Public Health and Wellbeing Plan – year one report (Attachment 1)

This report outlines how Council has implemented the year one actions of the MPHWP. It includes a summary of key achievements and a detailed list of progress on actions. The report also includes highlighted case studies and information about future actions.

Notable achievements over the 2021/22 financial year include the delivery of:

1. **Celebration of seniors across the community**—The celebration of senior's achievements was undertaken in October 2021 during Seniors Week. This saw our local community nominating older people who had contributed to community life and promoted examples of positive ageing through the work that they do through a voluntary capacity across the shire. In total, 30 people were nominated with each receiving a celebration box. The event raised the profile of the positive contribution that older people have in our community. Gerard Mansour Commissioner for Senior Victorians attended the event as keynote speaker.
2. **Cool Changes** - The aim of this project was to create a community-led climate action plan in the Riddells Creek township and surrounding areas. The plan will be used (alongside others created throughout the shire) to guide Council in developing a shire-wide Climate Emergency Response Plan. The project enacts a commitment in Council's Environment Strategy (refreshed 2021). It resulted in the creation of a shared vision for future climate action within the community, and contributed to social cohesion through the relationships developed during the process. An outcome of the project was the production of high-level strategies (such as community-owned renewable energy), as well as small-scale actions (such as a Walking School Bus). The project showed that participating in local climate action is not restricted to 'experts.'
3. **Live4Life** – Council continued to work with Live4Life to support its mission to reduce youth suicide and increase community awareness of mental wellbeing in rural communities. Live4Life aims to build young people's capacity to recognise and seek help for mental health concerns, and build the capacity of the whole community to look after and support their young people. Evaluation found that young people are adopting the key messages of Live4Life. A School and Community Partnership Group member said, *"Mental health is now being taken seriously by young people and now young people know who and where to go, to get support."*

Based on the review of the MPHWP, challenges over the year were identified which created barriers to the achievement of some actions. These predominantly related to the COVID 19 pandemic. These outstanding actions have been included into the Year 2 action plan.

Disability Action Plan – year one report (Attachment 2)

This report (written in Easy English) notes what DAP actions Council undertook from 2021 to 2022, and identifies work that will be undertaken in the second year of the plan.

Notable achievements over the 2021/22 financial year include the delivery of:

1. **AUSLAN key word signs** – two Council funded kindergartens implemented programs in learning key word signs, enabling our kinder participants to learn the need for inclusive language.
2. **Pathways for carers** – Council has implemented the pathways for carers program, which targeted carers of people with a disability or mental illness. Participants engaged

in a supported walk where they were able learn more about news, services and supports available to carers. It provides a platform to link in with other carers creating peer support networks for carers.

3. **Older Persons Mental Health First Aid** – Council facilitated the Older Persons Mental Health First Aid (OPMHFA) training to 20 participants across the shire. This included allied health professionals, support workers and community group representatives. This training is in addition to Council's commitment to the continuation of implanting the Mental Health First Aid program across the community, and raises awareness on how to support people to access mental health services and assistance.

The review of the DAP has identified that COVID has impacted the delivery of some actions, for example the celebration of International Day of People With a Disability was required to be virtual, which limited community interaction.

In 2022/23 financial year, Council has invested in additional resources to support the implementation of the DAP actions, through the employment of an Inclusion Officer part time position.

Consultation and engagement

An engagement process leading to release of the draft documents was conducted from 29 July 2021 to 25 August 2021. Engagement focussed on consulting the wider community, Council staff, health service providers and key local stakeholders. Feedback was incorporated in the final plans to develop measurable actions. The adopted draft MPHWP and DAP were placed on public exhibition from 26 August 2021 to 28 September 2021, and was later formally endorsed by Council.

Further to this, Council is required to continue working in partnership with the Department of Health and Human Services and other agencies undertaking public health initiatives, projects and programs to accomplish the goals identified in the MPHWP.

Collaboration
Collaboration was not required in relation to this report.

Innovation and continuous improvement

The actions identified in Council's endorsed MBHWP are consistent with those set out in the *Victorian Public Health and Wellbeing Outcomes Framework*. The framework reflects the public health and wellbeing priorities, identified by the Victorian Government and the intent of the PHW Act.

The DAP report is presented in Easy English, making it accessible to all.

Relevant law

This annual report for MBHWP is directly relevant to requirements under the PHW Act.

The report for the DAP is directly relevant to requirements under the *Commonwealth Disability Discrimination Act 1992* and the *Victorian Disability Discrimination Act 2006*. The report is indirectly relevant to requirements under the *Charter of Human Rights and Responsibilities Act 2006*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. There are complex intersections between inequalities related to gender, disability and the determinants of health. Both the MPHWP and the DAP contain action items that address gender disparities, for example: developing a gender equality action plan; preventing violence against women; providing

maternal and child health services; supporting carers; preparing a public toilet strategy; and inclusion of trans and gender diverse people. Both reports list progress on these action items during year one.

Relevant regional, state and national plans and policies

The *Victorian Public Health and Wellbeing Plan 2019–2023* is the Victorian Government's vision for the public health and wellbeing of Victorians. Councils must develop their public health and wellbeing plans with due regard to the focus areas in the Victorian Public Health and Wellbeing Plan. The annual reporting on the MPHWP aligns with this strategy.

The DAP aligns with the *Inclusive Victoria – State Disability Plan (2022-2026)*.

Relevant Council plans and policies

The reports document the status of endorsed actions within the respective plans. Both plans are aligned with the Council Plan and Community Vision. Financial viability

The actions delivered and reported on, are aligned with existing endorsed Council strategies and plans, and are achievable within operational budgets.

Sustainability implications

There are no identified 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.

Macedon Ranges Shire Council
**Municipal Public Health and
Wellbeing Plan 2021-2025**
Annual Report - Year 1 (2021-2022)

Acknowledgement of Country

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

Contents

Background

About this report
Our evaluation approach

About our health and wellbeing plan

What the plan does
How we developed the plan
The goals of the plan
Link to other plans

Have we done what we said we would do?

Key achievements
Progress on actions

Are we having the influence we expected?

