

Agenda

Council Meeting
Wednesday 22 May 2024 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

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

6 PETITIONS

6.1	PETITION IN RELATION TO PUBLIC LAND ACQUISITION SUBMISSION - 18 KILMORE RD GISBORNE
Officer:	Cindy Stevens, Business Support Officer
Council Plan relationship:	4. Delivering strong and reliable government

Summary

A petition has been received from Federation Environment Horticulture Macedon Ranges (FEHMR) in Gisborne on behalf of 74 residents stating:

“Mayor and Councillors of the Macedon Ranges Shire Council, we the undersigned, respectfully request Macedon Ranges Shire Council acquire the land at 18 Kilmore Road for the use of public native bushland regeneration and conservation. This action is imperative for safeguarding vital catchment areas for Waa and Jacksons Creek in Gisborne, and for preserving critically needed habitat for the many bird and fauna species that currently occupy the area, as well as for the enjoyment of locals and visitors to the area. We have named this new ecological conservation place Habitat Hill. Dated 2/4/24”

Recommendation**That Council:**

- 1. Notes the petition from Federation Environment Horticulture Macedon Ranges (FEHMR) on the matter of Public Land Acquisition Submission – 18 Kilmore Road, Gisborne, with 74 signatories;**
- 2. Notes that the petition has been circulated confidentially to all Councillors as it contains personal information; and**
- 3. Requests the Director Corporate prepare a report in response to this petition to be presented at a future meeting of Council.**

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

8 ADOPTION OF MINUTES

Recommendation

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 24 April 2024, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - APRIL-MAY 2024****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

Over the last month Councillors have been working through draft key strategic documents including the FY 24/25 budget, Council Plan Year Four Actions and the Romsey Structure Plan. These are important decisions before Council at this May Scheduled Council Meeting. This has involved a significant amount of reading and analysis over many months, listening to community members and aiming to strike the right balance to support our community into the future. Thank you to those that provided submissions, Council officers, Councillors and everyone that has contributed to this process.

I am pleased to say that once again Council has been recognised at the recent LGPRO Awards for Excellence. Council had two finalists in the Sustainability Initiative category. This included our Healthy Landscapes Program together with a suite of resource recovery initiatives. It was pleasing to receive a High Commendation for the Healthy Landscapes nomination. Congratulations to all involved.

These programs highlight the importance of caring for country at Council. On Wednesday 1 May, Council delivered a Traditional Owner-led planned burn at Woodend Grassland in partnership with Dja Dja Wurrung's Djandak Wi Team. Ecological and cultural burns support biodiversity and, whilst they moderate fuel loads, their focus is promoting abundance and diversity of flora and fauna, connection to land, and promoting reconciliation and healing for First Nation people and their communities. Council's Ecological and Cultural Planned Burn Program continues to deliver positive environmental outcomes and increasingly supports First Nations people's participation in the care and management of Council reserves and environment managed areas.

Councillors have also been very active attending a variety of events and meetings around the Shire.

IDAHOBIT Day

Councillors and staff joined myself and representatives from Sunbury and Cobaw Community Health to celebrate the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) at Kyneton Mechanics Institute. Each year, we raise the flag for IDAHOBIT to serve as a reminder and recognition of the ongoing prejudice and discrimination that affects LGBTQIA+ individuals in our community and globally. Council is dedicated to raising awareness of the ongoing discrimination faced by LGBTQIA+ members of our community through our IDAHOBIT celebrations and by encouraging all members of our community to challenge LGBTQIA+ discrimination. This year's IDAHOBIT theme, 'No one left behind: equality, freedom and justice for all', is a call for global unity, solidarity, and the creation of communities where all people are included, valued, and celebrated.

Exhibition Opening: Nurses, Medicine and Caring in the Macedon Ranges

Kyneton Museum and the Historical Societies of the Macedon Ranges present Nurses, Medicine and Caring in the Macedon Ranges, an exhibition which focuses on local stories and objects from our social history collections. The exhibition explores themes such as nurses training, nurses at war, uniforms, local medical identities, bush nursing and shire hospitals, maternal and child health services, midwifery and pharmacy, as well as an extensive collection from the old Kyneton Hospital.

Macedon Ranges Food Forum

Councillors were fortunate to be invited to participate in the Macedon Ranges Food Forums in Romsey and Woodend in late April and early May. These forums presented opportunities for groups across the Macedon Ranges Shire to discuss the regions food system and for attendees to connect with each other. Food security and local food sources are very important issues and by bringing people together we can optimise our local food networks and build a healthy and sustainable food system.

Citizenship Ceremony

Twenty-six residents were invited to make a formal pledge to become Australian citizens on 30 April. Together with my fellow Councillors, we welcomed new citizens who now take on the privileges and responsibilities of being an Australian citizen. These are very special events. Congratulations to all the new citizens.

Manna Gum Kindergarten

Councillors joined Mary-Anne Thomas MP, State Member for Macedon at the official opening of the new playground at Manna Gum Kindergarten in Gisborne on 3 May. The new playground extends the existing play spaces and features nature-based play elements, a sculpture of 'Bunjil the Creator' (a wedge-tailed eagle), a stage for performances, and a yarnning circle, alongside traditional play equipment. The children are so excited with the new equipment which was generously funded by the State Government.

Further events and meetings included:

- Anzac Day services and events across the Shire on 25 April
- Lancefield, Springfield and Bullengarook Fire Brigades tanker handover in Lancefield on 26 April
- Baden-Powell Scout Award Ceremony at the 1st Gisborne Scout Hall on 27 April
- Malmsbury Village Fayre on 28 April
- Visit to Manna Gum Kindergarten with Mary-Anne Thomas MP on 3 May
- Opening of upgraded fence at the Macedon Tennis Club on 3 May
- Annual Firefighter Memorial Service on 5 May
- Bulb Planting Day at the Kyneton Botanic Gardens on 5 May
- Kyneton Aero Club's Biggest Morning Tea on 11 May
- Mayoral Taskforce Supporting People Seeking Asylum meeting on 15 May
- Gisborne Giants Football Netball Club Community Information Night on 15 May
- Municipal Fire Management Planning Committee meeting in Gisborne on 16 May

- A community conversation on extreme weather events with David Younger, Disaster Recovery and Preparedness Consultant in Kyneton on 16 May
- Municipal Association of Victoria State Council Meeting in Melbourne on 17 May
- Live4Life Annual Dinner in Melbourne on 18 May
- Macedon Ranges Heritage Society Meeting in Lancefield on 21 May
- Site tour and visit of the former Malmsbury Youth Justice Centre on 21 May
- Zonta Club of Kyneton Changeover dinner on 22 May

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 - APRIL-MAY 2024****Summary**

Rule 66 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	23 April 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Dominic Bonanno
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Shane Walden (Director Assets and Operations) • Maria Weiss (Director Community) • Adele Drago-Stevens (Director Corporate) • Rebecca Stockfeld (Director Planning and Environment) • Travis Harling (Manager Finance and Reporting) • Amy Holmes (Manager Community Strengthening) • Vishal Tandon (Manager Children, Youth and Family Services) • Naomi Scrivener (Manager Community Wellbeing) • Kylie Tatt (Manager People and Wellbeing)

	<ul style="list-style-type: none"> • Duncan Kelly (Manager Information Services) • Adele Hayes (Manager Statutory Planning) • Hugh Cameron (Acting Manager Information Services) • Rob Ball (Manager Strategic Planning and Environment) • Cherry Stojanovich (Acting Coordinator Governance) • Leanne Khan (Coordinator Strategic Planning) • Dannielle Orr (Heritage Planner) • Isobel Maginn (Senior Strategic Planner) • Kaitlin Evans (Executive Assistant Corporate) • Lucy Olson (Senior Governance Officer) • Cindy Stevens (Business Support Officer)
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> • Wendy Lovell MP – Member for Northern Victoria Region
Items discussed	<ul style="list-style-type: none"> • CEO and Councillor Only Session • Budget 2024/25 Workshop 5 • Macedon Ranges Heritage Strategy 2024-2034 Draft • Gisborne Futures - 2024 Draft Housing Framework • Amess Road Precinct • Planning Delegated Preview Agenda Review 8 May 2024 • Council Meeting Agenda Review 24 April 2024 • 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	NIL Did they leave the meeting? N/A
Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	7 May 2024 8:30am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson

	<ul style="list-style-type: none"> • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Shane Walden (Director Assets and Operations) • Rebecca Stockfeld (Director Planning and Environment) • Maria Weiss (Director Community) • Adele Drago-Stevens (Director Corporate) • Travis Harling (Manager Finance and Reporting) • Eng Lim (Manager Engineering and Resource) • Amy Holmes (Manager Community Strengthening) • Adele Hayes (Manager Statutory Planning) • Rob Ball (Manager Strategic Planning and Environment) • Benup Neupane (Coordinator Engineering Services) • Sean Morley (Coordinator Accounting) • Leah Rushford (Coordinator Community Resilience and Recovery) • Hayley Drummond (Coordinator Property and Valuations) • Tim Goss (Coordinator Geographic Information Systems) • Lucy Olson (Senior Governance Officer) • Kiara Noonan (Recovery Resilience and Events Officer) • Kerry Moore (Community Recovery Officer) • Jane Diplock (Resilience Officer) • Emma Gray (Emergency Resilience Officer) • Jack Wiltshire (Strategic Planner) • Cindy Stevens (Business Support Officer)
Apologies officers	<ul style="list-style-type: none"> • Daniel Trevillian (Coordinator Recreation) • Simon Finlay (Manager Open Space and Recreation) • Leanne Khan (Coordinator Strategic Planning)
Presenters	NIL
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session

	<ul style="list-style-type: none"> • CEO and Councillor Only Session • Budget 2024/25 • Draft Financial Reserves Policy • Fair Access Policy • Draft Riddells Creek Movement Network Study - For Endorsement • Romsey Structure Plan - Final Romsey Structure Plan • Planning Permit Applications and VCAT • Planning Matters • Planning Delegated Committee Agenda Review • Council Meeting Agenda Review • Other Business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Cr West declared a material conflict with the Romsey Structure Plan. Did they leave the meeting? Yes 1.15pm – 2.45pm
Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	14 May 2024 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan (Chief Executive Officer) • Shane Walden (Director Assets and Operations) • Rebecca Stockfeld (Director Planning and Environment) • Maria Weiss (Director Community)

	<ul style="list-style-type: none"> • Adele Drago-Stevens (Director Corporate) • Amy Holmes (Manager Community and Strengthening) • Rob Ball (Manager Strategic Planning and Environment) • Leanne Khan (Coordinator Strategic Planning) • Alana Stevens (Acting Coordinator Customer Service) • Louise Dewberry (Senior Strategic Planner) • Cindy Stevens (Business Support Officer)
Apologies officers	<ul style="list-style-type: none"> • Jeet Dehal (Manager Assets and Project Management Office) • Glenn Musto (Strategic Planner)
Presenters	<ul style="list-style-type: none"> • Bronwyn Pettitt - Mesh Consultants • Damian Wells - Coliban Water • Danny McLean - Coliban Water
Items discussed	<ul style="list-style-type: none"> • CEO and Councillor Only Session • Capital Works Monthly Monitoring Report • Customer Service Update • Final Budget Check-In • Kyneton South Structure Plan • Draft Open Space Strategy • Presentation by Coliban Water • Planning Matters • MAV State Council Motions • 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 West declared a material conflict with the Romsey Structure Plan.</p> <p>Did they leave the meeting? Yes 1.59pm – 2.28pm</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	MACEDON RANGES HERITAGE STRATEGY 2024-34
Officer:	Danielle Orr, Heritage Planner
Council Plan relationship:	1. Connecting communities
Attachments:	Draft Heritage Strategy 2024-34 for Consultation (under separate cover) ⇒

Summary

The draft Macedon Ranges Heritage Strategy 2024 –2034 (Heritage Strategy) has been finalised and Council endorsement for community consultation is sought. Developed over 12 months with input from community and organisational engagement, the draft Heritage Strategy focuses on Macedon Ranges Shire Council as one of the largest owners/managers of heritage assets and collections in the municipality. Twenty-six actions are proposed, over a ten-year cycle, to build the organisation’s capacity around natural, Aboriginal, and historic heritage matters.

