

# Council Meeting Agenda

**Wednesday 24 February 2021 at 7.00pm**  
**Gisborne Administration Centre**  
**40 Robertson Street, Gisborne**

**Recording of Council Meetings:**

The recording of Council Meetings, either visually or by sound, or the taking of photographs in Council Meetings is not permitted without first obtaining the consent of Council or the Chairperson.

**Attachments:**

All attachments are available for viewing or downloading from Council's website, [mrsc.vic.gov.au](http://mrsc.vic.gov.au)

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## **ACKNOWLEDGEMENT OF COUNTRY**

**To start the official proceedings I would like to acknowledge that Macedon Ranges Shire Council is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Country whose ancestors and their descendants are the traditional owners of this Country. We acknowledge that they have been custodians for many centuries and continue to perform age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.**

### **1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING**

**Please note that this meeting is being recorded and streamed live on the internet in accordance with Council's *Live Streaming and Publishing Recording of Meetings Policy*, which can be viewed on Council's website.**

**The recording will be bookmarked, archived and made available on Council's website 48 hours after the meeting.**

**While Councillors are attending this meeting in person, in line with current directions by the Chief Health Officer, face-to-face Council Meetings are not to be held with members of the public in attendance. As such, there is no one present in the public gallery this evening. We welcome those of you watching from home.**

**Face masks will be worn in accordance with the current directions of the Chief Health Officer.**

**I also remind everyone that local government decision making, unlike state and federal government, does not afford the benefit of parliamentary privilege and hence no protection is afforded to Councillors and Council officers for comments made during meetings which are subsequently challenged in a court of law and determined to be slanderous.**

**Thank you**

### **2. PRESENT**

### **3. APOLOGIES**

**4. DECLARATION OF CONFLICT OF INTERESTS**

Councillors' attention is drawn to Division 2 Sections 126-131 of the *Local Government Act 2020* and Part 5, Rule 48 of Council's Governance Rules regarding conflicts of interest.

Councillors are reminded that conflicts of interest must be disclosed in the manner required by Council's Governance Rules. The Councillor must make a full disclosure of the interest by either advising:

- the Council at the meeting immediately before the matter is considered at the meeting; or
- the CEO in writing before the meeting;

and

- whether the interest is a general conflict of interest or a material conflict of interest; and
- the nature of the interest

(If a Councillor advised the CEO in writing before the meeting, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting)

**5. MAYOR'S REPORT**

This item in each agenda offers an opportunity for the Mayor to provide a brief report on recent Council activities and initiatives of a shire-wide nature.

Councillor reports on any meetings they have attended as a Councillor delegate are provided at Councillor Briefings or via email communications. Any matters requiring Council deliberation/decision are considered by Council via a report to a Council Meeting.

**Recommendation:**

**That the Mayor's report be received.**

**6. PETITIONS**

Pursuant to Council's adopted Governance Rules, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

- (i) a motion may be proposed to accept the petition or joint letter and that it lay on the table until the next Scheduled Council Meeting or a future meeting specified by the Council (at which a report on the matter will be presented);
- (ii) a motion may be proposed to accept and note the petition or joint letter and resolve to deal with it earlier or refer it to another process.

A Councillor presenting a petition or joint letter will be responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it is not derogatory or defamatory.

**7. ADOPTION OF MINUTES**

Any Councillor whether in attendance or not at the subject meeting can move and second the adoption of the minutes, however accepted practice is that Councillors who were in attendance moved and second these motions.

Scheduled Council Meeting: Wednesday 27 January 2021

**Recommendation:**

**That the minutes of the Scheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 27 January 2021 as circulated be confirmed.**

**8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – FEBRUARY 2021**

**Summary / Purpose**

The purpose of this report is to provide the record of meetings of Councillors and Council staff, which have been held since the last Council Meeting, so that they can be recorded in the minutes of a scheduled Council Meeting.

**Policy Context**

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

**Background Information**

Rule 31(b) specifies the meetings for which a written record will be kept and reported to the next practicable Council Meeting are as follows:

- (i) an advisory committee of the Council, if at least one Councillor is present; or
- (ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:
  - i. the subject of a decision of the Council;
  - ii. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committeebut does not include a meeting of the Council, a delegated committee of the Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.

Rule 31(c) provides that the written record of meetings must include:

- (i) the names of attending Councillors, staff members and other persons;

- (ii) a short title of the matters discussed; and
- (iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.

Note: Only matters that are the subject of discussion and consideration at a meeting will be listed. Incidental updates and information on matters will not be recorded.

This requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

### Report

Outlined below are the details of meetings of Councillors and Council staff held since the last meeting.

1.	Date / Time	Type of Meeting
	Wednesday 27 January 2021 at 4.05pm	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Anderson (Mayor) Cr Ridgeway (Deputy Mayor) Cr Bonanno Cr Death Cr Guthrie Cr Moore Cr Neil Cr Pearce Cr West
	Present – Officers	John Nevins John Hausler Angela Hughes Kate Young Harjinder Singh Sarah Noel Allison Watt Christo Crafford
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Agenda for 27 January Council Meeting</li> <li>• Timetable for Council Plan/Budget</li> </ul>
	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 Neil stated that, while he does not have a conflict, he does have an interest in agenda item PE.1 in that he is a customer of Western Water and a member of the CFA.</p> <p>Did they leave the meeting? Yes</p> <p>Cr Anderson declared a conflict of interest in agenda</p>

	<p>item 14 Notice of Rescission No. 09/2020-21 for reasons disclosed previously in writing to the CEO.</p> <p>Did they leave the meeting? Yes</p> <p>Cr Guthrie stated that he would exclude himself in relation to agenda item 14 Notice of Motion No. 10/2020-21 on the basis of apprehended bias, pending the receipt of legal advice. However, the item was not discussed.</p> <p>Did they leave the meeting? No</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

<b>2.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 2 February 2021 at 9.52am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Waldon Sarah Noel Kate Young Allison Watt Colin Marshall Terry Fitzpatrick Simon Findlay Dean Frank Harjinder Singh Awais Sadiq Rob Ball Leanne Khan
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Kyneton Airfield Update</li> <li>• Call for Notices of Motion for the National General Assembly 2021</li> </ul>



	<ul style="list-style-type: none"> <li>• Hanging Rock Recreation Clubs</li> <li>• Planning Scheme Amendment C126macr — Errors, Anomalies &amp; Minor Changes Panel Report</li> <li>• PLN/2020/473 Gisborne Community Health Centre, 5 Neal Street, Gisborne</li> </ul>
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>Nil</p> <p>Did they leave the meeting? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

<b>3.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 9 February 2021 at 9.41am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Sarah Noel Allison Watt Will Rayner Nicole Pietruschka Harjinder Singh Damien Hodgkins Rob Ball Leanne Khan Gary Randhawa Daniel Martin Meaghan McNamara Justin Walsh Jack Wiltshire
	Presenters	Caroline Adams, Principal, City Collective (external guest)

	Mark McKenna, Studio Leader, City Collective (external guest)
Items discussed	<ul style="list-style-type: none"> <li>• Macedon Ranges Event Strategy 2020-25 for Final Adoption</li> <li>• Planning matters: <ul style="list-style-type: none"> <li>- Kyneton Airfield Planning Applications</li> <li>- PLN/2020/291 - 85 Harpers Lane, Kyneton</li> </ul> </li> <li>• Strategic Planning Work Program</li> <li>• Draft Waste Management &amp; Resource Recovery Strategy 2020-2021</li> <li>• Macedon Ranges Regional Sports Precinct</li> <li>• Rural Land Use Strategy</li> <li>• Submission to the Department of Environment, Land and Water on Environmentally Sustainable Development</li> <li>• Review of agenda for Council Meeting on 24 February 2021</li> </ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Ridgeway declared a conflict of interest in relation to planning application PLN/2020/291 - 85 Harpers Lane, Kyneton.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

<b>4.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Wednesday 10 February 2021 at 7.02pm	Delegated Submitters Committee Meeting
	Venue	Online (Zoom)
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Present – Officers	John Nevins Angela Hughes Kate Young Allison Watt Jessica Baguley Harjinder Singh Brad Tellis

	Wendy Le Brocq Val Alford
Submitters	<ul style="list-style-type: none"> <li>• Chairmaine Smith</li> <li>• Natalie Korinsky (on behalf of Gienia Wegrzyn)</li> <li>• Nicola Turner (and on behalf of Andy Turner)</li> <li>• Ian Williams (and on behalf of Ruth Williams)</li> <li>• Hans Feitsma</li> <li>• Lynette Joy</li> <li>• Peter Gait</li> <li>• Christo Kakris</li> <li>• Annalisa Clark</li> <li>• Wendy Pearce (and on behalf of John Pearce)</li> <li>• Neil Pharaoh (written submission read by the Director Planning and Environment)</li> <li>• Dr John Turner (written submission read by the Director Planning and Environment)</li> <li>• Ross Closter (on behalf of applicant)</li> </ul>
Item discussed	Planning matter — PLN 2020/291 – 85 Harpers Lane Kyneton
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Ridgeway declared a conflict of interest in relation to planning application PLN/2020/291 - 85 Harpers Lane, Kyneton.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

<b>5.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 16 February 2021 at 9.30am	Councillor Briefing
	Venue	Online (Zoom)
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Present – Officers	John Nevins Angela Hughes Sarah Noel John Hausler Shane Walden

	<p>Kate Young  Allison Watt  Jessica Baguley  Travis Harling  Rob Ball  Leanne Khan  Michelle Wyatt  Grady Peterson  Silvana Predebon  Awais Sadiq  Damien Hodgkins  Meghan McNamara  Justin Walsh  Elicia Aitken</p>
Presenters	Nil
Items discussed	<ul style="list-style-type: none"> <li>• Budget Workshop 1</li> <li>• Gisborne Futures</li> <li>• Charging the Regions 2 — Public Electric Vehicle Charging</li> <li>• Declaring a Climate Emergency — Options and Implications</li> <li>• Lancefield Development Plan</li> <li>• Planning matters <ul style="list-style-type: none"> <li>- PLN/2020/141 - 67 Simpson Street, Kyneton</li> <li>- PLN2020/225 - 36 Sullivans Road, Woodend</li> </ul> </li> <li>• Macedon Ranges Regional Sports Precinct — Further Discussion on the Options and Supporting Information</li> </ul>
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated that he would exclude himself in relation to the Gisborne Futures agenda item on the basis of apprehended bias, pending the receipt of legal advice.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

**Officer Recommendation:**

**That Council endorse the record of meetings of Councillors and Council staff set out in the report titled “Record of Meeting of Councillors and Council Staff – February 2021”.**

**9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

Generally there is no opportunity for members of the public to address a Scheduled Council Meeting. In specific circumstances where a prior request to the Mayor has been made and approved, a member of the public may be provided the opportunity to address the Council. In such circumstances the presentation will be limited to three minutes unless otherwise approved.