Celebration Boxes case study
Cool Changes case study
Loddon Mallee Region Move It evaluation
Live4Life evaluation

Future actions

Context analysis
Year 2 action plan

Background

About this report

This annual report summarises how Council has worked in partnership with key stakeholders to implement Year 1 (2021-22) of the Municipal Public Health and Wellbeing Plan 2021-2025 (MPHWP).

Our evaluation approach

Table 1 outlines our evaluation approach for the MPHWP and annual reporting.

	Process	Impact	Outcomes	Context
Evaluation question	Have we done what we said we would do?	Are we having the influence we expected?	Have we achieved the change we sought?	Have there been any significant changes to the context, including: <ul style="list-style-type: none"> • Demographic changes • Emerging health risks • Changes to government priorities • New Council or partner projects • New funding opportunities
Frequency	Annually	Annually	Every four years	Every four years (or ad hoc when changes occur)
Output	Annual report - list progress on MPHWP actions	Annual report - include case studies and ad hoc project evaluations	Annual report - health and wellbeing outcomes dashboard	Annual report - summary of context analysis
Purpose	Inform next year's action plan	Inform next year's action plan	Inform next MPHWP	Inform next year's action plan and/or next MPHWP

Table 1

About our health and wellbeing plan

What the plan does

The MPHWP outlines the role that Council will play in improving the health and wellbeing of Macedon Ranges Shire residents. This plan supports delivery of Council's Community Vision and is consistent with the requirements in the Local Government Act 2020 (the LG Act). The MPHWP is available on Council's website at [mrsc.vic.gov.au/files/assets/public/strategies-amp-plans/municipal-public-health-and-wellbeing-plan-2021-2025.pdf](https://www.mrsc.vic.gov.au/files/assets/public/strategies-amp-plans/municipal-public-health-and-wellbeing-plan-2021-2025.pdf)

How we developed the plan

To develop our MPHWP, we considered:

- the views of external stakeholders, primarily health agencies, community groups and education providers
- input from Council's Health and Wellbeing Advisory Committee
- population data from many sources
- Commonwealth and Victorian Government priorities
- evidence about what works
- our current actions and resources available in each goal area.

The goals of the plan

Our health and wellbeing goals for 2021–25 are:

Our community is inclusive and celebrates diversity

1. A community where people are understood, respected and supported, and people are confident that they can contribute to community life

Our community is safe and healthy

2. An environment that supports people to eat well and be physically active
3. A community that is safe and free from violence
4. A community that strives to reduce harm resulting from gambling, tobacco, alcohol and other drugs
5. An environment that reduces potential public health risk to our people

Our community is adaptable and resilient

6. A community that is committed to tackling the climate emergency and its impacts on health
7. A community that effectively prepares for, responds to and recovers from emergency events (including COVID-19).

Link to other plans

Health is everyone's business. Many actions in the MPHWP are the responsibilities of multiple areas of Council and, also involve working with partner agencies. This report identifies where the MPHWP overlaps with similar goals in the Council Plan 2021-2031 and the Disability Action Plan 2021-2025.

Have we done what we said we would do?

Key achievements in Year 1

Table 2 summarises our key achievements in Year 1 of the MPHWP.

Our community is inclusive and celebrates diversity	Our community is safe and healthy	Our community is adaptable and resilient
<ul style="list-style-type: none"> Older Person Mental Health First Aid sessions delivered 	<ul style="list-style-type: none"> Contract executed for stage 1 of the Macedon Ranges Regional Sports Precinct 	<ul style="list-style-type: none"> Cool Change Program completed in Romsey and Lancefield, and underway in Riddells Creek and Gisborne
<ul style="list-style-type: none"> Live4Life program delivered in secondary schools 	<ul style="list-style-type: none"> Design and construction contract awarded for the Macedon Ranges Shared Trails project 	<ul style="list-style-type: none"> Provided a significant package of support measures to the community and local businesses to assist recovery from the COVID-19 pandemic
<ul style="list-style-type: none"> Group established to advocate for a youth mental health service in the shire 	<ul style="list-style-type: none"> Consultation phase completed for the Open Space Strategy 	
<ul style="list-style-type: none"> Consultation phase completed for the Village Connect Project for older people 	<ul style="list-style-type: none"> Evaluation completed for the Loddon Mallee Move It (LMMI) program. LMMI won the Victorian 2022 LGPro Active Ageing and Wellbeing Award 	
<ul style="list-style-type: none"> Council signed the EveryAGE Counts pledge to address ageism 	<ul style="list-style-type: none"> Gender Equality Action Plan 2022 adopted and Year 1 actions commenced 	
<ul style="list-style-type: none"> Council grant funding provided to initiatives that emphasise inclusiveness 	<ul style="list-style-type: none"> Participated in the United Nations 16 Days of Activism for No Violence Against Women and Children Campaign 	
<ul style="list-style-type: none"> Additional funding provided to six Neighbourhood Houses 	<ul style="list-style-type: none"> Workshop held to discuss the draft Loddon Mallee Housing Revitalisation Strategy 	
<ul style="list-style-type: none"> Indigenous Coil Weaving course and exhibition delivered for NAIDOC week 	<ul style="list-style-type: none"> Participated in the Local Government Working Group on Gambling 	

Table 2

Progress on actions in Year 1

Table 3 reports our progress during year one of the MPHWP by detailing:

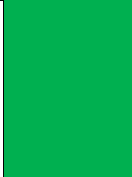
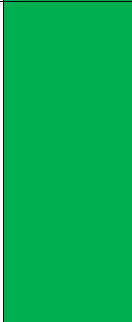
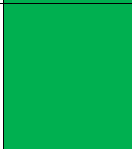
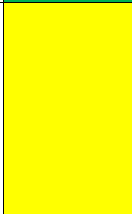

- **Actions** – outlines what we said we would do, including capacity building actions and partner projects
- **Links to other plans** – identifies whether the action overlaps with the Council Plan and/or Disability Action Plan
- **Status** – provides details about achievements and notes any actions that are delayed, including the reasons why
- **Completion level** – colour coding that identifies whether the action has been completed

Green	Completed
Yellow	Commenced and on track
Orange	Commenced but delayed
Red	Not yet commenced

Cells shaded in light pink require further information

TABLE 3: MPHWP - PROGRESS ON YEAR ONE ACTIONS (2021-2022)

HEALTH AND WELLBEING PLAN ACTIONS	LINK TO COUNCIL PLAN	LINK TO DISABILITY ACTION PLAN	DISABILITY ACTION PLAN ACTIONS	STATUS	COMPLETION LEVEL
Our community is inclusive and celebrates diversity					
Goal 1: A community where people are understood, respected and supported, and people are confident that they can contribute to community life					
Support and promote mental health by continued training of mental health first aid sessions and the Older Person Mental Health First Aid course	✓	✘		Services continue to be delivered.	
Continue delivery of Live4Life in secondary schools and the wider community across the Shire	✓	✘		Program continues to be delivered.	