Recommendation

That Council endorses the release of the draft Macedon Ranges Heritage Strategy 2024-2034 for a four-week consultation process commencing in June 2024.

Background

The development of the draft Heritage Strategy 2024–34 began in March 2023.

The inaugural Heritage Strategy for Macedon Ranges was adopted in 2014 with a four-year timeframe to 2018. Due to a number of reasons, this strategy was not revised at the end of its lifecycle. A review of the Heritage Strategy 2014–2018 and its 55 actions found that:

- 21.5 actions (39%) were complete
- 30.5 actions (56%) were not completed/started
- 3 actions (5%) became redundant.

During the development of this draft Heritage Strategy, it has been key to select a limited number of actions that the organisation can commit to with available resources. This will set up this strategy for greater success with a smaller number of actions that can be realistically achieved. A longer cycle of ten years is also proposed, noting many of the priorities will occur over multiple years.

Discussion

A heritage strategy is a strategic planning tool that sets out Council’s approach to the management of heritage within the municipality. It identifies some of the work already being done on heritage matters and makes recommendations for the critical and urgent work that needs to be done in the future, to protect the rich history and heritage of Macedon Ranges Shire. It is a key tool for assisting the organisation to meet our obligations under different pieces of heritage legislation.

The direction of this draft Heritage Strategy is to focus on building the organisation's capacity around natural, Aboriginal, and historic heritage matters. Council is one of the largest owners/managers of heritage assets and collections in the municipality. If Council manages its own heritage well into the future, we not only lead by example, but ensure that these assets will be here for future generations to connect with, learn from and value.

At a high level, the proposed actions aim to:

- Improve awareness and skills around heritage issues for Council staff, and embed this through process improvements
- Increase community access to information about heritage places and resources to support their protection
- Progressively increase the number of heritage places protected under the Heritage Overlay, and improve the quality of information associated with existing Heritage Overlays
- Continue Council's partnerships with the community, state government and stakeholders on heritage projects, promotion and advocacy.

The draft Heritage Strategy proposes a list of 26 actions – 18 new actions and eight that have already been implemented and are ongoing, but which are worthy of continued support in the organisation. The draft Heritage Strategy has proposed a conservative approach tailored to existing staffing, with the option to resource additional actions via budget processes. It may not be possible to implement all the listed actions over the next decade within current resourcing, so it is critical that the actions are prioritised appropriately.

A period of consultation on the draft Heritage Strategy is proposed in order to seek community and stakeholder feedback. This consultation will ask:

- Whether the proposed actions are appropriate
- If any important actions to protect heritage have been missed
- Whether any actions should be given a higher or lower priority.

The priorities of targeted stakeholders, such as the Macedon Ranges Heritage Council, and community members may be different from those of Council, so consultation will provide an opportunity to further refine the strategy actions. The feedback will be reviewed and incorporated, as relevant, and the final draft Heritage Strategy will then be presented to Council for consideration and adoption.

Consultation and engagement

The Heritage Strategy project has completed the following consultation and engagement phases to date:

(1) Community consultation – 'Love our heritage' photo survey, 22 May – 23 June 2023

Community members were asked to tell us what they love about the heritage of Macedon Ranges Shire, in pictures and 25 words. The response rate was high, and more than 40 photos and words submitted, telling us what the community loves and wants to keep, or would change for the better regarding our heritage. All photos and words can be viewed at the 'Image Gallery' on Council's project webpage <https://www.mrsc.vic.gov.au/Build-Plan/Heritage-Protection-and-Planning/Macedon-Ranges-Heritage-Strategy-2023>. Another purpose of this consultation was to collect images and content to be used to showcase Macedon Ranges' heritage in the Heritage Strategy document.

Submissions covered a range of topics, including:

- Specific heritage places and features that are valued, e.g. Woodend Court House or the Annis and George Bills Trough in Kyneton
- Types of heritage – historic collections, farming heritage, streetscapes and town centres, architecture and infrastructure, mature trees and plantings, landscapes and the natural environment
- Places or issues that are of concern to the community – heritage that is under-valued such as bluestone pavements or shepherds' huts, and issues such as demolition by neglect.

(2) Internal organisation engagement, 26 June – 19 July 2023

Council staff were engaged on the project following the community consultation. Meetings were scheduled with over 20 teams in all directorates; as with the community consultation, engagement with the Heritage Strategy project was high amongst staff.

The three key outcomes from the internal engagement are:

- The need for training, with a willingness to engage hampered by a lack of awareness of heritage legislation and processes
- The potential opportunities and benefits to the organisation as a result of the strategy, given Council's role as one of the largest owners/managers of heritage assets and collections in the municipality
- The need to refine the original project scope to include climate change as an issue that impacts our heritage, and to ensure that the new strategy contains a more realistic set of actions given the difficulties in tracking and implementing those in the previous one.

A third phase of consultation is a recommendation of this report. As noted above, this will build on the outcomes of previous consultation to ensure that the draft Heritage Strategy reflects community and organisational priorities for heritage protection.

Collaboration

The draft Heritage Strategy is principally focused on the Macedon Ranges Shire municipality and no other collaboration is required at this stage.

There are individual actions that will require collaboration with other councils, governments and/or statutory bodies; this has been indicated in the action plan, and should be considered in the planning phase, if or when these particular strategy actions become Council projects.

Innovation and continuous improvement

The draft Heritage Strategy has been drafted, consistent with the previous strategy, using the Heritage Victoria and Heritage Council guides and toolkits. These are best heritage practice guides from the Victorian Government written specifically for heritage strategies at a local government level. The guide and toolkits structure the draft Heritage Strategy around four topics – of 'Knowing', 'Protecting', 'Supporting', and 'Communicating and Promoting'. A fifth topic, 'Preparing', has been included for climate change impacts, as noted above, in response to matters raised through internal engagement.

Relevant law

Generally, the draft Heritage Strategy recommendations relate to heritage work required primarily at the local level, protected under the *Planning and Environment Act 1987*. However, consideration of Aboriginal, natural and state heritage as well as records and

place naming have also been incorporated into the draft Heritage Strategy, governed by these laws:

- *Aboriginal Heritage Act 2006* and relevant state legislation enacting Native Title (Commonwealth) for Aboriginal cultural heritage
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) for natural heritage
- *Geographic Place Names Act 1998* for place naming
- *Heritage Act 2017* for state and archaeological heritage
- *Public Records Act 1973* for local government records

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

Notwithstanding this, the draft Heritage Strategy is gender neutral in its recommendations. However, there will be positive gender, diversity and inclusion impacts resulting from some of the actions if they are implemented. This includes greater awareness of various types of heritage (Aboriginal, women's, migrants etc.), greater access to heritage information for members of the community, and inclusion through incorporation of more diverse aspects of our history and heritage in processes such as place naming.

Relevant regional, state and national plans and policies

State of Heritage Review: Local Heritage, Heritage Council of Victoria, 2020. There is also a Memorandum of Understanding for Heritage Data Sharing with State of Victoria between Heritage Victoria and Macedon Ranges Shire Council 2009, that pertains to the Hermes Orion and Victorian Heritage Database entries for the municipality.

Relevant Council plans and policies

The draft Heritage Strategy project delivers a Council Plan item to 'Progress the Heritage Strategy to guide Council's priorities for further heritage protection' (2021-2031 Year 3). It also supports and makes recommendations based on the following Council strategies, plans or policies:

- Macedon Ranges Shire Council Asset Plan 2021-2031
- Macedon Ranges Shire Council Counting Down to ZERO: Our plan to reach ZERO net emissions by 2030
- Macedon Ranges Shire Council Reconciliation Action Plan 2021-23

Climate Impact Assessment

How will the recommendation impact on Council's energy usage and greenhouse emissions profile?

The Heritage Strategy will not directly impact Council's energy usage or greenhouse emissions. Individual strategy actions support the ongoing rollout of energy efficiency and emissions reduction programs for heritage assets that Council owns and manages.

How will the recommendations mitigate risks posed by climate change to Council operations and services?

The Heritage Strategy includes actions under the theme 'Preparing', which are specific to climate change risks. Damage caused to Council heritage assets by severe weather events

impacts Council resources including budget and staff workload. Actions including future-proofing of Council's heritage assets and upskilling staff to manage affected heritage assets will help to reduce these resource impacts.

How will the recommendation help to prepare the community for future climate scenarios?

The proposed actions under the 'Preparing' theme support the community by:

- Seeking to protect heritage assets that the community uses and enjoys (including community buildings and significant landscape features)
- Supporting ongoing use of heritage buildings in more extreme climatic conditions
- Providing information to the community on disaster preparedness for privately owned heritage assets.

Financial viability

The Heritage Strategy has been developed in house using existing resources.

Individual strategy actions will have resourcing and budget implications, and these have been indicated in the draft Heritage Strategy action plan.

Sustainability implications

There are beneficial social and wellbeing implications from the Heritage Strategy. We protect heritage because it connects us to the past, gives us a sense of place in the present, and preserves what we value for future generations to enjoy. Heritage helps connect us to place and supports our resilience and wellbeing in times of change. It belongs to all of us, and we are all responsible for caring for it.

Officer declaration of conflicts of interest

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

PE.2	DRAFT ROMSEY STRUCTURE PLAN FOR ADOPTION
Officer:	Jack Wiltshire, Strategic Planner
Council Plan relationship:	1. Connecting communities
Attachments:	<ol style="list-style-type: none"> 1. Romsey Structure Plan Consultation Summary (under separate cover) ⇨ 2. Final draft Romsey Structure Plan for adoption (under separate cover) ⇨

Summary

This report presents the final draft Romsey Structure Plan for adoption. The Romsey Structure Plan will replace the current Romsey Outline Development Plan and will guide growth and development of Romsey until 2050. The Romsey Structure Plan will determine the protected settlement boundary for the town as required under the Macedon Ranges Statement of Planning Policy.

The report identifies the changes made to the final draft Romsey Structure Plan in response to the community and stakeholder submissions. The report also recommends that following the adoption of the Romsey Structure Plan, that Council writes to the Minister for Planning to implement the protected settlement boundary included in the Romsey Structure Plan.

Recommendation

That Council:

1. **Adopts the draft Romsey Structure Plan.**
2. **Writes to the Minister for Planning to request that an amendment be prepared under section 46AZA(1) of the Planning and Environment Act 1987 to amend the contents of the Macedon Ranges Statement of Planning Policy, 2019, and insert a protected settlement boundary for Romsey, and any consequential amendment to the Macedon Ranges Planning Scheme to implement the Romsey Structure Plan.**
3. **Notifies all submitters regarding the outcome of the Romsey Structure Plan process and thank them for their feedback and participation.**

Background

The planning scheme anticipates that Romsey (at present a district town) will grow to the lower end of the large district town by 2036, which is also reflected by the Macedon Ranges Statement of Planning Policy (MRSP).