<b>PE.1</b>	<b>APPLICATION FOR PLANNING PERMIT PLN/2020/121 – DEVELOPMENT OF SIX (6) DWELLINGS AND WAIVER OF ONE VISITOR CAR PARKING SPACE – 74 HAMILTON STREET, GISBORNE AND 27 LYELL STREET, GISBORNE</b>
<b>Officer</b>	<b>Alexia Paterson, Senior Statutory Planning Officer</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachments</b>	<b>1. Locality/aerial Plan 2. Original Development Plans 3. Town Planning Report 4. Voluntary Amended Development Plans 5. Statement of Planning Policy (SoPP)</b>
<b>Applicant</b>	<b>Bill Jacobs Pty Ltd</b>
<b>Date of Receipt of Application</b>	<b>23 April 2020</b>
<b>Trigger for Report to Council</b>	<b>Councillor call in</b>

### **Purpose and Overview**

The subject site is located at 74 Hamilton Street and 27 Lyell Street, Gisborne. The application proposes the construction of six (6) dwellings and a waiver of the visitor car parking requirement.

The application was advertised with four (4) objections received.

Key issues to be considered in the assessment of this application relate to traffic including parking impact and impact on amenity of adjoining lots.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance it is considered that the development is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, particular provisions and general provisions. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

### **Recommendation**

**That a Notice of Decision to Grant a Permit is issued for Development of Six (6) Dwellings and waiver of one visitor car parking space for the land at LOT 1 LP 33302 P/Gisborne (TP 198783R), Lot 26 LP 33302 P/Gisborne, 74 Hamilton Street, Gisborne 3437, 27 Lyell Street, Gisborne, subject to the following conditions:**

1. **Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
  - a) **Any modifications to the Floors and Elevations drawings consistent with the voluntary changes submitted to Council on 12 January 2021;**
  - b) **Dwelling 2, 3, 4 and 5 east facing kitchen window to be treated to prevent overlooking in accordance with Clause 55.04-6 (Overlooking objective) of the Macedon Ranges Planning Scheme;**
  - c) **A minimum 1.80 metre high timber paling fence along the eastern property boundary opposite Dwelling 6 secluded private open space in accordance with Standard B22 of Clause 55.04-6 (Overlooking objective) of the Macedon Ranges Planning Scheme;**
  - d) **A Landscape Plan in accordance with Condition 7.**

When approved, these plans will be endorsed and will form part of this permit.

2. **The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.**
4. **All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
5. **The development must be provided with external lighting capable of illuminating access to garage and rear areas for dwelling. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.**
6. **Prior to the occupation of dwelling/s, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.**
7. **Before the development starts, or any trees or vegetation removed, a revised landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The revised landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:**

- a) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - b) A least one planting of medium / large sized canopy tree (capable of achieving minimum of 4 metres in height) within the Secluded Private Open Space area of each dwelling;
  - c) A least one planting of medium / large sized canopy tree (capable of achieving minimum of 3 metres in height) within the front setback area of Dwellings 2, 3, 4 and 5;
  - d) At least two plantings of medium / large sized canopy tree (capable of achieving minimum of 6 metres in height) within the front setback area of Dwelling 1 and 6;
  - e) The use of drought tolerant species; and
  - f) Appropriate irrigation systems.
8. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

**MRSC Engineering Unit conditions**

9. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:
- a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - b) Occupying a road for works.
  - c) Connecting any land to a stormwater drain.
  - d) Opening, altering or repairing a road.
  - e) Opening, altering or repairing a drain.
  - f) Accessing a building site from a point other than a crossover.
  - g) Construct/repair/widen/remove any crossover.
10. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
- a) Name and contact details of appointed Civil Contractor and Superintendent.
  - b) Existing condition survey of all existing assets including private properties
  - c) Construction Management Plan
  - d) Traffic Management Plan
  - e) Environmental Management Plan
  - f) Occupational Health & Safety and Job Safety Analysis Plans
  - g) Council issued Asset Protection Permit
  - h) Council approved Engineering Plans

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.



11. Prior to occupation of the dwellings, the following works must be constructed or carried out to the satisfaction of the Responsible Authority:
- a) A new 1.5m wide concrete footpath along Neal Street frontage of the site.
  - b) Reinstatement of the existing three on-street car parking spaces including the time restricted parking sign in Neal Street frontage of the site.
  - c) A new sealed crossover for each dwelling. Crossovers are to be a minimum of 8.0 metres from any intersection, 1 metre from any power pole, sign or service pit and a minimum of 3 metres from any street tree.
  - d) All new crossovers must be designed such that no stormwater runoff from kerb and channel is entering the property via the crossovers and no scraping occurs underside the vehicles. This must be supported by longitudinal sections along the crossovers.
  - e) Removal of any redundant crossovers, parking spaces and reinstatement of kerb and channel and nature strip.

Detailed construction plans for the above works must be submitted to and approved by the Responsible Authority.

12. Prior to occupation of the dwellings, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
  - b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
  - c) All stormwater drains required to the legal point of discharge and which pass through lands other than those within the boundaries of the development are constructed at no cost to the Responsible Authority.
  - d) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.
  - e) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied. Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.

Detailed construction plans for the above works must be submitted to and approved by the Responsible Authority.

13. Prior to the occupation, a drainage easement must be created within Lot 26, LP 33302 to contain stormwater drainage service for the development to the satisfaction of the Responsible Authority.

14. **No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.**
15. **The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).**

#### **Build Over Easement Condition**

16. **A Build Over Easement permit must be sought for any building or structure to be built over an easement in favour of Macedon Ranges Shire Council.**

#### **Permit Expiry**

17. **This permit will expire if one of the following circumstances applies:**
  - a) **The development does not start within two (2) years of the date of issue of this permit.**
  - b) **The development is not completed within four (4) years of the date of issue of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.**

#### **Permit Notes:**

- **This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.**
- **Future owners of the land must be made aware of the existence of this permit.**

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#### **Existing conditions and relevant history**

##### **Subject land**

The subject site comprises two lots known as 74 Hamilton Street Gisborne and 27 Lyell Street Gisborne with total land size of 1315sqm. Currently 74 Hamilton Street is occupied by a Veterinary clinic, and 27 Lyell Street Gisborne contains a single storey weatherboard dwelling.

Vehicle access to both the lots is via Neal Street.

The subject site has a significant four (4) metre downward fall running from south west to north east. The site is located within the established Gisborne town boundary and within 300 metres radius of the existing Gisborne commercial area.

### Surroundings

The surrounding area is situated within the Gisborne town boundary, which is serviced by the commercial Gisborne Town Centre and adjacent to several medical facilities. Housing around the immediate area of Hamilton and Lyell Street Gisborne mainly comprises single storey weatherboard dwellings with hip and gable roof forms. Roofs are either metal sheeting roofs or tiled with most dwellings having brick. Further to the east and north-east there is an emergence of multi-unit developments to the built form landscape.

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

The subject site is no restrictive covenant or Section 173 Agreements.

### **Previous planning permit history**

A search of Council's records has found the following permit history:

Permit No.	Description
PLN/2019/261	Proposed alterations & additions to Veterinary Centre, removal of easement and signage (at 74 Hamilton Street) AND proposed temporary change of use to Veterinary Centre and temporary development of veterinary theatre & kennels (at 27 Lyell Street)
PLN/2008/503	Change of Use from Medical Centre to Veterinary Centre and Erect Associated Signage
PLN/2002/522	Surgery upgrades
PLN/1997/79	Medical practice

### **Proposal**

The proposal is to develop six (6) dwellings on the land with the following attributes:

- Built form will be double storey semi-detached, sited centrally on the block with no walls on boundaries
- Maximum building height will be 8.83 metres
- Each dwelling comprises three (3) bedrooms, open living area, two (2) bathrooms, and two on-site car parking spaces including one covered space
- Use of a mix of brick and weatherboard cladding for the external walls and Colorbond roofing. Colour tone is muted with use of browns/reds/grey and crisp white.
- All secluded open spaces are north-east facing
- All vehicle access points are via Neal Street, maintaining the existing conditions

In addition to the development proposal, it is requested to waive one visitor car space on site.

### **Relevant Macedon Ranges Planning Scheme controls**

#### Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 requires Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. The proposal in general complies with the Statement of Planning Policy and the application will meet the objectives and strategies specified in the policy.

**PPF**

Clause No.	Clause name
11	Settlement
15.01-1S	Urban Design
15.01-2S	Building Design
15.01-5S	Neighbourhood Character
16.01-1S	Housing supply
16.01-2S	Housing affordability

**LPPF**

Clause No.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.08	Built Environment and Heritage
21.09	Housing
21.13	Gisborne Township

**Zone**

Clause No.	Clause name
32.08	General Residential Zone

**Overlays**

Clause No.	Clause name
45.06	Development Contribution Overlay – Schedule 2

**Particular Provisions**

Clause No.	Clause name
52.06	Car parking
55	Two or more Dwellings on a lot and Residential Buildings

**General Provisions**

Clause No.	Clause name
65	Decision Guidelines

**Cultural Heritage Management Plan assessment**

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

4	Is the application proposal a high impact activity as defined in Part 2 Division 5 Aboriginal Heritage Regulations 2018?	Yes
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Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 Regulation 7 Aboriginal Heritage Regulations 2018.

#### Referral

<b>Authority (Section 55)</b>	<b>Response</b>
Western Water	No objection to building over easement

<b>Authority (Section 52)</b>	<b>Response</b>
MRSC Engineering	No objection, subject to conditions

#### **Advertising**

The application was advertised by displaying a sign on site and by registered letters to surrounding land owners and occupiers. Four (4) objections were received, expressing a range of concerns largely surrounding amenity and car parking impacts. For more detail on objections, see ‘Response to Objections’ heading of this report.

#### **Officer Assessment**

The following is an assessment against the relevant Planning Provisions:

#### **Planning Policy Framework**

Planning policy 11.03-3S aims to “*manage growth in peri-urban areas to protect and enhance their identified valued attributes*”, which includes provision of development in established settlements that have capacity for growth having regard to complex ecosystems and landscapes of attractiveness. The site has been identified and zoned as appropriate for residential use and development.

The policies relating to the Built Environment also broadly emphasise the importance of creating quality environments which contribute positively to the local urban character and sense of place and reflect the particular characteristics, aspirations and cultural identity of the community.