<p>Develop and deliver a primary school-based mental health and wellbeing model for grade 5 and 6 students across the Shire</p>	<p>✓</p>	<p>✗</p>		<p>There has been continued progress in this project with Tuning into Kids Training scheduled for June. Pilot schools have been selected and progression of pilot will occur in term 3. Community consultation surveys have been developed (school, parent, community) to gather feedback from community.</p>	
<p>Work with commonwealth and state governments to advocate for the establishment of a youth mental health service in the Macedon Ranges Shire</p>	<p>✓</p>	<p>✗</p>		<p>This priority project is progressing. Establishment of an advocacy group has occurred. Membership of this group is led by Council and comprises key organisations and stakeholders that are invested in supporting young people's health and wellbeing in the Macedon Ranges. Moreover, the Advocacy Group includes young people, friends and families as well as health professionals to ensure that lived experiences are captured and appropriately represented in its advocacy activities. The group have finalised a document outlining key challenges within the shire for young people experiencing mental ill health and are developing a preferred model to adopt in Macedon Ranges.</p>	
<p>Continue to increase community awareness and resilience in relation to mental health.</p>	<p>✓</p>	<p>✓</p>	<p>Support families to understand different types of disability and how to get support for children with disability</p>	<p>Council continues to play a key role in this work, specifically in delivery mental health first aid, Live4Life program and support of the Macedon Ranges Suicide Prevention Action Group (MRSPAG).</p>	
<p>Implement a three-year Village Hubs model to give older people the opportunity to connect for social activities and mutual support. Village Hubs aim to improve mental health through the benefits of increased social and community connections</p>	<p>✗</p>	<p>✗</p>		<p>With over 130 responses from individuals, the community consultation phase for the Village Connect project, has now closed. Online and print copy surveys, in person one on one meet and greets forums at local libraries in Romsey, Woodend and Kyneton were some of the mixed engagement styles used. Data collected will guide and shape the direction of the Village Connect project program of events and activities moving forward.</p>	
<p>Provide Commonwealth Home Support Program-funded respite for eligible older residents</p>	<p>✗</p>	<p>✓</p>	<p>Tell carers about things that might help them</p>	<p>The Regional Assessment Service links carers to supports across the shire. This can be in the form of in home or out of home support.</p>	

Deliver annual requirements of membership to the World Health Organization's Global Network of Age Friendly Communities and the Age Friendly Victoria Declaration	x	x		Seniors Festival Celebration Box program, Social Support Individual-Tele/Web program through COVID have been selected for submission to World Health Organisation - these have now been published.	
Continue to monitor the impact of Australian Government aged care reform on Council's role supporting older people, and advocate in the interests of our community	x	x		Officers attended available webinars hosted by the Australian Government to explore the proposed Support at Home Program (SaH), and provided information to Councillors regarding decisions of nearby councils to cease service delivery. Various business processes were implemented to strengthen tracking of services delivered to clients. Timeline for briefing revised, noting establishment of the new Community Directorate and that the SaH program is proposed to come into effect July 2024.	
Become members of the Every Age Counts coalition and take the pledge to address ageism	✓	x		Council took the Every Age Counts collation pledge at their June 2022 meeting. The pledge will now guide work into the new year to support Council to address ageism.	
Continue to support targeted initiatives for young people of diverse backgrounds that enable them to express their identities, such as raising the Rainbow Flag on International Day Against Homophobia, Biphobia, Intersexism and Transphobia	✓	x		All Neighbourhood Houses have provided referral services through their programs, and they all received increased funding for 2021/22.	
Continue to recognise International Day of Persons with Disability	x	✓	Help people to see how people with disability make communities better	International Day Of People With Disability celebrated online due to COVID.	

Direct Council community grant funding to initiatives that emphasise inclusiveness	x	✓	Help people with disability use Council programs and grants. Grants help groups and clubs to get money for projects	Contributions from the Community Funding Scheme were provided to (i) Read Victoria (\$5,300) for a literacy program for adults and children; (ii) Social Foundry (\$6,000) for equipment for their work and life skills program, and (iii) Regional Victorians of Colour (\$6,400) to develop leadership skills for people from a refugee background.	
Provide additional funding for the next 12 months to assist the six Neighbourhood Houses	x	✓	Work with other community groups and clubs to help them to be inclusive	Neighbourhood Houses traditionally receive \$3,680 per annum from Council. In 2021/22 they each received a further contribution of \$3,000. In addition, Woodend, Kyneton and Romsey Neighbourhood Houses received \$2,000 each to deliver Christmas lunches in December 2021.	
Celebrate and participate in National Reconciliation Week by providing opportunities to build and maintain relationships between Aboriginal and Torres Strait Islander Peoples and other Australians	x	x		The endorsement of the Reconciliation Action Plan is supporting partnerships across the organisation to maintain relationships.	
In consultation with Traditional Owner groups, organise at least one internal and external NAIDOC Week event per year	x	x		For NAIDOC Week the external event delivered was a five-week Indigenous Coil Weaving course with the theme 'Heal Country, Heal our Nation', which concluded with a drop-in exhibition of completed works during NAIDOC Week. The workshops took place at the Woodend Community Centre, led by Dja Dja Wurrung artist Aunty Marilyn Nicholls.	
Explore opportunities to extend the Supported Playgroup program and continue to strengthen enhanced maternal and child health to support families and children when additional support is required	✓	✓	Support families or carers of babies with disability to join parent groups and playgroups	The Early Years' Service planner is working with the Child and Family Services alliance and other key stakeholders to consider systems issues which can be a barrier for engagement for families.	
Embed use of communication support tools in kindergartens, including Auslan or Key Word Sign	x	✓	Teach more children Auslan. Auslan is the sign language some deaf people use to communicate	This project has progressed with key signs being taught in 2 kinders. Funding for a AUSLAN teacher at another kinder has been secured.	