The draft Romsey Structure Plan has been developed to manage growth and development in Romsey to 2050. The Romsey Structure Plan (Structure Plan) will replace the current Romsey Outline Development Plan which sets directions for the town to 2021. The Romsey Structure Plan will also determine the settlement boundary for the town as required under the MRSP.

Protected settlement boundaries were applied to the townships of Kyneton, Riddells Creek, Lancefield and Woodend as part of the implementation of the MRSP.

The MRSP identifies that a protected settlement boundary will be determined for Romsey as part of the review of the Romsey Outline Development Plan. A structure plan will be used to determine the settlement boundary (P.33).

Council endorsed the Romsey Issues and Opportunities Paper for community consultation in December 2018 as the first step in the process of preparing a new structure plan. Consultation on this document occurred between July and August 2018. The Romsey Issues and Opportunities Paper was used to inform the Romsey Emerging Options Paper (EOP). The EOP and supporting documents were prepared by Plan2Place Consulting (P2P) and the project team of sub-consultants in late 2021 and early 2022. Consultation began on the EOP on 21 February 2022 and was open for six weeks.

Following consultation, an Emerging Options Paper Consultation Summary Report was prepared that summarised the feedback received and identified a range of actions and further work to progress the draft Structure Plan. The Emerging Options Paper Summary Report was endorsed by Council at the 28 September 2022 Scheduled Council Meeting where Council resolved:

That Council:

- 1. Endorses the Romsey Emerging Options Paper Consultation Summary Report and contained actions to continue work on the draft Romsey Structure Plan;**
- 2. Notifies submitters and project subscribers of Council's decision; and**
- 3. Continues quarterly project updates to submitters and project subscribers.**

Following this Council resolution a draft Romsey Structure Plan was prepared by P2P in collaboration with officers. This draft was presented to the 26 July 2023 Scheduled Council Meeting where Council resolved:

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

Community consultation for the draft Romsey Structure Plan took place between 14 August to 25 September 2023.

Discussion

A total of 94 written submissions and 213 survey responses were received as part of the consultation period.

Each submission has been summarised and an officer response provided as part of the draft Romsey Structure Plan Consultation Summary included in **Attachment One**.

A break-down of the key issues raised in submissions are provided below:

- The provision or lack of infrastructure, particularly a lack of investment by relevant authorities, clear strategies to deliver infrastructure and Council investment in Romsey. This includes public transport, road infrastructure, footpaths and cycling.
- The lack of retail and services currently in Romsey (noting a closed supermarket, pub, other shops) but also a lack of facilities such as health services, an aquatic centre and secondary school.
- Discussion regarding growth directions and its timing including the amount of growth, amount of area required, direction (north, south, east or west), and infill development needing greater emphasis.
- Comments on why Romsey is growing beyond its current size and population.

- Concerns about Romsey wastewater treatment facility and its capacity to treat wastewater both now and into the future. The impacts on local waterways and the current wastewater issues being compounded by any additional growth were seen as important issues. The buffer area around the treatment plant was also raised by various submissions.
- The current lack of and the need for local employment and commercial development (town centre activation and location of the proposed business park).
- Comments regarding issues around the environment, climate change, resilience, sustainability, waterways and open space areas.
- Comments on the contents of the document including strategies, data, corrections or inconsistencies.
- Concerns about the strategic basis of specific recommendations, the draft Structure Plan or supporting documents.
- Comments from various authorities such as the Environment Protection Authority (EPA), Greater Western Water (GWW), Wurundjeri Woi-Wurrung, DEECA and DTP.

Following the consultation period, consideration has been given to submissions and surveys, as well as further meetings and discussions with referral authorities and other stakeholders. The following key changes have been implemented into the final draft Romsey Structure Plan (**Attachment Two**):

Romsey Wastewater Treatment Plant Buffer Area

- The proposed protected settlement boundary in the draft Structure Plan has been revised to maintain the current eastern township boundary in the area south of Romsey Road and remove Area 3 from the protected settlement boundary.
- This change is in response to both GWW and EPA submissions and subsequent meetings in regard to the buffer to the Romsey Wastewater Treatment Plant (treatment plant) and ensuring sensitive uses are not proposed within the buffer area.
- It is acknowledged that GWW are progressing a process to inform a future buffer area overlay to protect the ongoing operation of the treatment plant from the potential encroachment of sensitive land uses. This work is ongoing and in the absence of the completion of this work the EPA guidelines have to be relied upon to guide the buffer distance for the treatment plant.
- No change in land use is proposed between the current eastern town boundary and Portingales Lane due to the uncertainty created by a lack of a confirmed buffer area and what ultimately may be permissible once GWW has completed the work required to support a buffer area overlay.
- As a result, the land east of the existing town boundary and south of Romsey Road has been removed from the draft Structure Plan as future land supply. Continuing to rely on this land for supply would create uncertainty for the community, landowners, stakeholders and Council.

Residential Greenfield Land

- Area 3 (as depicted on the draft Structure Plan released for community consultation) has been removed from the protected settlement boundary due to the uncertainty in relation to the treatment plant buffer. This will mean the employment precinct area, open space and school site will be moved to alternative locations outside of the treatment plant.

- The inclusion of Areas 4 and part of Area 5 within the protected settlement boundary due to the loss of residential land from Area 3.

Employment Land

- Maintaining the Commercial 1 Zone land south of Barry Street in Romsey which includes 51-53 Main Street Romsey. This will result in no change to the commercial zoning in this area. No Commercial 2 Zone land will be provided within Romsey town centre.
- The employment precinct land that was proposed in Area 3 has been relocated to the south of Greens Lane. The employment land has been located to the south of the currently zoned Commercial 2 and Industrial 1 Zoned land on Greens Lane.
- It is proposed that the employment land be included in the Industrial 3 Zone. This will provide an employment precinct with dual road frontages and main road access. The benefits of locating it on the southern side of Greens Lane reflect a greater distance from the proposed residential areas and a clear separation of use. This area will comprise an area of 15 hectares.

School site

- The school site has been removed from Area 3 and relocated to Area 4 on the north side of Romsey Road and east of Tickawarra Road to provide main road access, proximity to the town centre, to existing open space and Five Mile Creek and ensure it is outside of the buffer area to the treatment plant.

Green link

- The proposed green link has been removed on the eastern edge of the town as Area 3 is no longer proposed to be included in the protected settlement boundary for reasons outlined above.
- A long-term potential north south cycle link is identified as a future aspirational connection.
- In the new growth areas within the protected settlement boundary the public open space areas will amount to around 10 percent of developable area.

Aged Care Facility 40 Hutchinsons Lane West

- The approved aged care facility has been included in the protected settlement boundary (at the current extent of the approved plans).
- It acknowledges the approved use on the site is appropriate to be inside the protected settlement boundary.
- There will be limited further development opportunities on the balance of the site that will remain in the Rural Living Zone.
- This is to provide a clear boundary that acknowledges an approved use and development and sets a clear policy framework moving forward to ensure all urban uses are contained within the Romsey protected settlement boundary.

Other changes include clarification to strategies, actions and policies including clarification of data or updating data to reflect the above changes.

It is considered that the final draft Romsey Structure **Attachment Two** provides balance between protecting the valued features of Romsey while providing for both development and growth in accordance with the requirements of the *Planning and Environment Act 1987*.

The next step following the adoption of the draft Structure Plan is for the Governor in Council to implement the protected settlement boundary by amending the Macedon Ranges Statement of Planning Policy under Section 46AZA of the *Planning and Environment Act 1987*.

The Minister for Planning would receive the request from Council and would determine an appropriate and reasonable process to inform the Minister's recommendation to the Governor in Council. A Distinctive Areas and Landscapes Standing Advisory Committee was appointed by the Minister for Planning on 28 June 2020. This Committee has been appointed to provide advice on any referred Statement of Planning Policies for the declared areas of Bass Coast, Bellarine Peninsula and Surf Coast.

While this Committee is not established for review of MRSP matters in the declared area of Macedon Ranges (the entire Shire), it is expected the implementation of the Romsey Structure Plan, including the defined protected settlement boundary, would be referred to this Committee (or similar Committee) as the development and implementation of the Romsey Structure Plan is part of the work determined as necessary by the MRSP.

Consultation and engagement

Consultation on the draft Romsey Structure Plan took place from 14 August 2023 until 25 September 2023.

The consultation was promoted through:

- A mail out to owners and/or residents in Romsey including businesses and surrounding adjoining rural properties;
- Letters to sporting groups, community groups and relevant authorities;
- Notice in local newspapers and the Romsey Rag (September edition);
- Electronic mail to subscribers to our mailing list – this includes previous submitters and other interested parties who have subscribed; and
- Social media posts.

Residents could download the documents from Council's webpage, but also hard copies were available at the Romsey Hub.

Consultation activities included:

- Five Drop-in session in which a total of 20 people attended.
- An evening workshop in which a total of 23 people attended.
- Stakeholder meetings with service authorities, community members, sporting groups, community groups and service authorities.

A range of phone, e-mail and in-person inquiries were received during the consultation period.

A total of 94 written submissions and 213 survey responses were received in response to the consultation process.

The submissions, survey responses and workshop feedback has been reviewed and responded to via the consultation summary report under **Attachment One**.

Collaboration

Council undertook stakeholder mapping and sought feedback on the EOP and draft Structure Plan from a range of government departments, service providers, community

groups and statutory bodies. This built on consultation and feedback from the Romsey Issues and Opportunities Paper. Discussion with stakeholders has occurred and Council will continue to work together with the relevant stakeholders including the Department of Transport and Planning during the implementation of the Romsey Structure Plan.

Innovation and continuous improvement

Council has undertaken a significant amount of work in response to community and previous agency feedback. Council will continue to liaise with the community, industry professionals and government agencies during the implementation of the Romsey Structure Plan.

Relevant law

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

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

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

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

Community consultation and engagement has shaped the current draft Structure Plan to ensure it addresses community concerns from all of the community, including across gender and other demographic groups.

The draft Romsey Structure Plan seeks to provide:

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

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

Relevant regional, state and national plans and policies

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

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

Relevant Council plans and policies

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

Strategic Objective 1 – Connecting Communities.

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

Progress the Romsey Structure Plan to Council for decision, and consider implementation into the Macedon Ranges Planning Scheme

The Romsey Structure Plan project has considered a range of relevant Council plans and policies in the preparation of the draft Romsey Structure Plan.

Climate Impact Assessment

How will the recommendation impact on Council's energy usage and greenhouse emissions profile?

The adoption of a strategic planning document is unlikely to have any significant effect on Council's energy usage and greenhouse emissions.

How will the recommendations mitigate risks posed by climate change to Council operations and services?

The adoption of a strategic planning document in itself is unlikely to raise risks associated with climate change. The Romsey Structure Plan is aware and provides strategies and actions responding to the risks of climate change. This includes the consideration of bushfire risk, water supply and flood risks. Council infrastructure and open space will be at risk but careful planning in accordance with the Romsey Structure Plan strategies and actions will provide best practice strategies moving forward. The recommendations within the Romsey Structure Plan were informed by the Sustainability Background Report prepared by Hip V. Hype as part of developing the Emerging Options Paper.

How will the recommendation help to prepare the community for future climate scenarios?

Sustainability and Resilience forms a key chapter in the draft Romsey Structure Plan which seeks to ensure future development contributes to the resilience of Romsey. Examples include increasing local job and retail opportunities in the town to increase accessibility and reduce the need for vehicle travel. increasing recycled water usage, planning for bushfire risk and managing flood risk.