The objective of Clause 15.01-5S (Neighbourhood Character) is “*to recognise and protect cultural identity, neighbourhood character and sense of place.*” This Planning Policy seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development. Clause 15.01-3S aims “*to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*” This policy requires (future) development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscaping and climate; and requires development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.

The policies relating to housing broadly emphasise the importance of promoting a mix of housing types that enable residents to age in place, and housing sustainability and affordability with access to essential activity needs.

Clause 16.01-1S promotes housing market that meets community needs. The objective of Clause 16.01-2S is to locate new housing in designated locations that offer good access to jobs, services and transport. The objective of Clause 16.01-3S is to provide for a range of housing types to meet diverse needs.

The proposal will meet these objectives by increasing housing supply and diversity in Gisborne, on a site which is close to the town centre and local employment options. The development provides for infill residential development on a site within an existing residential area suitably zoned for this use.

The design and layout of the development is considered to meet the objectives in responding to the site context and protecting neighbourhood character and sense of place. Overall the proposal provides both additional housing supply and further diversity in housing stock on a site close to commercial amenities and public reserves delivering positive sustainable urban consolidation and development outcome.

### **Local Planning Policy Framework**

It is considered that the development proposed achieves the outcomes sought by policy relating to settlement and housing. The site is located within the established boundaries of the town, where all services are available.

The development will enhance the range of housing options within the township and support multi-dwelling development within the Gisborne Township Residential Precinct. The location near the town centre is relatively close to services and assist in offering range of housing options in the town.

The Municipal Strategic Statement (MSS Clause 21.04) generally aims to achieve outcomes which include:

- *Providing for a population increase across the Shire of 16,000 residents by 2036, with the majority of this growth within the larger settlements.*
- *Providing for development and growth within existing settlement boundaries and where adequate services are available.*
- *Ensuring that development is sustainable and respects character of towns and settlements.*

Under Clause 21.08-3 Built Environment it is an objective *‘to protect and enhance the existing character and form of the Shire’s towns’*. This is done by ensuring that subdivision/development patterns and preferred neighbourhood character are respected, and that higher density development is directed as per town centre structure plans.

Clause 21.13-1 is a specific policy relating to Gisborne and contains the following objectives and strategies:

### **Objectives**

- *Objective 1 To reinforce the key urban functions and role of Gisborne and New Gisborne as the major urban centre in the southern end of the Shire.*
- *Objective 2 To maintain Gisborne and New Gisborne as distinctive semi-rural settlements with clear limits to population and physical urban growth.*
- *Objective 3 To manage urban growth and development in Gisborne in a co-ordinated and environmentally sustainable manner that ensures Gisborne remains a semi-rural township that respects the established village character, natural setting, topography and view lines of the area.*
- *Objective 4 To establish New Gisborne as a transit orientated settlement, building on the educational, public transport, local commercial and employment opportunities in the area, and sustainable development principles.*
- *Objective 5 To ensure future urban growth in New Gisborne respects the township's semi-rural character, heritage streetscapes, view lines to the Macedon Ranges and significant natural environmental assets, including Gisborne Racecourse Marshlands Reserve.*

### **Strategies**

- Balancing township growth and development densities against the community's desire to maintain the semi-rural and established village character of Gisborne and New Gisborne, whilst also providing for sustainable development in one of the Shire's major urban centres with good commercial and community services/facilities, and transport options.
- Encourage, in appropriate locations, medium density housing within 400 metres walking distance of the Gisborne town centre as designated on Gisborne / New Gisborne Framework Plan.
- Appropriate locations are those areas where slope and access to services are favourable for medium density development and where such development is compatible with established landscape and township character, and places of heritage significance.
- Medium density housing may be appropriate in locations outside designated areas if all of the following apply:
  - The site is located near public open space or a local neighbourhood activity centre;
  - A site responsive and high quality built form outcome is achieved, and generous landscaping that contributes to the local neighbourhood character is provided; and
  - Amenity impacts on adjoining residential properties are minimised; and The intensity and scale of development is in keeping with the character of the area.

It is considered that the development proposed generally achieves the outcomes sought by the policy relating to settlement and housing. The site is located within the established boundaries of the town, where all services are available. The proposal is an appropriate intensification of residential development in a well-established area, which is close to public open space including a sporting and community facility, a primary school and a commercial area with a supermarket, newsagency and eateries. The subject site is located with 300 metres radius of the existing Gisborne commercial area.

The development of six (6) dwellings will enhance the range of housing options within the township and support multi-dwelling development within the Gisborne Township. An increase to the built form density within proximity to the town centre is highly encouraged as a sustainable development principle.

In the absence of the any design and development overlays or neighbourhood character guidelines for this subject site, the proposal largely rests on the Zone and policy objectives and emerging character. Given these elements, the proposal is considered aligned with the preferred design response.

### **General Residential Zone**

Overall, the proposed development is considered to be a sound example of positive urban design response, as it gradually adapts to supplying infill housing within the town boundary.

Pursuant to mandatory Zone requirements provisions, the proposal achieves the minimum requirements as follows;

<b>Maximum building height</b>	<u>Required:</u> 9.0 metres and 2 storeys maximum above Natural Ground Level  <u>Proposed:</u> 8.83 metres	<b>Complies</b>
<b>Garden Area</b>	<u>Required:</u> 35% (minimum)  <u>Proposed:</u> 49.4%, 635.2 sqm (across the full development site-planning unit)	<b>Complies</b>

### **Neighbourhood character**

The proposal is considered a suitable response to the immediate context and the preferred character statement (including the listed strategies) of the precinct as follows:

#### **Built form and scale**

- The contemporary built form of the development is consistent with the emerging character of the area. The proposal has a well-resolved architectural theme which will positively contribute to the built form character of the area, whilst also achieving a respectful and site responsive design outcome.
- The proposal takes full benefit of the three (3) street interface, activating each street with dwelling frontages. The development will activate its Neal Street frontage, thus resulting in this street being active on both sides of it.
- The built form adequately responds to the steep upward slope from south west to north east adopting varied building heights and internal split levels. This design attention to the site conditions reduce visual bulk, allows for development to integrate within landscape, and is widely considered a positive response for redeveloping on sloping sites within existing residential areas.
- The maximum building height of 8.83 metre at the lower side may be higher than the existing lower single storey dwellings, however it is not uncommon for in-fill developments to adopt building heights of 7.5 to 9 metres. A double storey



building height is suitable and widely acceptable in the General Residential Zone.

- The proposed double storey scale is offset by generous street setback along Hamilton Street and Lyell Street, which compliments the spacious streetscape characteristic along the both these streets.
- While, there is positive design response with the built form, the proposal provides a continuous built form at the ground level. This aspect of the design is not in-keeping with the surrounding area or wider Gisborne Township. This officer concern was raised with the Applicant who agreed to amend the proposed plans in an attempt to address the concern. Subsequently, the Applicant submitted amended plans to Council on 12 January 2021. These voluntary changes, made by the Applicant, provide a minimum one (1) metre separation between each proposed dwelling at ground level. This is in addition to the separation already provided at first floor level. Officers consider these changes to improve the overall design of the development and are sufficient to address officer concerns.

### **Siting and massing**

- The siting and massing of the development is compatible with the pattern of development which has occurred in the immediate and wider area, with new infill development occurring immediately to the east and west.
- The development, with voluntary changes, would offer set of detached dwellings at both levels, with visual breaks intervals across the development site.
- The development offers suitable side and rear setbacks offering spacing to the eastern neighboring properties and including their secluded open spaces.
- The development incorporates an appropriate level of articulation to reduce bulk and provide visual interest.

### **Detailing**

- The proposal provides a strong residential address to the streets with a large proportion of each dwellings front façade containing habitable room windows at pedestrian level. The proposal also utilizes all three street interfaces, whereas the current development of the site does not address Neal Street.
- The proposed character of the new dwellings will complement the surrounding environment by utilising the colour palette of the surrounding properties while providing contemporary architectural style featuring elements such as gable roofs and window canopies with Colorbond roofing. The horizontal cladding to the upper floor will complement and reflect the existing weatherboard cladding prevailing in the area. The dwelling character form and styling is a balance of 2020 decade contemporary elements and with a rural modern twist.
- Sufficient areas within the front, side and rear setbacks are provided for a suitable landscaping response, including canopy tree plantings across each secluded open space to contribute to the enhancing the environmental outcomes and general character of the area. Addressing landscaping would be via conditions to any permit granted.
- The inclusion of raised outdoor deck on the ground floor of each dwelling is considered acceptable. Raising the deck above ground level will enable future residents of the new dwellings seamless access to their back garden, having regard to the steepness of the slope of the site.

- The absence of front fences contributes to the spacious front setback streetscapes. Absence of front fences is in-keeping with majority of other properties along the streetscape no front fences.

Overall, the design has taken into consideration and accommodates for offsite impacts by:

- Transferring all vehicle movements to Neal Street adjacent to the medical centre and away from neighbouring residential properties.
- The dwellings' secluded private open spaces are positioned at the rear of the properties, away from the street, with a northern aspect and privacy screened to protect neighbouring properties to the east.
- The dwellings will have generous setbacks from the eastern side to minimise impacts to neighbouring properties.

### **Build over easement**

The MRSC Engineering department have reviewed the application, including the voluntary changes and raised no concerns subject to a build over easement application for approval. Relevant permit conditions to this affect to be included to any permit granted.

Western Water have provided a written response advising of no objection to building over the easement.

### **Development Contribution Plan – Schedule 2**

The subject site is covered by Development Contribution Overlay Schedule 2 Gisborne and New Gisborne. This Overlay divides the Gisborne area into 15 catchments, with an associated contribution fee for each catchment. The subject site is located in number 7 catchment area. The Schedule requires a contribution fee to be paid per 'residential lot' on subdivision. As the application is for development only, no development contribution can be levied at this stage. However, if/when the site is subdivided, a development contribution fee would be levied at that stage.

If a planning permit is issued for this development, then officers expect that a subdivision application would be made at a later stage. Given subdivision is expected at later date, development contributions payment is set aside for the expected future subdivision application.