Promote resources from the Australian Government Employ their Ability campaign to local businesses	x	✓	Tell people about programs and activities that other organisations offer to people with disability.	Links and resources scheduled to be included on the 'Support and Services' page of Business and Economy on Council's website from March 2022.	
Profile the diverse experience of people with disability in the workforce in Council's Economic development newsletter and other communication channels	x	✓	Help other workplaces to understand disability, and access and inclusion. This will help more people with disability to get work experience and jobs	Profile piece circulated in the April 2022 Economic Development newsletter to further raise profile.	
Our community is safe and healthy					
Goal 2: An environment that supports people to eat well and be physically active					
Construction on stage 1 of the Macedon Ranges Regional Sports Precinct project and continue advocacy for funding towards future stage delivery	✓	✓	Have places to go and be active	Construction contract executed. Site establishment progressing. Offsite activities including sub-contractor letting progressing. Advocacy for future stage funding has been completed.	
Continue delivery of the Macedon Ranges Shared Trails project that will see the development of a 24-km-long shared trail linking rural landscapes, towns and heritage places from Woodend to Riddells Creek	✓	✓	Have places to go and be active	The design and construction contract has been awarded and design is progressing as scheduled.	

Progress the development of a new Open Space Strategy and consider implementation into the Macedon Ranges Planning Scheme	✓	✓	Have places to go and be active	The Issues and Opportunities paper received four submissions and 165 surveys were received. Through information sessions and attendance at community markets approximately 170 people were individually engaged in the project. A Community Assembly process has been completed that has resulted in recommendations to be incorporated into the draft strategy. The draft strategy is expected prepared by late 2022.	
Continue to implement the funded Romsey Ecotherapy Park stages 2 and 3 projects with Regional Development Victoria and the community	✓	✓	Have places to go and be active	Construction is underway and on track for completion 30 July 2022. This project experienced COVID related material and labour delays.	
Continue to improve continuous accessible paths of travel to key destinations, such as recreation, community facilities, through the funding of the Footpath Construction Program	✓	✓	Make more good footpaths in places where people need them	Council is improving continuous paths of travel and is committed to improving footpath networks throughout the shire. Funding of \$956,000 has been allocated this financial year for construction on new footpaths with a further \$6,300,000 allocated to the Macedon Ranges Shared Trails Project through grants and Council funding. Due to COVID related delays, five footpaths are deferred until next financial year as part of the Mid-Year Budget Review. - Gisborne, Bloomfield Street - Kyneton, Pohlman Street from Mollison Street to Ebden Street - Kyneton, Pohlman Street from Ebden Street to Powlett Street - Lancefield, High Street - Lancefield, The Crescent	
Continue to facilitate access to nature for all population groups in Council reserves and through Council's engagement programs	✗	✓	Have places to go and be active	Kyneton Museum Biodiversity Exhibit - open from November to April 2022. Bird Blitz 2021 attracted over 40 participants. Support for Macedon Ranges Field Naturalists Group. Black Hill track upgrades complete. Bald Hill shelter under construction. Woodend Five Mile Creek Master Plan in development.	
Contribute to the evidence base of how to support people to be more active more often through innovation, evaluation and shared learning	✗	✗		LaTrobe University completed evaluation of Loddon Mallee Move It (LMMI). LMMI won the Victorian 2022 LGPro Active Ageing and Wellbeing Award.	

Goal 3: A community that is safe and free from violence					
Implement the Child Safe Standards to promote the safety of children, prevent child abuse and ensure processes are in place to respond to and report all allegations of child abuse	x	✓	Work toward a community where all people are safe – no one is allowed to hurt you	Project implementation group was established with representatives across Council. An audit has occurred and action register developed to track required changes, this has included the implementation of training across Council teams. Work with community groups has commenced.	
Continue to demonstrate leadership in advancing gender equality through the implementation of Council's Gender Equality Action Plan	✓	x		Gender Equality Action Plan is currently being implemented with Year 1 actions underway and on track to be completed by expected dates in 2022.	
Continue Council's involvement in the United Nations 16 Days of Activism for No Violence against Women and Children Campaign	x	✓	Work toward a community where all people are safe	Council participated between 25 November and 10 December 2021 along with other organisations in the regional network. Council and other members of the network shared social media posts reflecting the theme 'Respect is ...' to encourage community conversation and action on preventing violence against women and family violence.	
Work with the Victorian Government to increase supply of affordable housing, including social housing, in the shire	✓	x		Partnerships are being strengthened with community housing offices (CHO) to identify how Council can partner with them to progress grant applications for the big housing build. Council, in partnership with Witringham, have applied to the BHB for available grants. Council continues to work with Homes Victoria in identifying suitable sites for affordable housing.	
Commit to participating in the development and, where relevant, the implementation of the Loddon Mallee Regional Housing Action Plan	✓	x		A workshop was held in April 2022 to discuss the draft Loddon Mallee Housing Revitalization Strategy. This work will inform the final strategy.	
Goal 4: A community that strives to reduce harm resulting from gambling, tobacco, alcohol and other drugs					