Financial viability

The Romsey Structure Plan process had an original budget of \$130,000. \$30,000 was allocated in the 2018/19 budget and \$100,000 of this amount was provided by the Victorian Planning Authority to assist this critical work. Council allocated an additional \$175,000 in the 2023/24 budget to support the project delivery and implementation of the Romsey Structure Plan.

The Department of Planning and Transport provided financial assistance to complete a Community Infrastructure Assessment.

Additional funding may be required through the 2024/25 Council Budget to further support the Romsey Structure Plan project and its implementation through a future planning scheme amendment.

Sustainability implications

The draft Romsey Structure Plan will seek to provide guidance on social and environmental impacts that will continue to shape Romsey and its future. This includes the impact of climate change, a growing population and development impacts.

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 DIRECTOR CORPORATE REPORTS

COR.1	BUDGET 2024-25
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people 3. Business and tourism 4. Delivering strong and reliable government
Attachments:	1. Community Submissions to Budget 2024-25 with Officer Responses (under separate cover) ⇒ 2. Draft Budget 2024-25 (under separate cover) ⇒

Summary

The draft Budget 2024-25 has been prepared consistent with the requirement of Section 94 of the *Local Government Act 2020* (LGA) and forms part of the Integrated Strategic Planning and Reporting Framework developed as Part 4 of the LGA.

Council undertook a community engagement and consultation process in accordance with the *Local Government Act 2020* and Council’s *Community Engagement Policy* during October-November 2023. During this period, 114 submissions were received and considered, with a Submitters Delegated Committee Meeting held on 21 February where a total of 23 members from the community presented.

Therefore, the purpose of this report is to (1) make a determination on the responses to community submissions, and (2) adopt the Budget, with or without amendment.

Recommendation

That Council:

1. **Adopts the draft Budget 2024-25, prepared in accordance with section 94 of the Local Government Act 2020 as attached with this agenda, effective from 1 July 2024.**
2. **Approves new loan borrowings of up to \$2,500,000 in line with the proposed Budget, and authorises the Chief Executive Officer to:**
 - i. **negotiate the loan;**
 - ii. **approve the successful tender;**
 - iii. **execute the loan documentation; and**
 - iv. **delegate to the Director Corporate and/or Manager Finance and Reporting to undertake the required process as outlined in points 2 (i), (ii) and (iii)**
3. **Adopts the following rates:**

	Cents/\$CIV
General Rate for rateable residential properties – 100%	0.0018576
Agricultural land rate – 80%	0.0014861

Commercial/Industrial rate – 120%	0.0022291
Recreational land rate – 50%	0.0009288
Not-for-profit housing rate – 50%	0.0009288

4. Gives public notice of its decision to adopt the Budget 2024-25 and the availability of the Budget 2024-25 to the public on Council’s website and at Council offices and service centres.
5. Endorses officer responses to submissions in Attachment 1 to this report.
6. Responds to all submitters in accordance with Council’s Community Engagement Policy.

Background

Council’s budget forms part of the Integrated Strategic Planning and Reporting Framework that includes Council’s Community Vision, Council Plan, Financial Plan, Revenue and Rating Plan, Municipal Public Health and Wellbeing Plan, Disability Action Plan, Workforce Plan, and Asset Plan.

This Budget supports the delivery of the four strategic objectives outlined in the existing Council Plan 2021-2031, considering the longer-term strategic objectives in the plans listed above.

During October-November 2023, the public were invited to help shape the budget by providing ideas and feedback, to suggest or support projects, infrastructure, and initiatives year-round for consideration through a Community Consultation process in accordance with Council’s Community Engagement Policy.

Discussion

The Budget 2024-25 represents a sustainable and strategic plan for expenditure for the coming financial year, building upon the delivery of strategic objectives in Years One, Two and Three of the Council Plan 2021-2031. It also includes several long-term infrastructure projects aimed at enhancing the liveability of our community.

Appropriately allocating resources to deliver essential community services is an important duty of Council. These services play a crucial role in meeting the needs and enhancing the wellbeing of our community. Whether it’s maintaining infrastructure, ensuring public safety, or promoting cultural and recreational activities, Council services contribute to creating a thriving, sustainable and inclusive community.

Council continues to be impacted by economic and inflationary pressures impacting the sector and the economy more generally. Together with constraints on the ability to generate new revenue and persistently escalating costs, it is particularly important for Council to prudently allocate resources ensuring appropriate consideration of service costs, and to implement initiatives that demonstrate their continuing impact on the recovery and rebuilding process following COVID-19, as well as Council’s ongoing financial sustainability.

The key features of the Budget 2024-25 are:

Rates and Charges

General rates and service charges will raise \$63,821,000 as follows:

General Rates	\$45,989,000
Municipal Charge	\$5,201,000
Service Charges	\$11,988,000
Supplementary Rates	*\$643,000

** Supplementary rates are the result of Supplementary Valuations. A Supplementary Valuation occurs when there is a significant change to a property that affects the valuation such as construction of a dwelling or shed, installation of a swimming pool, or a demolition.*

This is an increase in budgeted income from General Rates revenue of \$1,985,000 compared with the 2023-24 adopted budget. This is consistent with an increase of 2.75 per cent, aligned with the rate of the Fair Go Rates System cap.

The Budget includes a General Rate and four (4) differential rates to be declared as detailed in the following table:

	Cents/\$CIV
General Rate for rateable residential properties -100%	0.0018576
Agricultural land rate -80%	0.0014861
Commercial/Industrial rate – 120%	0.0022291
Recreational land rate – 50%	0.0009288
Not-for-profit housing rate – 50%	0.0009288

Operating initiatives

Included in the Budget 2024-25 are several new operating initiatives that will enable Council to deliver annual actions from the Council Plan 2021-2031 (Year Four). New initiatives proposed for 2024-25 are:

- Costs relating to the upcoming Council Election
- Review of the Live4life Program
- Woodend and Kyneton Flood Study implementation
- Healthy Landscapes program as part of supporting Council’s Climate Emergency Plan
- Wellbeing and Early Intervention Program
- Asset management allocation of increased maintenance towards bridges, drainage, guardrail repairs and traffic management
- Inclusion of a Botanic Gardens Team Leader.

Community priorities

As a result of the careful allocation of funds, efficiencies realised through the budget process, and focus on financial sustainability, the draft Budget 2024-25 also proposes the inclusion of a number of projects that were highlighted by the community during the submission process. These include:

- Romsey Football Netball Club Court resurfacing works
- I.R. Robertson Reserve all-weather road improvements
- LED Lighting upgrades for the South Gisborne Tennis Club

- 1st Riddells Creek Scouts Group Hall design of the carpark and solar lighting, and sewerage connection
- Romsey Tennis Club resurfacing works
- Malmsbury Hall electrical audit and new electric ovens
- Woodend Golf Club car parking and drainage investigations
- Ross Watt Reserve Master Plan progress including the design of two new tennis Courts with LED lighting
- Additional Funds for Tree Planting across the shire
- Additional resources for Council's Open Space Horticultural team to support specialised maintenance at Council's three Botanic Gardens and premier Parks.

Fees and Charges

Council has closely examined its financial sustainability while developing the 2024-25 Budget. Although our revenue primarily comes from rates and grants, User Fees and Charges remain an important element in maintaining adequate community services.

To ensure ongoing sustainability of Council's services and compliance with our legislative obligations, these fees and charges have been reviewed.

During this review, fees and charges were considered based on delivery costs, market rates, and benchmarking with neighbouring municipalities, while also considering the impact of subsidies and increases on the community and vulnerable residents, and reinforcing positive behaviour in the community.

Following the review, many User Fees and Charges have been proposed to increase by around 5%, aligned with the CPI, or slightly higher where service delivery costs have increased beyond this rate. Appendix 2 of the Budget document includes detailed information on User Fees and Charges.

Some services, such as aquatics season tickets and memberships, some animal registrations, and waste charges, will see increases beyond the general CPI rate. Notably, outdoor pool family pass fees have been adjusted to align with indoor pool fees, based on benchmarks across and outside of Council, and the cost of delivering this service. A 50% pre-season discount for outdoor pool season passes will continue, with most passes typically purchased during this period.

Following the release of the State Government's Ministerial Good Practice Guide on Service Rates and Charges for Kerbside Collection, Council has also commenced the implementation of a full cost recovery model at Council's Resource Recovery Centres.

This is the first step of a compliance plan to meet the requirements within the Ministerial guidelines.

As Council will no longer be able to recover some costs through the Kerbside Collection Charge which previously contributed to low-cost and free services provided at Resource Recovery Centres, the draft Budget includes increased fees for general waste, co-mingled recycling, and green waste disposal. Some fees, such as those for processing tyres and certain waste categories, have decreased due to processing cost efficiencies and volume recalibrations.

The Introduction of a Green Waste charge at Council's Resource Recovery Centres marks a shift from previous practice. Previously free, the new fee ensures the sustainability of green waste processing and enables future compliance with the Ministerial Guidelines.

This fee was foreshadowed during the 2023-24 Budget process and included for community consultation at that time. This feedback, together with benchmarking and cost recovery data, have informed the development of this charge. The fee for residents disposing a standard trailer (6x4x1 foot) of green waste is now proposed to be \$13.80 at Council's Resource Recovery Centres.

Officers are finalising plans to enable residents to access a quota of free green waste disposal for fuel reduction ahead of the fire-danger period. Further details will be shared publicly once confirmed.

The cost of the remaining free or low-cost services at Resource Recovery Centres are proposed to continue to be subsidised through rates revenue where the benefit to the community outweighs the cost of delivering the service.

Capital Works of \$26,669,000

During 2024/25 Council, will continue to deliver on commitments to undertake significant capital projects which improve liveability across the Shire. Many of these projects have been the subject of extensive planning, advocacy, community engagement and investment over many years.

Projects include continuing design work for the Macedon Ranges Regional Sports Precinct project (Stage 2), Woodend to Riddells Creek Shared Trail project, major road works on Lauriston Road Kyneton, Fersfield Road Gisborne, Old Lancefield Road Woodend, Metcalfe Road Malmsbury and the Burke and Wills Track Baynton, tennis court refurbishments at both the Woodend and Romsey Tennis Clubs and new lighting at the Gisborne South Tennis Club, renewal work on the Gisborne Mechanics/Community Centre and the Bolinda Hall.

Other infrastructure categories continue to be renewed and expanded. This includes \$12,506,011 of expenditure on roads; \$806,250 on drainage and \$2,350,000 on buildings.

Loan Borrowings:

New loan borrowings are budgeted to be drawn down to fund the Macedon Ranges Regional Sports Precinct project (Stage 2) totalling \$500,000, works at the Kyneton Showgrounds including new netball courts and change rooms being \$1,000,000, and the Macedon Ranges Shared Trail (Woodend to Riddells Creek) project sum of \$1,000,000.

Loan repayments for the 12-month period are budgeted to be \$1,516,000, estimating the borrowings balance to be \$18,559,000 at 30 June 2025.

This level of borrowing is consistent with the responsible borrowing limits and financial sustainability principles in Council's Borrowing policy, adopted earlier this year.

Submissions

A total of 114 submissions were received (including 3 late submissions which were also provided to Councillors).

Budget submissions received were grouped in the following themes:

- Support for recently adopted Ross Watt Reserve Master Plan
- The creation of a paid leadership position dedicated to the improvement of the Shire's three Botanic Gardens
- Various Tennis Court renewal works (Courts and Lights)
- Improving walkability in Riddells Creek supporting the priorities of What Riddell Wants - Infrastructure Strand

- Creation of off leash dog friendly fenced parks.