### **Clause 55 – Two or more Dwellings to a lot**

The proposal is considered to generally comply with the provision of Clause 55 as set out in the assessment table in **Appendix A**. The following points of non-compliance are assessed below:

<b>Standard</b>	<b>Officer Response</b>
Clause 55-03-1 Street setback objective (Standard 6)	<b>27 Lyell Street</b> Proposed street setback = 7.0 metres, in accordance with <i>Voluntary Development Plans</i> . Adjoining property = 9.80 metres Requirement = 9.0 metres <i>Variation = 2.0 metre</i> <i>Variation is considered suitable for the following reasons</i> <ul style="list-style-type: none"><li>• The subject site a corner lot, and thus, would not</li></ul>

	<p>disrupt the continuity of streetscape rhythm.</p> <ul style="list-style-type: none"> <li>• 27 Lyell Street properties' setbacks range from 5.2 to beyond 9. The proposed Dwelling 6 setback sits within this range.</li> <li>• The setback is adequate at delivering a large front garden with room for a minimum of two canopy trees to be planted contributing the spacious garden setting characteristic along 27 Lyell Street.</li> </ul> <p><b>74 Hamilton Street</b>  Proposed street setback = 6.72 metres  Adjoining property = 7.0 metres  Requirement = 7.0 metres  <i>Variation = 0.28 metre (28 cm)</i>  <i>Variation is considered suitable for the following reasons:</i></p> <ul style="list-style-type: none"> <li>• Variance is nominal</li> <li>• Hamilton Street property setbacks range from 5.1 to 8.79. The proposed setback sits within this range.</li> <li>• The setback is adequate at delivering a large front garden contributing the spacious garden setting characteristic of the area with room for two canopy trees to be planted.</li> </ul>
<p>Clause 55.04-6  Overlooking objective  (Standard 22)</p>	<p>Dwelling 6 secluded open space faces an existing 1.6 metres property boundary fence. The minimum requirement for fencing to comply with overlooking requirements is 1.80 metre. A permit condition to require compliance is recommended.</p> <p>The number of windows on the east elevation facing neighbouring properties' secluded open space is considered excessive. Dwellings 2-5 (inclusive) kitchen east facing windows are untreated and, while technically compliant with Standard B22, officers are concerned by the impact of these windows on the amenity of neighbouring properties. It is therefore recommended that Dwelling 2-5 (inclusive) kitchen east facing windows are treated for overlooking. Permit conditions are recommended to achieve this.</p>

**Car Parking Requirement and Access**

The proposal provides car parking as set out in the table below:

	Requires	Provides
6 x (3)-bedroom dwellings	12	12
Visitor car space	1	0
Total	13	12

The design of car spaces and access ways complies with the requirements of Clause 52.06-9 of Macedon Ranges Planning Scheme.

Council's Engineering department did not object to the waiver of the visitor car parking space on site, subject to the existing three (3) indented parking spaces along Neal Street being retained, but installed further north of their current location to avoid one of the proposed vehicle crossovers to the proposed development. There should be no loss to existing public car parking spaces as a result of this application.

The installation of a pedestrian footpath along Neal Street is recommended at the permit holder's cost to service four of the six dwellings, whose access to/from their home would be via Neal Street.

The subject site is well located within walking distance of the Gisborne Town Centre. Therefore occupants of these dwellings may rely less on vehicles for transportation.

No. 74 Hamilton Street is currently occupied by Veterinary Clinic which generates a range of low to high traffic volumes to it. Given this, it is not considered that the proposed development will generate traffic volumes not already experienced at the site.

### **Response to Objections**

<b>Objection</b>	<b>Officer Response</b>
Overdevelopment of 74 Hamilton Street	The proposal achieves compliance with standards and objectives of Clause 55 Macedon Ranges Planning Scheme.  The amended plans submitted to Council on 12 January 2021 provide spacing between the dwellings at ground floor to reduce the continuous build form of the proposed development. This change was achieved by reducing the proposed street setback to Lyell Street. While the ResCode standard is not met, officers consider that the objectives of the provision is met.
Single storey scale more appropriate	A double storey dwelling and multi-unit density is considered a satisfactory response for the site and its surrounding urban context.
Not consistent with development approach to what MRSC insisted upon in 2016 for their own development nearby	Each application is assessed on its on merit against the current planning scheme.
Easement is not protected	MRSC Engineering department have reviewed the application, and raised no concerns subject to build over easement application approval. Western Water have provided written response to have no objection to building over the easement.
Construction noise	This is not planning matter to consider. The Environment Protection Authority and Council's Local Laws team regulate construction noise impacts for

	residential areas.
<p>Traffic/car parking</p> <ul style="list-style-type: none"> <li>• Traffic congestion;</li> <li>• Traffic safety;</li> <li>• Increase car parking demand;</li> <li>• Loss off–site car parking space along Neal Street;</li> <li>• Loss of street pedestrian access;</li> </ul> <p>Not enough on-site car parking</p>	<p>The application affords two car parking spaces for each dwelling which is the requirement under Clause 52.06 (car parking) of the Macedon Ranges Planning Scheme. The application has been reviewed by MRSC Engineering department with no concerns raised to the proposal regarding traffic impacts. Indenting parking along Neal Street will be shifted to accommodate a new crossover. There would be no loss of existing public street parking along Neal Street.</p> <p>Construction of a new footpath along Neal Street will be a condition to any permit granted.</p> <p>With regards to concerns around traffic congestion and safety, it is not considered that the proposed development will generate traffic levels exceeding those already experienced by the Veterinary Clinic at No. 74 Hamilton Street.</p>
<p>Overshadowing in the winter months</p>	<p>The overshadowing provision under Macedon Ranges Planning Scheme requires only assessment overshadowing on 22 September. That greater shadowing occurs in the winter is accepted, however, because the relationship between spring and winter shadows is consistent, the September standard also serves as a guidance for what level of shadow is accepted in winter. The proposed dwellings are setback from the shared eastern properties to minimise amenity impacts including year round shadow casting from the buildings. The orientation of the subject site and proposed dwellings layout has made this possible.</p> <p>The overshadowing on 22 September measures only a 3pm shadow cast on eastern neighbouring properties. The majority of the shadow cast will be generated by the combination of internal fences and the shared eastern property boundary along the adjoining properties to the west and small portions of their respective secluded open spaces.</p> <p>The proposal achieves all compliance overshadowing provisions under the Macedon Ranges Planning Scheme in both standard and objective.</p> <p>The voluntary plan changes would continue to provide to all compliance overshadowing provisions.</p>
<p>Overshadowing of solar panels</p>	<p>The applicant has provided detail drawings on shadow cast on winter month at 3pm. This timeframe is when shadow is casted on the property. The</p>

	<p>illustrated calculated drawings illustrate no shadows will be cast over the solar panels. The Solar panels will not be affected by the overshadowing on this development and it considered to be meet the objectives of neighbouring solar panels in consideration with Clause 55.03-5 Energy Efficiency objectives (Standard B10).</p>
<p>Overlooking; More privacy - increase shared fence from 1.8 metre to 2.2 metres;</p>	<p>The objector is seeking the proposed new shared property boundary fence to be constructed at 2.2 metres in height instead of 1.8 metres. This request goes beyond the standard requirements to prevent overlooking. There is no planning grounds to impose additional side boundary height beyond 1.8 metres to prevent overlooking, which is what the officers recommend.</p> <p>Common boundary fencing is a civil issue. Therefore, the objector and property owner for the subject site might reach agreement outside the planning application/decision to increase the height of the fence to 2.2 metres. This is something that would need to be approach and driven between the two landowners as Council is not a party to the civil matter.</p>

**Officer declaration of conflict of interest**

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

**Conclusion**

The application has been assessed to aligned with relevant provisions of the PPF, LPPF and zone objectives and the relevant Particular and General Provisions of the Macedon Ranges Planning Scheme. In light of the above, it is considered that the application should be supported, subject to conditions.

<b>PE.2</b>	<b>APPLICATION FOR PLANNING PERMIT PLN/2020/291 SUBDIVISION OF THE LAND INTO 87 LOTS, REMOVAL OF EASEMENTS, AND THE REMOVAL OF NATIVE VEGETATION 85 HARPERS LANE, KYNETON</b>
<b>Officer</b>	<b>Damien Hodgkins – Senior Statutory Planning Officer</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachments</b>	<b>1. Locality – Aerial Photo 2. Planning Report 3. Subdivision Plan 4. Engineering Functional Layout Plan 5. Arborist Report 6. Statement of Planning Policy</b>
<b>Applicant</b>	<b>Millar Merrigan Pty Ltd</b>
<b>Date of Receipt of Application</b>	<b>10 August 2020</b>
<b>Trigger for Report to Council</b>	<b>Councillor Call in</b>

### **Purpose and Overview**

The application is to subdivide the land in eighty seven (87) lots, to remove electricity easements, and removal of native vegetation. The land is zoned Low Density Residential Zone and is subject to Environmental Significance Overlay (ESO4).

The application was advertised and twenty six (26) submissions were received.

The Applicant has lodged an appeal at the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the application within the statutory timeframe.

Key issues to be considered relate to the subdivision format relative to the character and landscape of the site and surrounds, lot sizes, the removal and viability of retained vegetation, topography, the removal of a waterway, flooding and drainage issues, traffic and pedestrian safety as well as the proposed road layout and connectivity with surrounding roads, the viability of reticulated sewerage and water services, amenity and public open space provision.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered contrary to the relevant policies.

On balance it is considered that the proposal will not be in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions.

It is recommended that the application not be supported, and that Council resolve that if the applicant had not lodged an appeal at VCAT, that the application would have been refused.

Council's resolution in respect to this application will be the position that will be taken to the forthcoming appeal proceedings.