Commit to participation in the Local Government Working Group on Gambling to be convened by the Victorian Local Governance Association	x	x		Councillor and officer active participation and attendance at working group meetings ongoing.	
Goal 5: An environment that reduces potential public health risk to our people					
Implement the Waste Management and Resource Recovery Strategy 2021–2026	✓	x		Of the 30 actions identified in the Strategy, five are completed, 15 are ongoing activities (in action); of the remaining 10: <ul style="list-style-type: none"> • The creation of the Circular Economy education and engagement plan has begun. • The single-use plastic campaign for community and business is about to begin. • The provision of FOGO compost back to the community is about to begin, after a positive result from a survey. With home delivery of 2m3-6m3 the first step. • Closed-loop glass recycling is currently being investigated. • A transfer station in the south is being investigated with New Gisborne industrial estate the initial focus. • Soft plastics trial continues as we work with VRR on a permanent solution 	
Prepare a new Public Toilet Strategy	x	✓	Tell people about our Changing Places toilets in Gisborne, and where to find other accessible toilets.	Public Toilet strategy drafted and to be endorsed in late 2022.	
Our community is adaptable and resilient					

<p>Goal 6: A community that is committed to tackling the climate emergency and its impacts on health</p>					
<p>Continue to facilitate development of community climate change action plans through Council's Cool Changes program</p>	x	x		<p>Cool Changes for Romsey and Lancefield complete. Cool Changes for Riddells Creek and Gisborne now underway with an initial community survey for both towns.</p>	
<p>Goal 7: A community that effectively plans for, responds to and recovers from emergency events (including COVID-19)</p>					
<p>Continue to provide a package of support measures for the community and local businesses to assist the shire's recovery from the COVID-19 pandemic</p>	✓	x		<p>A package of support activities were delivered to aid business recovery. The third round of the Business Continuity and Resilience Program (BCRP2022), saw 95 applications approved for vouchers. On-site business mentoring across the shire helped hundreds of local businesses stay in touch with current restrictions and support mechanisms as well as keep themselves, their staff and customers safer. Providing financial and other support for outdoor activations and performances also helped businesses and communities get back to a more normal existence.</p>	

Are we having the influence we expected?

Celebration Boxes case study



Throughout the COVID pandemic Ken Rose has been a volunteer driver, assisting people to get to and from their medical appointments. Last year he was working 5 days per week for many months despite the personal risk before vaccines became available. Ken's response to his nomination was 'I do it because I enjoy it, not because I want a reward!'

19

8 comments 1 share

Image: Facebook post about Ken

MPHWP goal

Our community is inclusive and celebrates diversity. Goal 1: A community where people are understood, respected and supported and people are confident that they can contribute to community life.

Project aim

During Seniors Festival 2021, Council wanted to celebrate the contributions older people make to the community and promote a message of positive ageing. The project needed to be COVID-safe due to the pandemic restrictions affecting regional Victoria at that time.

Project description

We asked the community to nominate an older shire resident who they thought contributes greatly to the community and to tell us why they nominated that person. Nominations were made online or by telephone.

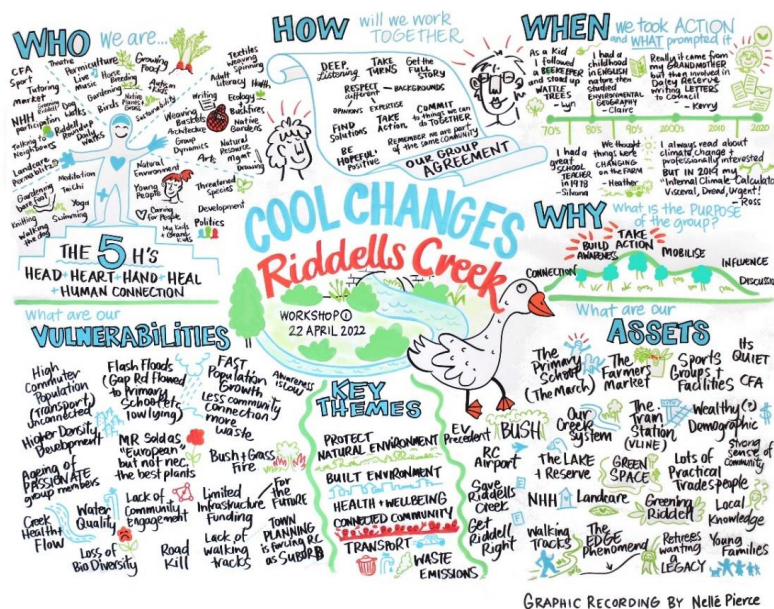
Almost 30 recipients were selected to receive a 'celebration box' filled with delicious goodies sourced from local suppliers, a custom Seniors Festival cookie, a letter of appreciation from our CEO and Mayor, and a certificate in recognition of their efforts. Council volunteers, following COVID-safe protocols, personally delivered the boxes to the recipients. With consent, the volunteers obtained a photo and a verbal comment from each person when they received their celebration box.

We used the photo and comment plus information in the nomination to create a short 'profile' about 12 recipients. We shared these profiles via Facebook, website, newsletters and local media to promote all the great things older people are doing in our local community.

Project impact

Feedback about the project was overwhelmingly positive, including many verbal comments from a range of stakeholders, 'likes' and comments on our Facebook posts, and several written thank-you letters from recipients. Community members nominating an older person, were grateful for the opportunity for their peers/friends/family to be recognised for their commitment and dedication to the community. Recipients of the boxes were appreciative of the recognition for their efforts, and happy with the box and its contents. For example, one recipient sent a note saying 'I thank the Council, the business contributors and the volunteers who delivered the boxes.' A case study of the project will be submitted to the World Health Organisation global database of age-friendly practices.

Cool Changes case study



GRAPHIC RECORDING BY NELLIE PIERCE

MPHWP goal

Our community is adaptable and resilient. Goal 6: A community that is committed to tackling the climate emergency and its impacts on health.

Project aim

The aim of the project was to create a community-led climate action plan in the Riddells Creek township and surrounding areas. The plan will be used (alongside others created throughout the shire) to guide Council in developing a shire-wide Climate Emergency Response Plan. The project enacts a commitment in Council's Environment Strategy (refreshed 2021).

Project description

In early 2022, Council partnered with the Riddells Creek Neighbourhood House to deliver a series of forums that would enable members of the community to discuss and decide on the content of a local climate action plan. These forums included a 'conversation stall' at a farmers market, consultation with local environmental leaders, an initial survey, providing an information pack to participants, three facilitated workshops attended by a local illustrator to create visual representations of the ideas discussed and community consultation on the draft action plan.