Officers have considered the community feedback received and provided responses, including where the proposals and submissions have resulted in changes to the proposed Budget, as listed under Community Priorities in this report.

Please see Attachment 1 to this Report for the list of submissions, officer responses and recommendations.

Consultation and engagement

Pursuant to Section 96 of the *Local Government Act 2020*, community consultation on the formulation of the draft Budget 2024-25 was undertaken in accordance with Council's Community Engagement Policy. This included public consultation and feedback during October-November 2023.

The consultation process encompassed public notices, providing information about the budget process, and a community engagement process on our website and through other communication channels, including notifying the public of the methods of engagement. Council sought written feedback from the community through formal submissions, emails, survey responses, and verbal contributions through the Submitters Delegated Committee.

Submitters to the 2023 process were invited to attend a Submitter's Delegated Committee on Wednesday 21 February 2024.

Collaboration

The draft Budget 2024-25 has been prepared by officers and Councillors through a series of Councillor Briefings and Workshops. An opportunity was provided to the community during October-November 2023 to provide input into the Budget 2024-25 process.

Benchmarking and other data has also been sought and shared with officers from neighbouring municipalities when considering service costs, fees and charges.

Innovation and continuous improvement

The Budget is an important part of Council's integrated strategic planning reporting framework, as outlined to Council on 16 December 2020. The Budget forms one of the key elements to Council's overall Integrated Strategic Planning and Reporting Framework.

Relevant law

Section 94 of the *Local Government Act 2020* requires councils in Victoria to prepare a budget for each financial year. *The Local Government (Performance Reporting and Accountability) Act 2014* and the *Local Government (Planning and Reporting) Regulations 2020* specify the requirement for a budget to include major initiatives, and the Regulations prescribe the relevant information disclosure requirements.

Individual programs, projects and initiatives will undertake Gender Impact Assessments (GIAs) in accordance with the *Gender Equality Act 2020* as part of their implementation during 2023-24, if not already completed.

Gender is a fundamental consideration for the Budget, as it:

- provides for Council operations that include services, assets, facilities, programs and activities.
- incorporates the major initiatives identified by the Council as priorities in the Council Plan, to be undertaken during the next financial year.

Completion of these GIAs highlights the importance of continued reflection on available data, and consultation processes.

For the implementation of the Draft Budget, Council undertook a GIA on the consultation and engagement processes proposed in line with our Community Engagement Policy. A range of consultation approaches and methods, including written, verbal and online were used to ensure that all community members had equal access to engage with and contribute to the development of the Draft Budget. A Submitters Delegated Committee was held online, and outside of work and school hours, to improve accessibility for people with work and caring responsibilities, particularly.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The preparation of the budget supports Council's priority of strong and reliable government. The Budget 2024-25 includes funding for the services outlined in the *Council Plan*.

Proposed Borrowings and Investments are in line with Council's Borrowing Policy and Investment Policy, respectively.

Financial viability

The draft Budget 2024-25 includes all currently known financial and resourcing requirements for Council in 2024/25.

Sustainability implications

The environmental sustainability of Council's operations and that of the Shire remains a priority in the 2024-25 Budget year. In support of the Strategic Objective Healthy environment, Healthy people in the Council Plan, a number of key activities have been specifically funded. This includes the allocation of funding to implement very high and high priority activities that enact Council's Climate Emergency Plan and Zero Net Emissions Plan, and other initiatives to reduce waste and landfill, increase recycling, and support circular economy education and engagement. Additionally, further support has been allocated to assist rural landholders to increase climate resilience.

For the first time this year, the process for the creation of Council's Budget included the introduction of a Climate Impact Assessment in reports and Climate Considerations as part of Council's business case process, requiring officers to state the implications that proposed programs and projects may have on Council's greenhouse gas emissions, as well as assessing if and how the proposals support the community to adapt to climate change. This has informed the prioritisation of initiatives ultimately funded in the Budget.

Officer declaration of conflicts of interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

It should be noted that a range of Council officers are ratepayers of the Macedon Ranges Shire Council.

COR.2	QUARTERLY FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2024
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

The purpose of this report is to provide Council and the community with a report on the financial position of the Macedon Ranges Shire Council to 31 March 2024 for the 2023/2024 financial year (Quarter 3), in accordance with the requirements of the *Local Government Act 2020*.

Recommendation

That Council receives the Quarterly Financial report as at 31 March 2024, in accordance with the requirements of the Local Government Act 2020.

Background

This report on Council's financial performance against budget has been prepared in accordance with Section 97 of the *Local Government Act 2020*, which states "as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

This report has been prepared in the recently adopted new format of reporting to Council and the public, and the Quarterly Financial Report format allows a quick interpretation of key information related to council's financial performance.

Discussion

The Finance and Capital Management Report to 31 March 2024 provides an update on financial performance against the 2023/2024 budget, encompassing adjustments adopted as part of the mid-year budget review captured in the second quarter financial report.

The Income Statement demonstrates an operating surplus of \$54.54M for the nine months to 31 March 2024 compared with the budgeted surplus of \$35.04M. In accordance with accounting standards, all rates income is recognised at the start of the financial year when the rates are struck. This results in Council reporting a large surplus at the start of the year which reduces as the year progresses, as expenditure is incurred evenly throughout the year.

Council's Income Statement at 31 March 2024 is provided below, with analysis of year-to-date material variances.

INCOME STATEMENT

9 months ended 31 March 2024

	2023/24 Mar YTD Adj. Budget* \$'000	2023/24 Mar YTD Actuals \$'000	2023/24 Mar YTD Variance \$'000
Income			
Rates and charges	61,963	61,831	(132)
Statutory fees and fines	2,459	2,098	(361)
User fees	5,504	5,155	(349)
Grants - operating	9,113	10,579	1,466
Grants - capital	19,514	17,887	(1,627)
Contributions - monetary	2,827	1,602	(1,225)
Other income	2,915	11,942	9,027
			-
Total income	104,295	111,094	6,799
Expenses			
Employee costs	33,012	31,901	1,111
Materials and services	26,546	32,288	(5,742)
Depreciation and amortisation	12,798	13,156	(358)
Borrowing costs	365	175	190
Other expenses	2,560	2,612	(52)
Total expenses	75,281	80,132	(4,851)
Surplus/(deficit) excluding other adjustments	29,014	30,962	11,650
Other adjustments			
Contributions - non monetary	5,940	25,781	19,841
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	450	(103)	(553)
Writing off capital projects	-	(2,095)	(2,095)
Total surplus/(deficit)	35,404	54,545	28,843

The Income Statement includes all sources of Council revenue and expenditure incurred in its day-to-day operations. It should be noted that expenditure listed in the Income Statement does not include the cost of asset purchases or sales, loan repayments, capital works expenditure or reserve funds. It does however, include depreciation as an expense.

Overall the operating surplus of \$54.54m is \$28.8m favourable to budget. The financial summary provides an explanation of key variances to budget.

* This column represents the adjusted budget which is the 2023/24 adopted budget adjusted for the 2022/23 carry forward budgets and any Council approved budget changes during 2023/24.

Income Statement - Year-to-Date (YTD) Key Actual vs Budget VariancesOperational Revenue

Grants operating: Grants have been received for several natural disasters that took place in prior years. Grants received relate to the June 2021 Storm, \$334K, and the October 2022 Floods, \$695K.

Grants capital: The \$1.6 million unfavourable income variance in capital grants mainly stems from differences in the timing of when Council budgeted to receive a grant and when the grant was actually paid. This variance is expected to be corrected by year-end.

Contributions monetary: The \$1.2M unfavourable variance relates to the timing of contributions to several capital works projects, the larger one being Chanters Lane Trentham, where a neighbouring Council will contribute to the project. Developer contributions is also unfavourable to budget at this point of the financial year.

Other income: Actual income is \$11.9M, this is \$9.0M favourable, due to unbudgeted income generated from timber processing arising from the June 2021 storm. Also included in this amount are several insurance claims paid in response to storm damage to Council assets.

Operational Expenditure

Employee costs: Actual expenditure of \$31.91M is \$1.1M favourable to budget. The favourable variance is due to vacancies across the organisation. The favourable variance in employee costs is offset in some areas of Council using short-term contractors to back fill vacant roles. Contractor costs are recorded under materials and services, refer below.

Materials and services: Actual expenditure of \$32.28M is unfavourable to budget by \$5.7m for the nine months to 31 March 2024 mainly due to timber processing from the June 2021 storm. These costs are reimbursed by the contractor and offset as other income, outlined above. Also contributing to the overspend is the cost of back filling vacant positions with short term contractors, this overspend offsets part of the favourable employee cost variance noted.

Capital Works Statement - Year-to-Date (YTD) Key Actual vs Budget VariancesCapital Works

The YTD Capital Works Statement reports \$30.2M of works delivered to 31 March 2021 where the total budget including carry forwards for the 12-month period is \$71.99M. Infrastructure expenditure of \$14.95M is lower than budget of \$45.16M due to delayed construction for a variety of reasons. The Macedon Ranges Shared Trail Project, Roads Reseal program, Kettlewells Road rehabilitation, Chanters Lane, Trentham, Hamilton Road in New Gisborne, and the Macedon Ranges Regional Sports Precinct are among the significant projects contributing substantially to this variance.

CAPITAL WORKS STATEMENT

As at 31 March 2024

	2023/24 Annual	2023/24 March	2023/24 March	2023/24 March
	Budget \$'000	Budget \$'000	Actuals \$'000	Variance \$'000
Property				
Land and land improvements	1,060	-	-	-
Buildings and building improvements	7,324	4,926	2,674	2,251
Total property	8,384	4,926	2,674	2,251
Plant and equipment				
Plant, machinery and equipment	2,528	1,306	1,114	192
Computers and telecommunications	334	213	176	37
Total plant and equipment	2,862	1,519	1,290	229
Infrastructure				
Roads	16,884	13,282	7,767	5,515
Bridges	1,954	1,441	810	631
Footpaths and Cycleways	12,061	4,399	1,038	3,361
Drainage	789	674	358	317
Recreational, leisure and community facilities	26,154	17,632	15,379	2,253
Parks, open space and streetscapes	790	624	445	179
Other infrastructure	2,119	667	457	210
Total infrastructure	60,752	38,719	26,253	12,466
Total capital works expenditure	71,998	45,164	30,218	14,946

Other – Year-to-Date (YTD) Key Actual vs Budget Financial Variances

Investments

Investments held at 31 March 2024 total \$30.41M. Investments are earning adequate interest, with 72% of investments held with institutions that do not lend to organisations linked with fossil fuel, compliant with the Investment policy requirement for at least 20%. Interest rates are expected to remain steady for the remainder of the financial year.

Storm Reports

The cost to Council for the June 2021 Storm is forecast to be \$5.3M. All costs have now been recorded and finalised relating to this storm.

Timber processing at the Kettlewell's site ceased during the month of February. Financial arrangements for this site contributed considerably to reducing the cost to Council for storm clean up and recovery works. After considering the Kettlewell's site result, cost to Council is reduced to \$1.7M. These calculations have been made at 31 March and will continue to change until all claims are finalised by the State Government.

Loans

Budgeted loans have not yet been drawn down. As part of the mid-year budget review process, it was decided to extend the draw down period to April/May 2024. The timing of project delivery and current cash holdings has permitted the extension to the draw down date of the budgeted loan.