### **Recommendation**

**That Council resolve that the application is not supported and that it would have been refused if the VCAT appeal had not been made for Subdivision of the land into 87 lots, removal of easements, and the removal of native vegetation for the land at Lot 2 PS827043, 85 Harpers Lane, Kyneton on the following grounds:**

- 1. The proposal is inconsistent with the Planning Policy Framework and Local Planning Policy Framework - Clauses 21.04 (Settlement), 21.05 (Environment and Landscape Values), 21.06 (Environmental Risks), 21.07 (Natural Resource Management), 21.08 (Built Environment and Heritage), 21.09 (Housing), 21.11 (Transport), 21.12 (Community Development and Infrastructure) and 21.13-2 (Local Areas and Small Settlements - Kyneton), as well as the Kyneton Structure Plan.**

**The proposed subdivision does not respond appropriately to the character and constraints of the site and surrounds including adjacent rural and low density residential properties, and would result in adverse environmental impacts in respect to native vegetation and waterway protection.**

- 2. The proposal is not compliant with the purpose and provisions of the Low Density Residential Zone (LDRZ) which aims to provide for low density residential development.**

**The proposed subdivision includes lots that would not facilitate an adequately low density development character in context of interfaces with surrounding properties, retained vegetation and steeper topography, and seeks to remove rather than protect and enhance an existing natural watercourse. The proposed road network would not provide for adequate internal traffic or pedestrian connectivity and would not suitably interface with adjacent roads and public reserves.**

- 3. The proposal is inconsistent with the purpose and provisions of the Environmental Significance Overlay (ESO4) which aims to protect and enhance the quality and supply of the Eppalock Proclaimed Water Catchment.**



**The removal of the natural waterway and removal of large remnant native trees is inconsistent with this policy and would be detrimental within this proclaimed water catchment.**

- 4. The proposal is not compliant with the purpose and provisions of Clause 52.17 (Native Vegetation) which aims to avoid and minimise native vegetation removal to ensure no net loss to biodiversity and minimise land and water degradation.**

**The proposal seeks the removal of remnant native trees that could otherwise be retained, and the retention of native trees in a subdivision layout that would not adequately ensure the ongoing viability and protection of those trees which does not accord with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (Department of Environment, Land, Water and Planning, 2017).**

- 5. The proposal is not compliant with Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987 under which provision the Macedon Ranges has been declared as a “Distinctive Area and Landscape”.**

**The proposal would be contrary to the objective of the Statement of Planning Policy which aims to manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced. The proposed subdivision would result in adverse landscape impacts by its lack of response to the landscape character of the site and surrounds including the interface of the subject land with adjacent rural zoned land at the edge of the Kyneton township boundary.**

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## **Existing conditions and relevant history**

### Subject land

The subject land is a large rural parcel of 24 hectares located on the eastern side of Harpers Lane in Kyneton South, around 1.3 kilometres south of the Kyneton town centre. This site forms part of the Kyneton South Framework Plan area between Harpers Lane, Lauriston Reservoir Road, Trentham Road and Kyneton Spring Hill Road. The Kyneton railway station is located 300m to the east of this site, whilst the Campaspe River is around 400m to the north with the main township of Kyneton to the north side of the river.

The site is mainly comprised of open paddocks and varies between gentle and more heavily sloped areas. Vegetation within the site comprises mostly pasture other than a number of large old native trees variously located around the property and some exotic smaller trees and shrubs. A mapped waterway within the south and west of the site comprises an overland flow area connecting a dam to the south of the site to another dam within the site near the western boundary and then continuing further west through rural properties.

### Surrounds

Surrounding properties vary mainly between larger farming parcels and smaller rural residential and low density residential properties.

There are a number of industrial premises along the south side of Lauriston Reservoir Road to the north-east of the site near the Kyneton station, including an adjacent industrial property currently in use for a steel engineering operation. A number of dwellings on surrounding properties are situated within 20m to 100m from the subject land.

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

No covenants or agreements are registered on the title of the subject land.

### Previous planning permit history

A search of Council's records has found the property has no previous planning permit history.

## **Proposal**

The proposal comprises a subdivision of the land into 87 lots, along with the removal of easements, and the removal of native vegetation.

The proposed subdivision would create 87 lots the majority of which would be around 2000m<sup>2</sup> in size other than a number of lots of increased dimension up to the largest lot size of 4001m<sup>2</sup> due to constraints resulting from topography and retained vegetation. Two larger lots would retain large old native trees whilst two other large old trees are proposed to be removed along with a number of small trees.

An internal road network would access the lots and would provide for two road accesses to Harpers Lane for immediate access with the internal roads providing for connection to the existing Wattle Way road layout to the south and for future road connection to the north.

A 1.7 hectare reserve would be located on the eastern side of the site. Half of this reserve would comprise a stormwater drainage basin whilst the remainder would comprise public open space. A number of large native trees would be retained within the proposed public open space. A smaller drainage reserve would be located at the south of the site whilst a sewerage pump station would be located within a small reserve at the northern edge of the site.

Reticulated sewerage is proposed to be provided to service the subdivision and facilitate the reduced lot sizes permitted by the Low Density Residential Zone. Existing easements providing for overhead power lines are proposed to be removed as this infrastructure will be removed and replaced in servicing the proposed lots.

## Relevant Macedon Ranges Planning Scheme controls

### Planning Policy Framework

Clause No.	Clause name
11	Settlement
12	Environmental and Landscape Values
13	Environmental Risks and Amenity
14	Natural Resource Management
15	Built Environment and Heritage
16	Housing
18	Transport
19	Infrastructure

### Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.02	Key issues and influences
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.05	Environment and Landscape Values
21.06	Environmental Risks
21.07	Natural Resource Management
21.08	Built Environment and Heritage
21.09	Housing
21.11	Transport
21.12	Community Development and Infrastructure
21.13-2	Local Areas and Small Settlements - Kyneton

### Zoning

Clause No.	Clause name
32.03	Low Density Residential Zone (Schedule)

### Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)

### Particular Provisions

Clause No.	Clause name
52.02	Easements, Restrictions and Reserves
53.01	Public Open Space Contribution and Subdivision
52.17	Native Vegetation
56	Residential Subdivision

General Provisions

Clause No.	Clause name
65	Decision Guidelines
66	Referral and Notice Provisions

**Cultural Heritage Management Plan assessment**

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

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 Regulation 6 *Aboriginal Heritage Regulations 2007*.

**The process to date**

Referral

Authority (Section 55)	Response
Coliban Water	No objections, subject to conditions.
Goulburn Murray Water	No objections, subject to conditions.
Powercor	No objections, subject to conditions.
Downer	No objections, subject to conditions.
Country Fire Authority	No objections, subject to conditions.
NCCMA	No objections, subject to conditions.
Environment Protection Authority	No objections, subject to conditions.

Authority (Section 52)	Response
MRSC Strategic Planning	Objection to proposal on grounds including inappropriate rural interface, removal of waterway rather than retention as natural feature and open space/pedestrian corridor, and inappropriate road layout for connectivity with future and existing Kyneton South development area.
MRSC Environment	Raised concerns relating to removal and viability of retained native vegetation as well as proposed removal of waterway.
MRSC Parks & Gardens	No objection subject to conditions
MRSC Engineering	No objection subject to conditions

### Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring notices to be erected on the land for a period of 14 days.

Twenty six (26) objections have been received in response to notification.

The concerns of the objectors raised relate to:

- *Proposal inconsistent with the Kyneton South Framework Plan in not addressing rural interface, poor integration with anticipated road network and development layout of Framework Plan area, lack of open space corridor along waterway, cul de sacs proposed rather than connected road network, etc.*
- *Lot sizes of 2000m<sup>2</sup> inappropriate in context of the surrounding character and directly interfacing with adjacent rural zoned land, preference for minimum 4000m<sup>2</sup> lots, proposal is maximisation of lot yield rather than relating to character of Kyneton South.*
- *More than adequate urban land supply meaning this subdivision is not necessary.*
- *Lack of public open space proposed.*
- *Detrimental impacts from increased traffic including safety particularly at the intersection of Harpers Lane and Lauriston Reservoir Road but also at Trentham Road intersections, and from noise, dust, etc. Alternative new road access suggested.*
- *Safety risk to pedestrians and cyclists along Harpers Lane and nearby roads with no footpaths including accessing to the station and town centre.*
- *Issues with reticulated water supply and sewerage within the broader Eppalock catchment area and local reservoirs.*
- *Amenity impacts from urbanisation of locality with increased traffic and activity in a rural locality and from loss of privacy/overlooking, as well as from construction activity during subdivision and subsequent residential development period.*
- *Potential heritage values of Harpers Lane with bluestone pavement beneath current gravel surface.*
- *Increased flood risk to adjacent roads and nearby properties.*
- *Potential for further subdivision to smaller lot sizes.*

- *Environmental impacts from removal of native vegetation*
- *Public notice inadequate with some notices arriving by post after 14 days and one objector not receiving notice.*
- *Aboriginal heritage concerns.*

### **Officer assessment**

The application has been assessed against the relevant policies and provisions of the Macedon Ranges Planning Scheme as follows:

#### Planning Policy Framework and Local Planning Policy Framework

Various State and Local Policies relating to settlement, environment, landscape, housing, transport, and community infrastructure. These policies generally encourage residential subdivision in appropriate context that is responsive to existing or preferred neighbourhood character and landscape, environmental constraints, natural resources, servicing and road access, and provision of public open space and community services.

Clause 21.04 (Settlement) promote urban development including housing in appropriate locations. Kyneton is identified for growth as a larger settlement within the Shire and includes existing capacity for residential subdivision as well as identification of additional residential land supply. The subject land has been zoned for low density residential development for many years and forms part of the available supply of this type of residential land. Objective 3 within this policy aims “*to ensure land use and development in settlements have regard for environmental assets, hazards and constraints*” which the proposal is inconsistent with as it is not appropriately responsive to the character values and environmental constraints of the site and surrounds.

Clause 21.05 (Environment and Landscape Values) incorporates local policies relating to biodiversity and native vegetation, and significant environments and landscapes. Objective 1 of this policy aims “*to conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat*”. Strategies within this policy provide for the avoidance of remnant native vegetation removal and the viability of retained vegetation as well as the enhancement of waterway corridors, and also aim to protect rural landscape character. The proposal is not compliant with the objectives and strategies of this policy.

Clause 21.06 (Environmental Risks) requires consideration of environmental risks including soil degradation and contamination, bushfire and flooding. Soil degradation and flooding issues are minimal for this site, whilst bushfire risk is appropriately mitigated by the site not being located within a Bushfire Management Overlay area, and being accessed by all-weather roads to be upgraded to full sealed construction standard and serviced with town water supply to ensure appropriate bushfire safety is achieved.

Clause 21.07 (Natural Resource Management) is a local policy relating to agriculture, sustainable rural land management and water. Water is a significant issue within the Shire including within the locality of Kyneton South where the subject land is situated.

Quality of town water supply in relation to effluent disposal within the Eppalock Catchment is a contentious matter for Kyneton. The land is proposed to be serviced with reticulated water and sewerage which is supported by the water authorities, however the removal of the waterway within the subject land rather than its retention and restoration, as well as the limited dimensions of lots on steeper slopes conflicts with the intent of this policy.

Clause 21.08 (Built Environment and Heritage) includes policy aimed at protecting the landscape qualities and rural character of the Shire. Subdivision and development that respects the context and character of settlements as well as environmental and infrastructure constraints. The proposed subdivision is not appropriately responsive to the objectives and strategies of this policy, including the lot layout that would constrict development in areas of the subdivision to a format that would not be appropriately low density in its character.

Clause 21.09 (Housing) aims to provide for urban and rural residential development providing for the housing needs of the Shire including variety of housing types. Although the variation of housing within low density residential areas is relatively limited, the proposed subdivision would add to the supply of this type of residential land.