An initial list of 64 actions was collated by the community, and from this 10 priority actions were identified. The climate action plan was released in July 2022 at a project completion celebration. The local community is responsible for enacting the plan, although the exact method of implementation is yet to be confirmed. The Neighbourhood House will act as a 'community connector' and organise regular meetings to bring participants together and share progress.

Project impact

Throughout the project community members explored aspects of community resilience, localised impacts of climate change and local actions that addressed both impacts and township vulnerabilities. The climate action plan notes that the workshops 'continued to inspire and ignite passion amongst everyone involved.'

Many of the actions in the plan address health and wellbeing, for example: workshops on retrofitting homes for energy efficiency; active transport options; emergency planning workshops; more community gardens; and information sessions about connecting with nature.

The project created a shared vision for future climate action within the community, and contributed to social cohesion through the relationships developed during the process. It produced high-level strategies (such as community-owned renewable energy), as well as small-scale actions (such as a Walking School Bus). The project showed that participating in local climate action is not restricted to 'experts.'

The Cool Changes program had already been tried and tested with the townships of Malmsbury, Woodend, Romsey and Lancefield. Previous participants have given the program a great wrap, "Yay Council – this sort of thing is surely part of your mission! Great facilitators, supportive of everyone ideas," and "Great community consultation and involvement" are comments reflective of the feedback.

Loddon Mallee Region Move It evaluation

MPHWP goal

Our community is safe and healthy. Goal 2: An environment that supports people to eat well and be physically active.

Project aim

The aims of the Loddon Mallee Region (LMR) Move It Project were to:

- Increase the number of older people, particularly those who were inactive, vulnerable or socially isolated, who engage in regular physical activity
- Improve understanding of the benefits of regular physical activity
- Empower/upskill physical activity providers and community groups to facilitate age-appropriate activities that can be sustained into the future.

Project description

The project was supported by 10 councils in the region, led by Macedon Ranges Shire Council. Between January 2020 and July 2022, 12 programs from community groups and organisations across the region were funded to implement a variety of group-based physical activities. Each program was run by an experienced paid facilitator and/or volunteer. Examples of activities included yoga, tai chi, Bollywood dance, water aerobics, strength training, chair-based exercises, nature walks and hula-hooping. Implementation was originally intended to span up to 17 weeks but this was disrupted due to COVID. This resulted in extended and/or staggered start and finish times, as well as some programs being offered online.

Evaluation

La Trobe University was engaged as a project evaluation partner. A pre- and post-program survey, interviews with older adult participants, focus groups with program coordinators and facilitators, and a written interview with the project steering group were used to collect evaluation data. The evaluation report was published in February 2022. The project won the Victorian 2022 LGPro Active Ageing and Wellbeing Award. Some key findings of the evaluation were:¹

Reach

- Although print and other media were utilised, word-of-mouth and personal referral were the predominant modes of program promotion.
- Healthcare professionals were instrumental in directing men to the programs.
- 4 in 5 adults engaging in LMR Move It activities were women.
- By the end of activities 72% (vs. 56% at the start) of older adults were physically active, doing at least 30 minutes of physical activity on 3 or more days per week).

Rasekaba, TM., McKechnie, R., Blackberry, I. 2022. 'The Loddon Mallee Region Move It Project: A Physical Activity Initiative for Older People', John Richards Centre for Rural Ageing Research, La Trobe University, Wodonga. Available online at https://www.latrobe.edu.au/_data/assets/pdf_file/0018/1330182/LMR-Move-It-Report_Screen-version.pdf

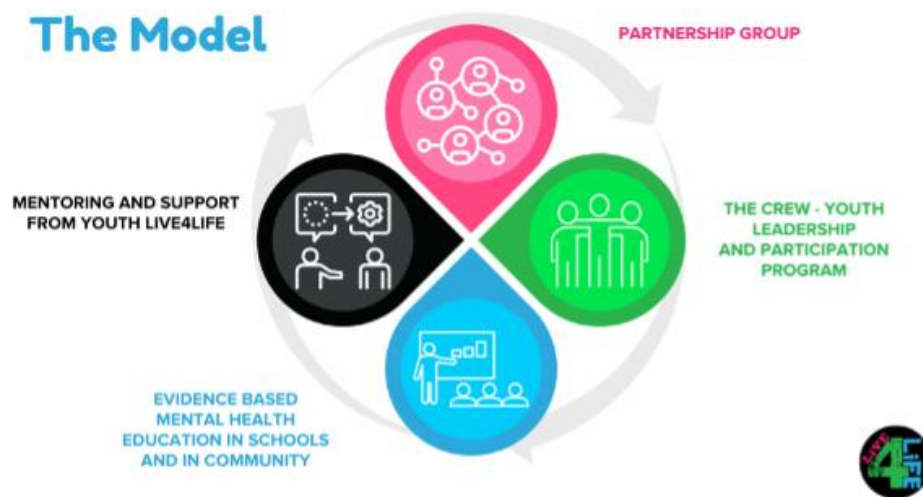
Effectiveness

- Of the three key outcomes of the LMR Move It programs, participants reported a significant improvement in social connectedness and relationships they planned to continue beyond the project.
- Perceptible improvements in physical activity were noted, but were not statistically significant. However, a small but significant decline in time spent sitting was identified.
- Following participation in LMR Move It, an additional 5% of older people gained awareness of the physical activity guideline recommendations. At individual and program levels, there was intent to continue participation in physical activity.

Adoption

- Program/organisational level drivers of physical activity participation included: funding, needs assessment and program design informed by co-design, inter-organisational relationships, and finding people with the right skill set and personality for engaging older people in physical activity.
- Individual level drivers of activity participation: a comfortable, supportive, safe, and fun environment complemented by skilled and personable facilitators and subsidised or free programs were perceived important for participation by the older people.

Live4Life evaluation



MPHWP goal

Our community is inclusive and celebrates diversity. Goal 1: A community where people are understood, respected and supported and people are confident that they can contribute to community life.

Program aim

The mission of Live4Life is to reduce youth suicide and increase community awareness of mental wellbeing in rural communities. Live4Life aims to build young people's capacity to recognise and seek help for mental health concerns, and build the capacity of the whole community to look after and support their young people.