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

This includes streamlining the content of the report, and providing updates on performance against the Council Plan at half-yearly intervals, consistent with the Local Government Act 2020 and transparency principles.

Relevant law

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

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

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

Macedon Ranges Shire Council Financial Plan 2021-31

Macedon Ranges Council Budget 2023-24

Macedon Ranges Investment Policy

Financial viability

The Quarterly Report provides information on Council's operating and financial performance for the quarter ending 31 March 2024. The financial statements within the report indicate that Council remains in a sound financial position.

Sustainability implications

As per Council's Investment Policy, 72% of investments are currently held with institutions that do not lend to organisations linked with fossil fuel, compliant with the Investment policy.

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.3	COUNCIL PLAN 2021-2031 (YEAR FOUR ACTIONS 2024-25)
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people 3. Business and tourism 4. Delivering strong and reliable government
Attachments:	Draft Council Plan 2021-2031 (Year Four Actions 2024-25) (under separate cover) ⇒

Summary

The Council Plan forms part of the Strategic Planning and Reporting Framework, as outlined in the *Local Government Act 2020* (LGA). The Council Plan must provide the strategic direction of Council, its objectives, the strategies to achieve these objectives and strategic indicators for monitoring the achievements.

Council during October and November 2023 invited the community to share ideas and feedback to support, to suggest or support projects, infrastructure, and initiatives year-round for consideration for Council's Budget 2024/25 and Council Plan 2021/2031 (Year Four Action 2024-25). During this time, no submissions were received for the Council Plan.

The purpose of this report is for Council to adopt the draft Council Plan 2021-2031 (Year Four Actions 2024-25).

Recommendation

That Council adopts the Council Plan 2021–2031 (Year Four 2024-25), prepared in accordance with the Local Government Act 2020, and gives public notice of its decision to replace the previous Council Plan 2021-31 (Year Three Actions 2023-24) effective from 23 May 2023.

Background

The process to develop the Macedon Ranges Shire's Council Plan 2021-2031 (the Plan) commenced in 2020 following the election of the new Council and is a requirement of section 90 of the LGA. The Plan was developed using deliberative engagement and provides:

- The strategic direction of Council
- Strategic objectives for achieving that direction
- Strategies for achieving the objectives (for at least four years)
- Strategic indicators for monitoring achievement, and
- Description of initiatives and priorities for services, infrastructure and amenity.

Adopted by Council at its Scheduled Meeting of October 2022, the Plan outlines Council strategies and actions to be implemented across four priority areas:

Connecting communities

We will maintain our built environment – including roads, paths, buildings, open space and other assets – in a fiscally, environmentally and socially sustainable way. This includes effective land-use planning, which has a direct impact on the liveability of our shire.

We will provide support for volunteers, community groups and organisations, in recognition of their work in contributing to social connections.

Healthy environment, healthy people

We will contribute to positive health and wellbeing in our community, by proactively supporting mental health, the prevention of violence against women, healthy lifestyles for all ages and abilities, social connection and inclusion, community safety, and arts and culture.

We will protect our natural environment through proactive environmental planning, advocacy, and policy to address climate change, support biodiversity and enhance water catchment quality. The Macedon Ranges Shire declared a Climate Emergency in 2021.

We will take action to reduce waste in order to protect public health and the environment.

Business and tourism

We will foster economic vitality in a way that promotes positive individual and community health outcomes, including business diversity, housing, transport, and employment options. Investment attracted to the shire will be consistent with Council's vision.

Deliver strong and reliable government

We will demonstrate the qualities of good governance, including a clear vision and culture, transparency, respect, consistency, accountability and responsiveness.

Discussion

Overview of the proposed Council Plan

Key actions to be delivered during the 2024-25 year include the following:

- Facilitate Deliberative Engagement following the election of the new Council and enhance ongoing community consultation practices.
- Work with the Victorian Electoral Commission (VEC) to deliver a successful election during October 2024, including providing facilities and information as required.
- Implement Council's Affordable Housing Policy.
- Continue to monitor the impacts of aged care reforms and work with service providers to advocate for the needs of older people.
- Continue to deliver the actions for the Municipal Public Health and Wellbeing Plan 2021-2025 and the Disability Action Plan 2021–2025.
- Commence construction of Stage 2 of the Macedon Ranges Regional Sports Precinct.
- Implementation of the Romsey Skate Park in conjunction with the Lancefield Romsey Lions Club.
- Develop a Kyneton South Framework Plan to guide the future development of land within the protected settlement boundary.
- Review and update the Pest Animal and Weed Strategy 2014-2024.

- Continue to implement priority actions identified in the Climate Emergency Response Plan.

Submissions

In accordance with the *Local Government Act 2020* and Council's *Community Engagement Policy*, the community were invited to share their ideas to support Council in shaping the future for the Macedon Ranges.

No submissions were received during the October – November community consultation period.

Consultation and engagement

Pursuant to Section 90 of the *Local Government Act 2020*, the Council Plan 2021-31 (Year Four Actions 2024-25) has been prepared in accordance with Council's Community Engagement Policy. This includes provision for public consultation and comment during October – November 2023

This process included public notices, providing information about the budget and community engagement process on our website and through other communication channels, and notifying the public of the methods of engagement. Council sought written feedback from the community through formal submissions, emails, survey responses, and verbal contributions through the Submitters Delegated Committee.

There were no submissions received during this period.

Collaboration

The Council Plan (Year Four Actions 2024-25) has been prepared alongside the draft 2024-25 Budget by officers and Councillors including several Councillor Briefings and workshops. This updated plan had been developed from the Council Plan 2021-2031 framework, which was prepared via deliberative engagement methods as outlined in Council's *Community Engagement Policy*.

Innovation and continuous improvement

The Council Plan is an important part of Council's integrated strategic planning, as outlined to Council on 16 December 2020. The Plan forms one of the key elements to Council's overall Integrated Strategic Planning and Reporting Framework.

An update in relation to the progress of items included in the Council Plan is provided as part of Council's quarterly report.

Relevant law

This report has been prepared in accordance the LGA and is compliant with the requirements.

Individual programs, projects and initiatives in the Council Plan will undertake Gender Impact Assessments (GIAs) in accordance with the *Gender Equality Act 2020* as part of their implementation during 2023-24, if not already completed.

Gender is a fundamental consideration for the Council Plan, as it:

- provides for Council operations that include services, assets, facilities, programs and activities; and
- incorporates the annual components of major initiatives identified by the Council as priorities in the Council Plan 2021-31, to be undertaken during the next financial year.

Routine completion of GIAs as part of Council's work highlights the importance of continued reflection on available data, and consultation processes.

For the implementation of the Council Plan 2021-31 (Year Four Actions 2024-25), Council undertook a GIA on the consultation and engagement processes proposed in line with our Community Engagement Policy. A range of consultation approaches and methods, including written, verbal and online were used to ensure that all community members had equal access to engage with and contribute to the development of the draft Council Plan 2021-31 (Year Four Actions 2024-25). One consultation period was undertaken during the preparation of this year's Council Plan and Budget to increase the time and methods available for contributions from the community. Submitters Delegated Committee meetings are also held online, and outside of work and school hours, to improve accessibility for people with work and caring responsibilities, particularly.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The preparation of the Council Plan 2021-2031 (Year Four Actions 2024-25) supports Council's priority of strong and reliable government. This plan will align with funding provide in the draft 2024/25 Budget.

Financial viability

These documents support and align with Council's long-term financial resourcing requirements.

Sustainability implications

The environmental sustainability of Council's operations and that of the Shire remains a priority in Year Four of the 2021-31 Council Plan (2024-25) In support of the Strategic Objective Healthy environment, Healthy people in the Council Plan, a number of key activities have been outlined. This includes the implementation of very high and high priority activities that enact Council's Climate Emergency Plan and Zero Net Emissions Plan, and other initiatives to reduce waste and landfill, increase recycling, and support circular economy education and engagement. Additionally, further actions have been assigned to assist rural landholders to increase climate resilience.

For the first time this year, the process for the creation of Council's Annual Plan and Budget included the introduction of a Climate Impact Assessment in reports and Climate Considerations as part of Council's business case process, requiring officers to state the implications that proposed programs and projects may have on Council's greenhouse gas emissions, as well as assessing if and how the proposals support the community to adapt to climate change. This has informed the prioritisation of initiatives ultimately included in the draft Council Plan and funded in the draft Budget.

Officer declaration of conflicts of interest

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

COR.4	CONTRACTS TO BE AWARDED AS AT MAY 2024
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

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

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

Recommendation

That Council grants delegated authority to the Chief Executive Officer to award the following contract:

1. C2024-64 Managed Wide Area Network (WAN)

Background information

Council's delegated authority to its officers to award a contract is controlled by the financial value of the contract. The various financial limits of the authority are specified in Appendix 6 of the Procurement Policy.

Opportunity to review delegated authority

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

C2024-64 Managed Wide Area Network (WAN)

Council's current contract for Wide Area Network (WAN) has expired and a new contract needs to be entered into. It is proposed that the new contract is for a period of five (5) years with an option for a further two (2) years. The primary data centre is located at Kyneton, with a secondary Disaster Recovery site located in Gisborne.

Council is seeking a service provider that will enable fast reliable links between council offices and support ongoing business and digital transformation, as well as being able to support business as usual operational duties.

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

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

Relevant Law

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

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

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

Financial viability

Funds for all contracts to be awarded, as listed above, have been provided in the operational 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.

13 DIRECTOR COMMUNITY REPORTS

COM.1	DRAFT COMPLAINT AND UNREASONABLE BEHAVIOUR POLICY
Officer:	Wendy Le Brocq, Coordinator Customer Service
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Complaint and Unreasonable Behaviour Policy ↓

Summary

This report recommends Council's adoption of the Draft Complaint and Unreasonable Behaviour Policy, to address inconsistencies in its existing Complaints Policy and to guide Council in managing unreasonable behaviour.

Recommendation

That Council adopts the Draft Complaint and Unreasonable Behaviour Policy effective from 23 May 2024 and revokes all previous versions of its Complaints Policy.

Background

The existing Complaints Policy (existing Policy) contained inconsistencies which required attention to ensure accuracy and alignment with the Customer Service Charter (the Charter). A review of the existing Policy also identified that the complaint process was not clear or well defined.

The Draft Complaint and Unreasonable Behaviour Policy (updated Policy) sets out to improve the process, adopting a four-tiered approach, aligned to the Victorian Ombudsman's recommendations and best practice. This approach provides a clear complaint pathway with each tier having an escalation point. Responding to and addressing complaints aligned to the updated Policy sets expectations for customers and staff.

The existing Policy also looks at how we manage unreasonable complainant conduct, however, provides little detail on how to manage such conduct or behaviour. The updated Policy addresses unreasonable behaviour in detail and sets out the strategies that Council will implement to address this.

Discussion

Council prioritises customer service and seeks to be responsive and transparent in handling complaints, and acknowledges feedback provided to improve services and processes. Council is committed to ensuring that there is a fair and equitable approach to the handling of complaints.

To do this, Council has adopted a four-tiered approach to managing complaints, aligned to the *Victorian Ombudsman 2021 – Councils and complaints: A good practice guide 2nd edition July 2021*. A tiered approach provides a pathway for a complaint, with each tier representing an escalation point. It sets clear guidelines on what should occur at each tier and explains Council's role and process to assist in managing expectations.