Similar to other policies, strategies within this clause aim to ensure that housing is respectful of local character and environment, to which the proposed subdivision does not adequately respond.

Clause 21.11 (Transport) relates to transport links within the Shire including road, public transport and pedestrian movement. Subject to road upgrades, the site is adequately accessed by road with Harpers Lane to be utilised as the primary access for the time being until adjacent properties to the north and south are developed which would provide for additional road connections to dilute traffic movements away from Harpers Lane. Futureproofing the proposed subdivision to interface with surrounding properties to ensure that an integrated road network is viable in the future for this purpose as well as providing for pedestrian movement connecting this land with the Kyneton railway station and township beyond are important matters that this policy promotes. The lack of connected road network within the proposed subdivision along with lack of interface with adjacent land including a Council reserve to the south-east of the site, and the removal of the waterway which could otherwise be utilised for a linear reserve incorporating pedestrian pathways is contrary to this policy.

Clause 21.12 (Community Development and Infrastructure) relates to community services including public open space and pedestrian movement networks, along with integrated infrastructure provision. By removing rather than retaining the waterway and providing for integrated road and pedestrian movements, this proposal is not compliant with the objectives of this policy.

Clause 21.13-2 (Local Areas and Small Settlements – Kyneton) is a local policy relating specifically to Kyneton and which aims to manage the development of the township including management of the greenfield area to the south of town.

Although this policy is not highly developed in respect to the Kyneton South area (noting that further investigation is necessary to provide more specific guidance for development in this part of the policy area), broad planning principles within this policy are relevant to this proposal ahead of more comprehensive strategic planning work being completed for this precinct. The Kyneton South Framework Plan for this area was previously commenced and a draft report produced but further work is required to move forward to an adopted policy and potential specific zone and overlay controls for this area.

The Kyneton Structure Plan is a reference document within this local policy. It is more specific to existing developed areas of the Kyneton township, but has incorporates overarching principles as well as some more specific matters relating to the Kyneton South area. The view lines from the township across the Campaspe River valley to the south are identified by this policy as a key direction, as is a preference for a grid based road network for new subdivisions, and provision of open space and pedestrian linkages in and around town.

New residential areas should reflect and incorporate valued character attributes, in this case being spacious lot layout with deep setbacks and mature gardens for existing low density residential properties in this area of Kyneton South. The urban land supply including existing residential zoned areas of Kyneton South such as the subject land is identified and noted as a likely future urban growth area of the township.

Protection of urban and rural character elements are a key principle, with Harpers Lane identified as an interface between the urban growth investigation area which includes the subject land and rural zoned land to the west side of that road.

Although the subject land has long been set aside for residential subdivision and development, and is appropriate for this outcome in a format that responds to the various policy outcomes. The proposal however does not adequately respond to the protection and enhancement of environmental values of the site or provide for the sensitive siting of residential development that would protect and enhance the rural landscape and views to this area across the Campaspe River valley.

The proposal would not provide a suitably sensitive interface with rural zoned land to the west side of Harpers Lane or larger residential properties to its east side. The subdivision layout including proliferation of minimum sized lots is not appropriate for retention of remnant native trees. The proposal is also not responsive to a low density residential character or steeper topography.

The proposal does not provide for the protection of the natural waterway and rather seeks to remove it from the site as an impediment to development potential.

The proposal is not adequately responsive to the various local policies as outlined above and similar State policies.



Clause 32.03 (Low Density Residential Zone) and Clause 56 (Residential Subdivision)

The Low Density Residential Zone (LDRZ) aims to provide for low-density residential development with appropriate wastewater disposal. A permit is required under the provisions of this zone for subdivision of land, with the minimum lot size specified for lots serviced by reticulated sewerage being 2000m<sup>2</sup> (4000m<sup>2</sup> minimum sized lots where no sewerage is available). The decision guidelines for the LDRZ require consideration of environmental features including waterways and native vegetation, as well as suitable service provision including consideration of Clauses 56.07-1 to 56.07-4 relating to integrated water management.

The proposed subdivision incorporates a significant majority of lots that are close to the minimum 2000m<sup>2</sup> lot size permissible for subdivided lots with sewerage supply, with only 6 lots being greater than 2500m<sup>2</sup> in area. Whilst the provision of smaller lots within the subdivision where constraints such as vegetation and topography are avoided, larger lot sizes would be more appropriate where the subdivision abuts rural zoned land along Harpers Land at the township boundary as well as adjacent to more spacious low density residential lots to the east side of the site. Larger dimensions would also be appropriate to ensure viable retention of vegetation where this is to be achieved within lots in balance with adequate low density residential development potential, as well as for lots with steeper topography or with angled boundaries and narrowing proportions.

Although all lots achieve the minimum lot size permissible under the Low Density Residential Zone provisions, the subdivision layout is not considered to be responsive to the character and constraints of the site and surrounding land.

The proposed subdivision would present a crowded development character along the Harpers Road frontage but also to its western interface, and also provides for constrained lot dimensions where retained vegetation, steeper topography and uneven lot dimensions would work against the low density residential character that this zone aims to provide for. The subdivision format proposed would result in areas where dwellings and outbuildings would be clustered together and would not achieve a low density development character.

The waterway within the site although not being a formed channel with continuous flow is nonetheless a natural ephemeral stream that flows at times of rainfall events. The history of this land for farming has resulted in native vegetation being removed. The LDRZ decision guidelines promote the protection and enhancement of environmental features including the need to planting vegetation along waterways. The proposal seeks to engineer the waterway into an underground stormwater drainage system other than the large retention basin and a smaller drainage reserve rather than retaining and enhancing this waterway as a natural feature. The proposal would remove an environmental feature of the land that should be retained as natural waterway system that would also be in keeping with the semi-rural character of this area of Kyneton South along with large mature trees and spacious development layout.

The road layout within the subdivision and connecting to Harpers Lane as well as providing for connection to adjacent properties to the north and south respectively are not satisfactory. The roads either side of the reserve on the eastern side of the subdivision connecting to Harpers Lane are insufficiently dimensioned and Council's Engineers have specified that these roads be increased in dimension to comply with engineering standards. Other roads within the subdivision layout comply with the minimum engineering dimensions, but include cul de sacs rather than a connected road network that fails to provide for traffic and pedestrian permeability within the site but also with adjacent properties.

A Council reserve abuts the south-eastern corner of the subject land and is ignored by the proposed subdivision, with rear boundaries of lots proposed to abut the reserve rather than providing a road connection or connected reserve in this area which would provide for a more holistic and appropriate interface with surrounding properties. The sewerage pump station at the northern edge of the site is also contrived being located at the end of a narrow dead end laneway with adjacent lots fronting to this infrastructure which is not ideal.

With respect to the Clause 56 provisions relevant for subdivision in this zone, Clauses 56.07-1 to 56.07-4 relate to potable water supply, reused and recycled water supply, wastewater disposal, and stormwater management respectively. Potable water supply is available and proposed to be provided for the subdivision along with reticulated sewerage infrastructure. Reused and recycled water supply is not proposed and has not been required by Coliban Water, however it is expected that water tanks would be provided for new buildings that would replace reticulated potable water supply for non-drinking purposes such as water for gardens or otherwise.

Stormwater drainage is proposed to be facilitated by the removal of the existing natural waterway and the provision of underground drainage other than a large retention basin and a smaller drainage reserve.

Objectives of Clause 56.07-4 (Stormwater management) which aim "*to minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater*" and "*to encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces*". Although the proposed stormwater drainage infrastructure may comply with pure engineering standards (subject to the requirements of Council's Engineers), the removal of the existing natural waterway is contrary to these stormwater management objectives.

Clause 66.01 (Subdivision Referrals) requires referral of subdivision applications to infrastructure service authorities for drainage, water supply, sewerage, electricity and gas, as well as the Country Fire Authority. These authorities responded to referral with no objections to the proposed subdivision, subject to conditions relevant to the provision of these respective services for the subdivision, as well as fire hydrants and minimum road standard for firefighting vehicle access.

Council's Engineering team has not raised any objection to the proposal but have specified requirements relating to road construction, stormwater drainage and other matters. The roadworks specified include the upgrading of Harpers Lane to sealed single width road construction from the Lauriston Reservoir Road to the southern edge of the subject land, upgrading that intersection for appropriate road safety, and the broadening of the internal roads adjacent to the reserve accessing Harpers Lane. Modifications to the proposed stormwater management design would also be required in respect to the capacity of the retention basin to meet engineering standards.

The land is appropriate for subdivision given this zoning applying to the land and as identified in relevant local policies for this outcome, but it is considered that the proposed subdivision format fails to respond to the character and environmental assets of the site and surrounds. The proposal is not compliant with the purpose and provisions of the Low Density Residential Zone in that the subdivision format would not facilitate an appropriately low density residential development character, and would not provide for the protection and enhancement of native vegetation and the waterway within the site.

#### Clause 42.01 (Environmental Significance Overlay (ESO4))

The purpose of the Environmental Significance Overlay (ESO4) is to protect and maintain water quality and yield in the Eppalock Proclaimed Catchment. A permit is required by this overlay for subdivision and for removal of vegetation.

Removal of vegetation is subject to permit requirement under this overlay provision given its importance in water quality maintenance. The proposed vegetation removal comprises a number of large trees that could be retained either within roads or reserves, or could alternatively be retained within individual lots with adequate spaciousness for viable vegetation retention as well as suitably low density residential development. In addition, two large trees are proposed to be retained in lots which although larger than other minimum sized lots still have relatively constrained dimensions where development is pushed into the rear areas with the Tree Protection Zones of those retained trees also encroaching into adjacent lots.

The trees to be removed could be retained rather than removed within an alternative subdivision layout whilst appropriate dimensions should be provided for lots retaining trees to ensure their ongoing viability and reduce the pressure for future removal based on the myriad of issues such as safety, location near dwellings, encroachment over boundaries, etc.

Although the proposal is compliant in respect to wastewater disposal due to reticulated sewerage being provided rather than onsite effluent treatment, the proposal is not compliant with the Environmental Significance Overlay (ESO4). The removal of vegetation and lack of viability of retained trees would be a detrimental impact in respect to the Eppalock Water Supply Catchment Area and the need to protect rather than remove vegetation given its beneficial role in water quality maintenance within this catchment area.

#### Clause 52.02 (Easements, Restrictions and Reserves)

This Particular Provision provides for removal and variation of easements or restrictions in association with use or development of land. A permit is required by this provision for the removal of easements.