Program description²

Live4Life engages targeted age-cohorts of young people, teachers, parents, carers and the broader community in evidence based mental health education. Young people are recruited as peer leaders, and local community members are trained as mental health first aid instructors. Implementation is led by a network of local organisations and schools who partner to lead and sustain the model throughout the community. The four key components of the program are:

- Coordination, support and mentoring by Youth Live4Life staff
- School and Community Partnership Group
- Evidence based suicide prevention and mental health education across all secondary schools and wider community.
- Implementation of local youth leadership and participation program (the Crew).

Early in the year, there is a launch event where Year 8 students from all participating Macedon Ranges Secondary Schools come together to kick off the program. Throughout the year:

- the Crew (generally made up of 10-20 Year 9 and 10 students) meet fortnightly to guide the program, plan events and take part in leadership development activities
- mental health first aid training is provided to Year 8 and 11 students, and in the broader community (teachers, parents, community members)
- the Community Partnership Group meets monthly
- Youth Live4Life staff and council staff meet monthly.

At the end of the year, there is a celebration event where all Year 8 students come together again to celebrate the year. Events are led by the Crew.

Outcomes in Macedon Ranges³

The Live4Life model was developed in 2010 as a community-wide response to a reported increase in depression, anxiety, self-harm and suicide in the Macedon Ranges Shire. Since then it has been delivered yearly in the shire, in partnership with five local secondary schools

² Ludowyk, N, Live4Life Evaluation Summary Report, February 2020, available at <https://www.live4life.org.au/our-impact/evaluations>

³ <https://www.live4life.org.au/our-communities/macedon-ranges>

and four local community organisations, with Council as the lead agency. The total number of people who have undertaken mental health education through Live4Life in the shire is:

- 5,007 year 7-9 students
- 2,371 year 10-12 students
- 713 adults
- 210 Crew

Evaluation

Evaluations of Live4Life in the Macedon Ranges were done annually between 2012 and 2016. As a result of the positive impact of the program here, the program was expanded to other rural communities and in 2015 Youth Live4 Life was established as a registered health promotion charity.

In 2018 Youth Live4Life, together with the Live4Life communities of Macedon Ranges, Glenelg and Benalla were awarded a VicHealth Award. These awards are the state's highest accolade for health promotion, recognising the impact of initiatives across Victoria in improving the health and wellbeing of Victorians.

The most recent evaluation of Live4Life was done in 2020 and relates to the communities in Glenelg and Benalla.⁴ That evaluation showed the significant impact the program is having, including:

- Communities are more networked and resilient.
- More than 9 in 10 young people are having conversations about mental health with someone else.
- 65% of young people found Live4Life useful that year; 75% expect it to be useful in future.
- 1 in 4 senior students have sought support for their mental health.
- 3 in 10 senior students have sought support on behalf of a friend.
- Adults far more confident to support a young person with a mental health need (82% feel confident after the training, up from 32%).

The evaluation found that the key message of Live4Life is being adopted by young people. A School and Community Partnership Group member said "*Mental health is now being taken seriously by young people and now young people know who and where to go to get support.*"

⁴ Ludowyk, N, Live4Life Evaluation Summary Report, February 2020, available at <https://www.live4life.org.au/our-impact/evaluations>

Future actions

Context analysis – COVID pandemic

The World Health Organisation (WHO) declared COVID-19 to be a global pandemic on 11 March 2020. As at 14 October 2022, WHO reports there have been 14,853 deaths from COVID in Australia.⁵

During 2021-22, a range of Australian and Victorian government restrictions were in place to reduce the spread and impact of the virus. Those restrictions impacted the health and wellbeing of our residents, and affected how Council and our partners worked:

- Council supported the community in range of ways. For example:
 - Providing information on our website
 - Providing telephone/online delivery of social support for older people
- We delivered a significant package of support activities to aid business recovery. For example:
 - 95 applications were approved for vouchers under the Business Continuity and Resilience Program
 - On-site business mentoring helped hundreds of local businesses stay in touch with current restrictions and support mechanisms
- However, some projects were delayed due to COVID-related labour and materials supply issues (such as the Romsey Ecotherapy Park and the Footpath Construction Program).

The Victorian pandemic declaration ended on 12 October 2022. However, the situation remains fluid and Council will partner with other relevant agencies to remain informed about COVID-19 and contribute to appropriate responses.

Year 2 action plan

We have developed a Year 2 Action plan (2022-23). This plan:

- no longer includes actions that were fully completed in Year 1
- carries over ongoing actions from Year 1
- includes many new or revised actions for Year 2.

The new action plan is available on our website at mrc.vic.gov.au/files/assets/public/strategies-amp-plans/municipal-public-health-and-wellbeing_year-2-action-plan.pdf

⁵ <https://covid19.who.int/region/wpro/country/au>

Macedon Ranges Shire Council
Disability Action Plan 2021-2025
Report – Year One Actions 2021-2022

EASY ENGLISH

Hard words

This book has some hard words

The first time we write a hard word

The word is in blue

We write what the hard word means

You can get help with this book

You can get someone to help you

- Read this book
- Know what this book is about
- Tell us what else we can do to support people with disability

About this book

Macedon Ranges Shire Council wrote this book

We work on Aboriginal land

We respect Aboriginal elders

We have a Disability Action Plan

It goes from 2021 to 2025

It says how we will make [access](#) and [inclusion](#) better for people who live, work or visit Macedon Ranges

Access means information and places are easy for people with disability to use

Inclusion means everyone feels like they can join in

This book tells you what work we did on the Disability Action Plan from 2021 to 2022

What we did from 2021 to 2022

What the plan says	What we did
Goal 1. Joining in	
Help sporting clubs be inclusive	We will start work on this next year
Help people with disability use Council programs and grants . Grants help groups and clubs to get money for projects	Gave grants for reading, young people and refugees . Refugees are people who had to leave their country because it was not safe
Work with other community groups and clubs to help them to be inclusive	Gave extra money to neighbourhood houses . Neighbourhood houses are places where people can get support, learn or mix with other people
Support families or carers of babies with disability to join parent groups and playgroups	Worked with other groups to try to make it easier to join in
Teach more children Auslan . Auslan is the sign language some deaf people use to communicate	More kindergartens are teaching Auslan. Kindergartens are places where young children learn
Goal 2. Safe and healthy	
Support families to understand different types of disability and how to get support for children with disability	Taught people about helping someone with mental health problems