At times, during the course of Council providing services and information, unreasonable and complex behaviour has been identified and is an area of concern, with an increase in such behaviour. Courtesy and respect are expected by all parties involved in interactions between customers, Council officers, Councillors, the organisation and community as a whole.

In managing unreasonable and complex behaviour, Council has been guided by the *Victorian Ombudsman 2022 - A good practice guide: Managing complex complainant behaviour February 2022 edition*.

The guide provides definitions and examples of unreasonable behaviour so that all parties have a clear understanding of how such behaviour presents and will be managed.

The updated Policy aims to improve complaint handling, recognise, and manage unreasonable behaviour and to reinforce Council's commitment to provide a high standard of customer service in accordance with the Customer Service Charter.

Consultation and engagement

The draft updated Policy was made available for public comment from 5 February to 3 March 2024. Feedback received through the consultation process has been considered, with some amendments made to the final updated Policy presented for recommended adoption.

Collaboration

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

Innovation and continuous improvement

This updated Policy was developed in response to identified gaps and inconsistencies in Council's existing Complaints Policy. The updated Policy aims to improve processes and strive for continuous improvement. Relevant law

The following related legislation are referenced in the updated Policy:

Local Government Act 2020 (Vic); Public Interest Disclosures Act 2012 (Vic); Privacy and Data Protection Act 2014 (Vic); Information Privacy Act 2000; Freedom of Information Act 1982; Charter of Human Rights and Responsibilities Act 2006 (Vic); Independent Broad-based Anti-corruption Commission Act 2011; Occupational Health and Safety Act Victoria 2004 and Equal Opportunity Act 2010.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The assessment found the updated Policy and Council's complaint handling process to be gender neutral, in that it seeks to ensure a fair and equitable approach to complaint handling and outlines strategies to ensure the inclusion, health, safety and wellbeing of all parties to complaints.

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

The updated Policy seeks to ensure that Council delivers strong and reliable government as outlined in the Council Plan 2021-2031.

Climate Impact Assessment

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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

Policy



Complaint and Unreasonable Behaviour Policy

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

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

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

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1. Overview

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

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

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

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

In accordance with the Occupational Health and Safety Act Victoria 2004, Council has a duty to provide and maintain a safe working environment for its employees; Council has a zero tolerance of violence, intimidation or threats (veiled or overt), abuse or aggression (either verbally or in written form) towards employees or Councillors.

2. Purpose and objectives

The purpose of the Policy is to outline:

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

The Policy will:

- protect and promote the customer's right to provide feedback, a compliment or make a complaint;
- ensure that complaints are investigated and responded to in an appropriate, consistent, and effective manner;

- inform the customer of the internal and external procedures for managing feedback and complaints;
- commit to effective management of and learning from complaints;
- outline strategies to ensure the health, safety and wellbeing of all parties; and
- protect and promote the human rights of all people involved in complaints, and ensure that proper consideration of relevant human rights issues occurs throughout the complaint handling process.
- protect and promote the health, safety and wellbeing of its employees.

The Policy shows how we will:

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

The Policy helps us to:

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

3. Scope

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

The Policy relates to complaints made by customers in relation to Council operations other than those subject to separate statutory or other legislative appeal processes (**Appendix 1**). We

recognise that complaints referred to in **Appendix 1** may still be valid, however, these are managed outside of this Policy.

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

Complaints regarding staff behaviour will be managed through Council's internal people management processes.

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

4. Guiding principles

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

- **Accessibility**
We will make it easy for anyone in our community to lodge a complaint, including people of all genders, ages, abilities, cultural backgrounds, religions and people who are indigenous and/or LGBTIQ+. Our employees will actively assist everyone to navigate the complaint process.
- **Commitment**
We take complaints seriously. Council is committed to resolving complaints and view them as a valuable source of feedback that will help us to improve our services.
- **Accountability**
When a complaint is lodged, we will advise who will be taking ownership for reviewing the complaint.
- **Consistency**
We will ensure that complaints are reviewed, followed up and responded to. We will follow through on any agreed actions and provide explanations and reasons for decisions.
- **Objective and fair**
Our people value our customers. Complaints are handled with professionalism, empathy and impartiality.

- **Transparency**

We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

- **Privacy**

We are committed to fulfilling our obligations under the *Privacy and Data Collection Act 2014*, *Health Records Act 2001*, and Information Privacy Principles. We provide clear information about how we handle personal information. Complaint data is de-identified if reported more widely. Please refer to our Privacy Policy for further information.

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

- **Continuous improvement**

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

- **Child Focused Complaints Processes**

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

5. How to make a complaint, provide feedback or compliments

Complaints, feedback and compliments can be made via:

In person	<ul style="list-style-type: none"> ● Kyneton Administration Centre 129 Mollison Street, Kyneton ● Gisborne Administration Centre 40 Robertson Street, Gisborne ● Romsey Community Hub 96 – 100 Main Road, Romsey
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	<ul style="list-style-type: none"> Woodend Community Centre Corner High and Forest Streets, Woodend <p>Opening hours are posted at all customer service centres and online at mrsc.vic.gov.au/contact</p>
Telephone (24 hours)	03 5422 0333 or 1300 656 577
Fax	03 5422 3623
Mail	PO Box 151, Kyneton Vic 3444
Email	mrsc@mrsc.vic.gov.au
Website	mrsc.vic.gov.au/Contact-Us/Report-an-issue
QR code	
National Relay Service	<p>TTY users phone 133 677 then ask for 03 5422 0333</p> <p>Speak and Listen (speech-to-speech relay) users phone 1300 565 727 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>
Translating and Interpreting Service	Call TIS National on 131 450 or visit tisnational.gov.au

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

Information that will help to resolve a complaint

When lodging a complaint, the following information is required:

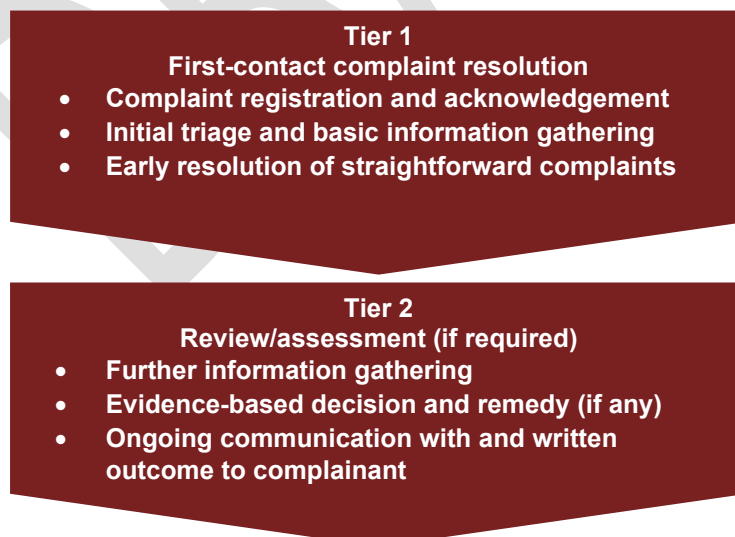
- Name and contact details. Complaints can be made anonymously, but this will limit our ability to respond, and may limit our ability to act.

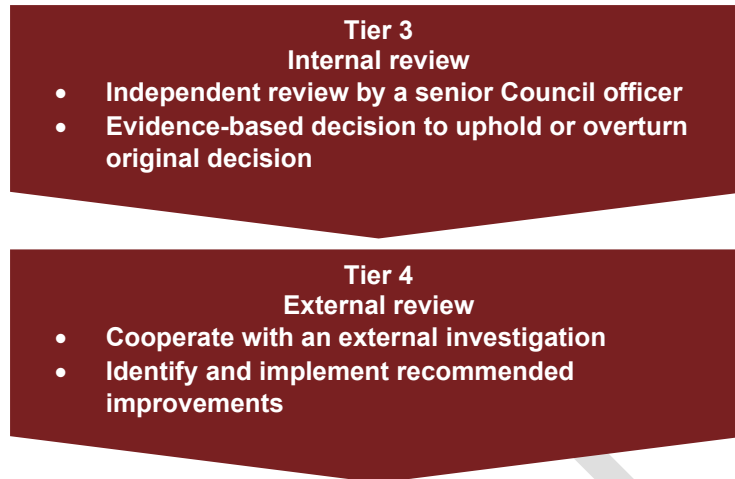
- The action, decision, service or policy the complaint is relating to and the reason for the complaint.
- If the complaint relates to a health or safety issue and/or someone is at risk of harm or injury. Please note: Emergencies should be directed to 000.
- Relevant details, such as dates, times, location and reference numbers, and documents that support the complaint.
- The outcome the customer is seeking from making the complaint.
- Whether the customer has any communication needs and preferences.

6. Our complaint process

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

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





Tier 1: First-contact complaint resolution

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

First contact resolution may include:

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

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

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

Tier 2: Review/assessment (if required)

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

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

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

As part of our review, we will:

- assess the information in the complaint against relevant legislation, policies, and procedures.
- refer to Council documents and records.
- speak with or meet affected parties to consider possible solutions; and
- advise the customer verbally and in writing of the outcome and our reasons.

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

Tier 3: Internal review

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

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

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

To request an internal review please send a request to:

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

When requesting an internal review please:

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

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

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

If this occurs:

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

Tier 4: External review

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

How to request an external review

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

Complaints about the Chief Executive Officer

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

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

The report of the external consultant:

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

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

Complaints lodged via Councillors

Councillors are not responsible for the response to any operational complaint, as the role of Councillors does not include the management of day-to-day operations of Council. Councillors will

request a complainant to make their complaint to Council via the various contact channels outlined in the policy – ‘How to make a complaint, provide feedback or compliments’ section.

Complaints about Councillors

The Councillor Code of Conduct outlines the expected and required behaviour of Councillors in the exercise of power, duties and functions. Complaints about Councillors are covered within the Macedon Ranges Shire Council Councillor Code of Conduct.

Refer to Councillor Code of Conduct.

Complaints alleging corrupt conduct

We will handle complaints involving allegations of corrupt conduct in accordance with Council's Public Interest Disclosures Policy. Complaints alleging corrupt conduct may also be made to the Independent Broad-based Anti-corruption Commission (IBAC).

Unreasonable complaints

A complaint is considered unreasonable when it:

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

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

7. How we learn from complaints

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

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

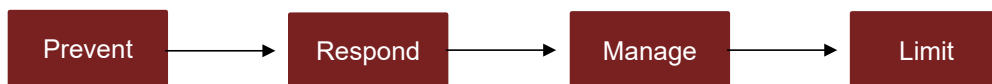
Where required under legislation, Council will report any information identified in a complaints process to external third parties for consideration.

8. Unreasonable behaviour

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

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

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



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

Unreasonable behaviour as defined by the Victorian Ombudsman

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

Behaviour	Examples
<p>Unreasonable arguments</p>	<ul style="list-style-type: none"> ● Insisting on the importance of minor issues. ● Making unsubstantiated allegations e.g. bias or corruption. ● Insisting on cause and effect without evidence, i.e. insisting that one thing makes something else happen.
<p>Unreasonable behaviour</p>	<ul style="list-style-type: none"> ● Verbal or written abuse to staff, Councillors or their immediate family members, including discriminatory or demeaning language or shouting. ● Aggressive behaviour to staff, Councillors or their immediate family members (verbal or written). ● Harassment of staff, Councillors or their-immediate family members (verbal or written). ● Making threats to staff, Councillors or their immediate family members (verbal, written, veiled or overt). ● Intimidation to staff, Councillors or their immediate family members (verbal, written, veiled or overt). ● Physical assault of staff, Councillors or their immediate family members. ● Damaging Council or staff personal equipment or property. ● Disruptive behaviour.