The application seeks the removal of electricity transmission and powerline easements along the southern side of the land that provide for electricity infrastructure within the site in its current state as an undeveloped rural parcel. The easements are proposed to be removed to facilitate the subdivision layout within which new electricity easements are to be provided in accordance with the requirements of Powercor to provide for electricity supply for the new lots as well as connection to the adjacent electricity supply network.

This provision requires consideration of the interests of affected people as well as Clause 65. The application was referred to Powercor as the electricity supply authority for this locality in accordance with Clause 66.01 (Subdivision Referrals) who responded with no objection to the proposal subject to conditions relating to electricity supply for the subdivision including the provision of new easements for this purpose. No other persons or authorities would be impacted by this component of the proposal. The removal of easements is consistent with the purpose and decision guidelines of this provision.

#### Clause 52.17 (Native Vegetation)

This Particular Provision aims to ensure the avoidance of net loss of biodiversity resulting from native vegetation removal by applying a three step approach of avoidance, minimisation and compensatory offsetting of native vegetation removal in accordance with DELWP's "Guidelines for the removal, destruction or lopping of native vegetation". A permit is required for the removal, destruction or lopping of native vegetation under this provision.

Seven native trees are located within the subject land being large Manna Gums identified with either high or medium retention value. Trees 3, 4 and 5 are located within the proposed public open space reserve and would be retained, with trees 1 and 2 also to be retained but within the boundaries of proposed lots 3 and 12. Trees 6 and 7 are proposed to be removed being located within the centre of lot 46 and the front of lot 56 respectively.

Tree 8 is also a Manna Gum tree located on the adjacent Council reserve to the south and encroaches partly within the southern boundary of Lot 58 and would not be removed by the proposal.

The retention of trees within the public open space reserve is a positive outcome and is supported as this would ensure the ongoing viability of those trees under the management of Council. Trees within lots 3 and 12 are proposed to be retained however the location of these trees occupying much of the lot area along with encroachment into adjacent lots seems very likely to result in requests for their removal at development stage or as a result of subsequent occupation. These lots do not adequately balance the viable retention of these trees along with providing adequate space for development.

Two larger native trees further south within lot 46 and particularly lot 56 could feasibly be retained rather than removed, having medium and high retention value respectively, with the arborist report submitted with the application noting that with pruning and canopy reduction that these trees could be viably and safely retained within the proposed residential context.

The proposal has not adequately provided for avoidance and minimisation of vegetation removal and there is scope for additional retention to be achieved along with a subdivision layout that better achieves long term viability for retained trees within more spacious lots or even more ideally within roads or other reserves. The extent of vegetation removal and viability of retained vegetation is not considered compliant with the purpose and provisions of Clause 52.17.

#### Clause 53.01 (Public Open Space Contribution and Subdivision)

This Particular Provision specifies requirements for public open space to be provided as a requirement in the subdivision of land, whether by the provision of land or a financial contribution, or a combination of both. The schedule to this provision requires a standard contribution rate of 5% of the site value of the subject land. The proposed subdivision is not exempt from this requirement.

The subdivision proposes a reserve to be provided adjacent to Harpers Lane of 1.7 hectares in total of which around 40% would be unencumbered public open space with the remainder of the reserve comprising a drainage basin that will not be included in the calculation of public open space provision. The difference between the dimensions of the public open space area and the 5% proportion of the total site area would be required to be paid to Council by a permit condition in the event of a permit being granted.

#### Clause 66.02-5 (Use and Development Referrals)

Clause 66.02-5 requires referral of applications including subdivision of land within Special Water Supply Catchment Areas to the relevant water board and water supply authorities, in this case being Goulburn Murray Water and Coliban Water respectively. Coliban Water responded to referral with no objections subject to conditions relating to reticulated water and sewerage infrastructure provision including easements and firefighting water supply pressure requirements. Goulburn Murray Water had not responded by the time of writing this report but their response has been again requested to ensure that any requirements of that authority can be included in the appeal proceedings.

The subdivision would be serviced with reticulated sewerage to ensure that onsite effluent disposal is avoided that could otherwise directly impact water quality. Although objectors have questioned the viability of effluent servicing to this subdivision and issues with its treatment and dispersal at the Kyneton Wastewater Treatment Facility, Coliban Water is a determining referral authority for the purposes of this application whereas Council does not have any or remit in respect to reticulated sewerage matters and so must rely on the expertise of Coliban Water who have consented to the subdivision.

### Consideration of Objections

In respect to the objections received:

- Proposal inconsistent with the Kyneton South Framework Plan  
It is noted that the Kyneton South Framework Plan is only at draft stage at present and thus holds little weight. Nonetheless, the Framework Plan identifies and addresses matters which are otherwise required to be considered by existing policies and provisions within the Macedon Ranges Planning Scheme.
- Lot sizes of 2000m<sup>2</sup> inappropriate/further subdivision potential  
In the absence of the Framework Plan being progressed and incorporated into the planning scheme the minimum lot size of 2000m<sup>2</sup> applying to this land at present is permissible. The proposal incorporates a majority of lots aspiring to this minimum dimension which do not appropriately respond to the character and constraints of the site and surrounds. Lots would not be able to be subdivided smaller than 2000m<sup>2</sup> unless the land is rezoned from LDRZ.
- More than adequate urban land supply  
The land has been zoned Low Density Residential Zone for at least 20 years and is accounted for in the urban land supply calculations. A subdivision layout otherwise compliant with the Macedon Ranges Planning Scheme would be more likely to be recommended for approval.
- Lack of public open space proposed  
The proposed public open space format with a reserve along with a financial contribution would meet the minimum requirement of 5% of site area/value. The provision of a waterway reserve for environment and drainage purposes would allow for linear pedestrian pathways that would provide an additional public open space benefit.
- Traffic safety and congestion  
An increase in traffic and potential safety impacts are reasonable concerns and have been identified by Council's Engineers with conditions recommended to overcome the existing issues of traffic safety at the Harpers Lane intersection with Lauriston Reservoir Road. Future connection of the subdivision with other roads other than Harpers Lane would eventually reduce traffic movements along that road.
- Safety risk to pedestrians and cyclists  
This is an issue identified by the Framework Plan with a preference to provide for a connected pedestrian network within the Kyneton South area. The proposed subdivision layout does not adequately provide for pedestrian connectivity with surrounding areas although footpaths would be provided within the subdivision layout.
- Issues with reticulated water supply and sewerage within the Eppalock catchment  
This is a known issue for Kyneton and the surrounding locality however Coliban Water and Goulburn Murray Water are the relevant water authorities for this locality and have both consented to the proposal. Coliban Water is satisfied that reticulated water and sewerage provision to the subdivision are viable.

- Amenity impacts  
A level of increased traffic and activity are unavoidable given the long term zoning of the land for residential development. However, the plan does not provide for landscape planting and fencing alongside and rear boundaries abutting existing properties to deal with amenity issues.
- Potential heritage values of Harpers Lane  
It seems likely that bluestone pavement exists beneath the gravel surface of this road. This requires investigation of retained bluestone within the road, with new pavement proposed to be constructed above this former road surface to ensure its retention and protection. No such investigation has been made by the applicant.
- Increased flood risk  
Stormwater drainage provisions would ensure that no additional drainage flow beyond the subject site would occur compared to existing conditions. The existing occasional flooding of a lower section of Harpers Lane would likely be improved by the upgrading of this road including drainage works.
- Detrimental environmental impacts  
The proposal is not considered to be adequately responsive to the environmental assets of the site in respect to impacts to native vegetation along with the removal of the waterway.
- Public notice inadequate  
It is noted that some notices arrived by post after 14 days and other persons did not receive notice however any objections received after that time have been taken into account whilst media attention along with communication between locals has raised the profile of this application in addition to Council's public notice requirements. That there are 24 objections indicates that there is a good level of knowledge of this application in the Kyneton South community.
- Aboriginal heritage  
The site is not mapped for Cultural Heritage Sensitivity that would otherwise require Aboriginal Heritage to be addressed in accordance with the Aboriginal Heritage Act 2006.

### Summary

The proposed subdivision, removal of easements and removal of native vegetation is not appropriately compliant with the relevant policies and provisions of the Macedon Ranges Planning Scheme.

Although the subject land is viable for subdivision, the proposed format does not adequately respond to the character and constraints of the site and surrounds. The interface of the subdivision with surrounding properties including rural zoned land to the west would be detrimental.

The road layout is inappropriate in its insularity and avoidance of connectivity within the subdivision but also with adjacent land.

The removal of native vegetation and lack of viability for retained trees along with the removal of a natural watercourse would be an adverse impact to the environment and the character of this locality. It is recommended that the proposal not be supported.

**Officer declaration of conflict of interest**

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

**Conclusion**

The proposal is not compliant with the relevant policies and provisions contained within the Macedon Ranges Planning Scheme, as well as the Macedon Ranges Statement of Planning Policy – Significant Landscapes and Areas. The development would be contrary to the character and constraints of the site and surrounds.

For the above reasons it is recommended that the application not be supported, and that Council resolve that if the applicant had not made application to VCAT to seek appeal for failure to determine, the application would have been refused. Council's resolution in respect to this application will be the position that will be taken in respect to the forthcoming appeal proceedings.



<b>PE.3</b>	<b>SUBMISSION TO DELWP ON ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) SUBMISSIONS</b>
<b>Officer</b>	<b>Jack Wiltshire, Strategic Planner</b>
<b>Council Plan Relationship</b>	<b>Protect the Natural Environment. Improve the Built Environment.</b>
<b>Attachment</b>	<b>MRSC submission to DELWP's Environmentally Sustainable Development of Buildings and Subdivisions Roadmap</b>

### **Purpose and Overview**

The purpose of this report is for Council to consider a submission to the Victorian Government's policy document, *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system*, recently released for consultation.

### **Recommendation**

**That Council endorse the Macedon Ranges Submission to the Victorian Government's *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system* as per Attachment One.**

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### **Background**

*Plan Melbourne 2017-2050* outlines the key actions to support long-term land use, infrastructure and transport planning over the three decades. Plan Melbourne recognises that well designed and resource efficient buildings provide essential building blocks for creating more sustainable, liveable cities and towns.

To help achieve these objectives the Victorian Government has committed to developing a state-wide approach to Environmentally Sustainable Design (ESD) through Action 80 of Plan Melbourne "*Review of planning and building systems to support environmentally sustainable development outcomes*".

The Department of Environment, Land, Water, and Planning (DELWP) has released the document; *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system* (the Roadmap) for implementing ESD provisions for buildings and subdivisions within the Victorian Planning Schemes. This project is separate from Council's current participation in the Sustainable Subdivision Assessment Framework trial currently being undertaken. DELWP's work seeks to create a consistent ESD assessment framework across Victoria.