Have places to go and be active	Started work on the Macedon Ranges Regional Sports Precinct . Precinct means area
Have places to go and be active	Started work on the Macedon Ranges Shared Trails Project. Trails are paths
Have places to go and be active	Asked people to tell us what they think about a new Open Space Strategy . A strategy is a plan
Have places to go and be active	Started building the Romsey Ecotherapy Park. Ecotherapy is doing activities in nature to help you feel better. This project is taking longer because of the COVID pandemic . Pandemic means a sickness that affects a lot of people
Have places to go and be active	Helped people access nature in Council parks and through Council programs
Work toward a community where all people are safe – no one is allowed to hurt you	Started work on putting the Child Safe Standards into place at Council. These are rules about keeping children safe and what to do if you think a child is being hurt
Work toward a community where all people are safe – no one is allowed to hurt you	Joined in the No Violence against Women and Children Campaign .

	Campaign means work to meet a goal
Goal 3. Helping people to know about disability	
Tell carers about things that might help them	Told carers of older people about supports
Help people to see how people with disability make communities better	We will do something for International Day of People with Disability next year
Tell people about programs and activities that other organisations offer to people with disability	Had information on our website about the government Employ Their Ability Campaign
Goal 4. Access to buildings and places	
Make more good footpaths in places where people need them	Put a lot of money into the Footpath Construction Program. Construction means building. This program is taking longer because of the COVID pandemic
Goal 5. Work	
Help other workplaces to understand disability, and access and inclusion. This will help more people with disability to get work experience and jobs	Started putting information in a newsletter about people with disability who are working

What we will do next

We have made a list of things to do from 2022 to 2023

Next year we will tell you

- If we have met our goals
- If there is more work to do

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

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

Summary

This report provides transparency on cost escalations and adjustments on infrastructure projects and seeks further funding for the project with shortfall on budget.

Recommendation**That Council:**

- 1. Adopts the following changes to the FY22/23 budget relating to the following infrastructure projects:**
 - (a) Mt Gisborne Road Reconstruction – increase the budget for this project by \$120,109 from \$497,610 to \$617,719; and**
- 2. Notes that recommendation 1 (above) currently provides a capital works surplus of \$52,150.98 to the financial year 2022-2023 budget. Officers will continue to manage the overall infrastructure project program within the initial overall infrastructure project program 2022-2023 budget.**

Background

During Financial Year 2021/2022, there were significant price rises across many building materials. The Master Builders Association reports that between March 2020 and March 2022, steel products increased by over 40% and timber products by over 20%. In addition, labour increased significantly.

The Council budget build process begins in October of the previous year. This means pricing is already outdated by nine months before the budget year starts. Some infrastructure projects will not be tendered until over twelve months after the initial estimates were set. Officers allow a reasonable cost escalation on project costs; however, the cost increases experienced were outside this estimate.

Some tenders are coming as high as 30% over budget. This is not sustainable, and there is no budget to cover these unexpected increased costs.

The other impact of the current construction-led recovery is a shortage of contractors. Council has experienced tenders with either one response or zero responses and/or non-compliant tender responses.

The combination of cost increases and contractor availability require Council critically review all project impacted by these factors.

Discussion

Each year, Council announces a commitment to expend a defined amount of money to deliver specific infrastructure projects through the budget. In real terms, our dollar purchases less than forecasted. This presents three potential actions to remain within budget:

- (1) value managing the project to deliver the expected outcome within the provided budget;
- (2) over-expending the budget; or
- (3) reducing the number of infrastructure projects delivered.

The second potential option is unacceptable within Council’s legislative and moral responsibilities. The last is achievable by critically reviewing over-budget infrastructure projects and determining which must proceed and which must be cancelled.

The concept is that in critically reviewing which infrastructure projects are funded and which are not funded, the intent is to have the unfunded infrastructure projects cover the increase in costs for the project determined to continue.

In determining which project proceeds, even though over budget, the following items need to be considered:

- Associated grant funding with acquittal requirements
- Immediate asset reliability and functionality

Officers will attempt to ‘value manage’ the project to deliver the expected outcome within the provided budget – this will generally occur before going to tender or if a tender response is above budget. This will happen as part of normal council operations.

This month, officers identified the following over-budget infrastructure projects or projects requiring scope change:

Infrastructure Project	Progress with Construction	Reason for Progression or Non-progression	Change to the Budget - () is an additional cost to the budget
Financial Position following previous decisions		Bring forward \$172,259.98 balance resulting from the resolution of the November 2022 Scheduled Council Meeting	\$172,259.98
Mt Gisborne Road Reconstruction	Yes	The project was carried forward from the 2021/22 financial year with an allocated \$497,610. The current forecast is \$617,719.	(\$120,109)
Total			\$52,150.98

The budget surplus resulting from the suggestions above is \$52,150.98

Consultation and engagement

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

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

Collaboration

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

Innovation and continuous improvement

This is an innovative approach to the problem of unprecedented infrastructure project price increases. Council would typically address project budget issues via the mid-year budget review. An agile response is required in response to the current economic environment. Preparing a report such as this, for presentation to Scheduled Council Meetings throughout this financial year, provides resolutions with minimal lost time.

Relevant law

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

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

Relevant regional, state and national plans and policies

Not Applicable

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

There are no direct sustainability impacts resulting from this report.

Officer declaration of conflicts of interest

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

16 NOTICES OF MOTION AND RESCISSION

Nil

17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS**Recommendation**

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

18.1 Council's Social and Affordable Housing: Update and Leasing

18.2 2023 Australia Day awards

Confidential reasons**18.1 Council's Social and Affordable Housing: Update and Leasing**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

This report contains personal information.

18.2 2023 Australia Day awards

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.