Managing unreasonable behaviour

If we consider that a customer’s behaviour is unreasonable, we will seek to apply appropriate and proportionate strategies for managing their behaviour in line with our duties under the Occupational Health and Safety Act Victoria 2004. The strategies will depend on the behaviour and may include setting limits on how future interactions can occur. The actions chosen will be commensurate with our assessment of the behaviour and its impact upon:

- The health, safety, and wellbeing of our staff and/or Councillors.

- The efficient use of our resources; and
- Our ability to maintain equitable levels of service for other members of the community.

Strategies available

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

Unreasonable persistence – asking for the behaviour to stop

We will:

- Ask that contact ceases regarding the matter(s) raised, to enable us a reasonable opportunity to respond; and/or
- Set time limits on any discussions; and/or
- Refer the matter back to the original staff member who was handling the matter or their manager; and/or
- Decline to consider new issues that are not supported with relevant information or evidence.

Unreasonable demands – setting limits on our involvement

We will:

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

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

We will:

- Require appropriate evidence before engaging further on any matter; and/or

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

Unreasonable behaviour – setting limits and conditions

We will:

- Identify the unreasonable behaviour and ask that it stop.
- Provide a warning.

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

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

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

Exceptional circumstances

Notwithstanding any other provisions of the Policy, where the unreasonable behaviour has included verbal abuse, aggressive behaviour, threats and/or harassment to an extent where the CEO, or staff, deems it to be impacting the ongoing health and safety of any staff and/or

Councillors, the CEO may intervene at any point and authorise the immediate implementation of any and all strategies deemed necessary to address this.

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

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

Decision making authority (in non-exceptional circumstances)

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

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

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

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

Final opportunity to stop unreasonable behaviour

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

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

- The behaviour is unreasonable and poses a sufficient risk to the health and safety of staff and/or Councillors and/or unreasonably impacts on their resources of Council and/or unreasonably impacts on the ability to maintain equitable services to the whole community.
- All relevant factors have been considered including the customer's history in dealing with Council, the nature of the behaviour, their personal circumstances and the impact of limiting access on them.

- The limits are proportionate to the level of risk posed by the behaviour.
- There is sound evidence to support the decision.
- The limits are consistent with the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and *Equal Opportunity Act 2010* (Vic).

Legal recourse

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

Informing the parties

The CEO, or relevant Director, will inform:

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

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

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

Reviewing decisions

The CEO or relevant Director will ensure that any imposed limits on access are reviewed every three months or six months (depending on the nature of the service provided) and not more than 12 months after the service change or restriction was initially imposed or continued/upheld.

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

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

Security – general provisions

Council has a duty under the Occupational Health and Safety Act Victoria 2004 to ensure that our staff, and others, are safe and will implement any security measures deemed necessary, including:

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

Gender impact assessment

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

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

9. Definitions

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

<p>Councillors</p>	<p>A person who holds the office of member of Council.</p> <p>Note: Councillors are not staff members and the role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer (which include the day-to-day operations of Council).</p>
<p>Customer</p>	<p>Person(s) of any age, including children and young people, who access or utilise Council’s services, including someone who receives services from Council or communicates with Council in relation to Council services, policies or decisions.</p>
<p>Feedback</p>	<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>
<p>Investigation</p>	<p>The examination of information against relevant legislation, policies and procedures, Council documents and records. It does not necessarily constitute a detailed written report.</p>
<p>Request for service</p>	<p>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.</p>
<p>Senior officer</p>	<p>Includes department Managers, Directors and the CEO of Council.</p>
<p>Staff/Council officer</p>	<p>All employees, contractors and volunteers employed or engaged by Council. Does not include Councillors.</p>
<p>Unreasonable complainant conduct (UCC), also referred to</p>	<p>Unreasonable complainant conduct (UCC), as defined by the Victorian Ombudsman, is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for:</p>



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

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

- > National Office of Child Safety “Work Related Violence – A guide for employers”. WorkSafe Victoria. October 2020.

11. Related policies / procedures

- > Customer Service Charter
- > Public Interest Disclosures Policy
- > Privacy Policy
- > Councillor Code of Conduct
- > Compliance and Enrolment Policy
- > Risk Management Policy
- > Occupational Health and Safety Policy
- > Occupational Violence and Aggression Procedure
- > Working alone or in Isolation Procedure

12. Related legislation

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

- > Child Safe Standards
- > Occupational Health and Safety Act Victoria 2004.

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13. Appendix 1

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

14. Appendix 2

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

15. Appendix 3



14 DIRECTOR ASSETS AND OPERATIONS REPORTS

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

Summary

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

Recommendation**That Council**

1. **Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:**
 - (a) **Mulbarton Rockwall Restoration Design: Return \$21,864.00 to the consolidated capital works program budget;**
 - (b) **Manna Gum Family and Childrens Centre: Approve a scope variation and utilise existing project contingency for internal pathway work as a carry forward in the 2024/25 financial year;**
 - (c) **Woodend Neighbourhood House Ramp: Return \$40,000.00 to the consolidated capital works program budget;**
 - (d) **Jacksons Creek Reserve Rotunda 2024: Return \$2,580.00 to the consolidated capital works program budget;**
 - (e) **Gisborne Gym – Changerooms and Sauna: Return \$80,000.00 to the consolidated capital works program budget;**
 - (f) **Kyneton Rifle Range Rooms Design: Return \$20,000.00 to the consolidated capital works program budget;**
 - (g) **GAC Ceiling and Steel Works: Return \$7,500.00 to the consolidated capital works program budget;**
 - (h) **Buffalo Stadium Change room upgrade: Return \$15,000.00 to the consolidated capital works program budget;**
 - (i) **Kyneton Saleyards: Return \$40,000.00 to the consolidated capital works program budget;**
 - (j) **Kyneton Botanic Gardens Waterplay: Return \$45,000.00 to the consolidated capital works program budget;**
 - (k) **Footpath – Kyneton Tennis Club: Increase budget by \$30,785.11;**
 - (l) **Romsey Recreation Reserve Clubrooms: Increase budget by \$7,500.00**

2. Notes that recommendation 1 (above) results in a surplus of \$170,285.89 to the financial year 2023/2024 consolidated capital works program budget.

Background

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

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

During the year, emergency projects may need funding or grants requiring contribution by Council. By transparently and regularly reporting to Council officers, we ensure the Capital Program is delivered with good governance and to the best advantage.

Discussion

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

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

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

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

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

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

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
Financial position following previous decisions	N/A	N/A	Bring forward a -\$63,373.00 balance resulting from the resolution of the April 2024 Council meeting	(\$63,373.00)
100999 Mulbarton Rockwall Restoration Design	No	\$30,000.00	The design investigation is complete. Further work for vegetation removal with a planning permit, debris clearance, salvage of rubblestone for reuse and other repair works will require \$145,000. It is recommended that \$21,864 be returned to the consolidated capital works program. For further work, a future business case can be submitted for FY25/26.	\$21,864.00
100241 Manna Gum Family and Childrens Centre	Yes	\$534,360.00	Stage 2 of the Manna Gum Family and Childrens Centre (southern playground) works were practically completed in March 2024. An additional path connecting the Stage 2 scope (linking the northern and southern playgrounds) is identified as an intermediate requirement (this was originally part of Stage 1 works, which are now being delivered second). This request is to approve a scope variation and utilise the existing contingency in the budget of \$85K. If approved, this needs to	0.00

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			be carry forward in the 2024/25 financial year. Designs need to be finalised, with work scheduled for mid-year school holidays.	
100813 Woodend Neighbourhood House Ramp	Yes	\$100,000.00	The project scope needs to change to replace the existing ramp with a fully compliant one, which will significantly exceed the project budget. Further work is required to complete a new design. Capital renewal works will extend the longevity of the existing ramp. Officers recommend that \$40,000 of the budget be returned with this scope change. The new ramp will be presented as a business case for a future budget. The \$60,000 spent included:- ramp renewal works of \$25K, design for future fully compliant DDA ramp of \$22K, Project management fees of \$10k, and contingency of \$3k.	\$40,000.00
100085 Jacksons Creek Reserve Rotunda 2024	Complete	\$70,997.50	Project complete and returning unspent budget surplus.	\$2,580.00
100786 Gisborne Gym – Changerooms & Sauna	Yes	\$110,000.00	The Capital Review Board supported the change to a smaller scope. Due to the current flooring's failure to meet slip rating regulations, the new scope requires only	\$80,000.00

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			\$30,000 to replace flooring in changerooms. \$80,000 of the budget can be returned. Other scope items removed from the project will be reviewed and presented to a future budget for consideration.	
100233 Kyneton Rifle Range Rooms Design	Complete	\$72,825.00	The project is practically complete. The \$20,000 budget surplus can be returned.	\$20,000.00
100814 GAC Ceiling & Steel Works	Complete	\$30,000.00	The project is practically complete. The \$7,500 budget surplus can be returned.	\$7,500.00
100260 Buffalo Stadium Change room upgrade	Complete	\$280,000.00	The project is practically complete, subject to the final defect rectification. The \$15,000 budget surplus can be returned.	\$15,000.00
100827 Kyneton Saleyards	Yes	\$219,965.00* (reduced from the original budget)	The project is practically complete and subject to final ramp repairs being rectified. The \$40,000 budget surplus can be returned.	\$40,000.00
100091 Kyneton Botanic Gardens Waterplay	Yes	\$155,000.00	The various hardware items being replaced to improve the functionality and reliability of the splash park are nearing completion. The scope was also revised to redesign the water treatment system to address capacity issues. The revised system is functioning but assumes potable water from the splash park is going to the sewer as waste. Due to a pending Land	\$45,000.00

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			Capacity Assessment, an additional system to capture and reuse water for Botanic Garden Reserve irrigation remains outstanding. The remaining funds of \$45,000 can be returned to the current consolidated capital works program budget or be carried forward to a new project to complete the irrigation system.	
101044 Footpath – Kyneton Tennis Club	No	\$50,000.00	The cost provided in tender submissions received was higher than the allocated budget. Therefore, an additional \$30,785.11 is required to complete the project.	(\$30,785.11)
100141 Romsey Recreation Reserve Clubrooms	Yes	\$63,132.50	The current project budget is effectively exhausted, with some recent scope added to respond to club requests, reducing the remaining contingency. Based on a recent club request for power to be added to the container for lighting and other club requirements, additional contingency funds are anticipated to be required to complete the scope and provide capacity for unanticipated costs.	(\$7,500.00)
			Net Total	\$170,285.89

This recommendation currently results in a **surplus of \$170,285.89** in the 2023/2024 Capital Works Program budget.

Consultation and engagement

Stakeholders will be identified within individual infrastructure projects. Project Sponsors will liaise with stakeholders of projects that are the subject of this report.

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

Collaboration

Council officers share initiatives across many neighbouring Councils, reporting similar challenges and impacts from current economic conditions.

Innovation and continuous improvement

This is an innovative approach to the problem of unprecedented infrastructure project price increases. Council would typically address project budget issues via the mid-year budget review. In response to the current economic environment, an agile response is required. 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 no specific law relating to the information provided within this report.

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was not required regarding the subject matter of this report. Officers have noted gender impact within each business case for infrastructure projects.

Relevant regional, state and national plans and policies

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

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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.

15 NOTICES OF MOTION AND RESCISSION

Nil

16 URGENT BUSINESS

17 CONFIDENTIAL REPORTS

Nil