## Context

The Intergovernmental Panel on Climate Change's (IPCC) 2018 study found that limiting global warming to 1.5 degrees Celsius would require emissions of carbon dioxide to fall to net zero by 2050.

The Victorian *Climate Change Act 2017* sets the legislation foundation to manage climate change risks and drive economic and community resilience through a transition to net zero emissions by 2050.

Part 2, section 9(2)(c) of the *Local Government Act 2020* specifies that; a *Council must in the performance of its role give effect to the overarching governance principles, including that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.*

The Macedon Ranges Shire *Council Plan (2017-2027)* includes the following priorities, which seek to deliver a more sustainable community:

- To promote health and wellbeing
- To protect the natural environment
- To improve the built environment
- To enhance the social and economic environment

It also commits to address climate change mitigation, resilience and adaptation through proactive environmental planning and policy.

Council's *Climate Change Action Plan 2017* recommends that Council promote the vision of a zero net emissions shire by 2050 as a shared council-community vision, consistent with the target for a zero net emissions Victoria (Action C.1).

Currently the State Government's Planning Policy Framework (PPF) includes policies on responses to natural hazards and climate change, energy, water, waste management, sustainable transport, noise abatement and air quality. The proposed changes largely focus on matters of clarity and emphasis, but include:

- Specific ESD planning policy objectives for the built environment,
- Recognising urban heat as a hazard that needs a more emphatic response across the urban environment,
- Introducing a new strategy supporting use of siting and design responses to minimise exposure on new sensitive uses to air and noise pollution from transport corridors, and
- Clearer objectives around the need for new developments to provide for the segregation of waste and recyclables.

The PPF supports integrated decision making across government. Planning authorities must take account of and give effect to the general principles and the specific policies contained in the PPF. Each planning authority must decide whether a proposal will produce acceptable outcomes in terms of objectives, strategies and policy guidelines set out in the PPF.

The PPF differs from the more detailed and prescriptive ordinance set out under zones, overlays and particular provisions. Figure 1 displays an outline of the proposed changes being proposed by the State Government. Stage 2 of the project will develop specific particular provisions to support clear, consistent, and straightforward decision making and design responses to implement the intent of the ESD objectives in the PPF. It will also examine whether certain local planning scheme measures should be adopted as state level standards.

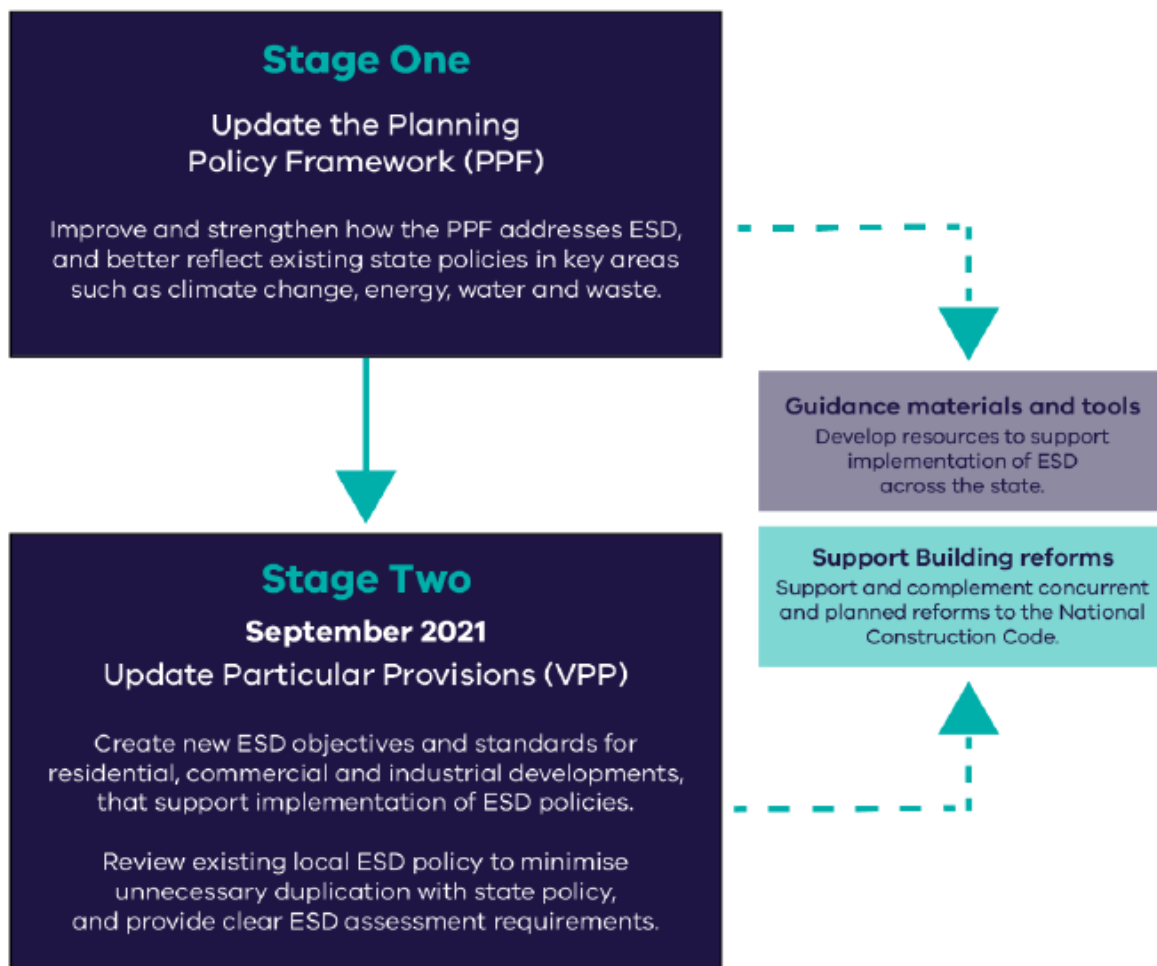


Figure 1: Proposed stages of Roadmap

### Macedon Ranges Submission

Council's submission (Attachment One) generally supports the proposed provisions that seek to implement ESD principles into the PPF. The proposed changes implement measures that align with Council priorities in the Council Plan. The submission provides some comments regarding specific points within the Roadmap to ensure a consistent approach to ESD outcomes with other Acts such as provisions relating to water authorities and approvals under the *Building Act 1993*.

### Consultation and Engagement

Council Officers have engaged internally with the Statutory Planning Department, Building Unit and Environment Unit. Comments provided have been incorporated into the submission.

There has not been wider consultation at this time due to the proposed Stage 1 changes impacting only on the PPF and due to time constraints in submitting Council's feedback.

### **Strategic Alignment**

It is considered the submission aligns with the following policy areas:

Priority Area 1 – To promote health and wellbeing

Priority Area 2 – Protect the natural environment

Priority Area 3 – Improve the built environment

Priority Area 4 – To enhance the social and economic environment

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

There are no associated financial or resource implications in making a submission to the Roadmap.

### **Policy and Legislative Implications and Risks**

This report relates to the following policy and legislation:

- Part 3AAB (Distinctive Areas and Landscapes) of the *Planning and Environment Act 1987*.

This legislation identifies Macedon Ranges as a distinctive area and landscape. The legislation requires Responsible Public Entities not to act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy that is binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.

Responsible Public Entities should consult with all relevant levels of government and government agencies in relation to policies or programs in the declared area, use best practice measures to protect and conserve the unique features and special characteristics of the declared area, and undertake continuous improvement to enhance the conservation of the environment in declared areas.

Council's submission raises the Statement of Planning Policy for the Macedon Ranges. It includes a request for greater clarity on how the proposed changes will protect native vegetation, biodiversity and landscape values under the proposed changes to the PPF.

### **Sustainability Implications and Risks (Social and Environmental)**

Council will need to consider the outcomes of the Roadmap during its preparation of upcoming amendments or planning permits to ensure any decision is consistent with any updated PPF provisions.

It will however allow for Council to push for a higher standard of ESD in development and land use within the Macedon Ranges Shire. The further role out of Stage 2 of the Roadmap will further strengthen ESD outcomes and is considered a positive direction in line with existing Council policies and priority areas within the Council Plan 2017 – 2027.

### **Charter of Human Rights Implications and Risks**

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

### **Officer Declaration of Conflict of Interest**

No council officers involved in the preparation of this report has any general or material conflict of interest in this matter.

### **Conclusion**

Officers have prepared a submission to the State Government's *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system* which is generally in support of the proposed changes and raises some additional matters for consideration. The key points of this submission are:

- **Higher building standards** – ESD is better enforced through the building approvals process. The majority of new dwellings constructed in the Macedon Ranges do not need a planning permit. This means that any planning provisions requiring ESD for buildings will have only a limited impact in the Shire.
- **Resourcing** – under-resourced councils such as Macedon Ranges Shire Council will require training and support to enable the organisation's statutory planners to implement any proposed state-wide ESD provisions. Funding for ESD advisers is recommended, similar to the Heritage Adviser program which was co-funded by the State Government.
- **Electric vehicles** – the proposed planning provisions should include requirements for electric vehicle charging stations in new developments, and should reduce barriers / planning permit triggers to their installation on public land.
- **Micro-grids** – the proposed planning provisions should encourage small to medium scale renewable energy production, including micro-grids as a part of new developments and subdivisions.
- **All-electric developments** – the proposed provisions should encourage or require new developments and subdivisions to transition away from use of natural gas.
- **Integrated Water Management modelling tool** – There needs to be a consistent approach to the use and application of these tools between authorities, state and local governments. An inconsistent application and distribution of these tools creates gaps in ESD development outcomes.
- **Sustainable subdivisions framework** – A number of councils within Victoria are working to develop this assessment framework which should be incorporated into the proposed provisions.
- **Applicability to rural councils** – The content of the Roadmap is Melbourne-centric, with a heavy reliance on aspects of Plan Melbourne. It is imperative that the Roadmap be equally applicable to rural areas, as new buildings and subdivisions occur throughout Victoria and all new development should create positive environmental outcomes.

<b>PE.4</b>	<b>ESTABLISHMENT OF PLANNING COMMITTEE TO DETERMINE PLANNING MATTERS</b>
<b>Officer</b>	<b>Angela Hughes, Director Planning and Environment</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachment</b>	<b>Council’s resolution of 27 November 2019 regarding the Delegations Framework, Policy and Procedures and Submitters (Delegated) Committee</b>

### **Purpose and Overview**

This report details the process for establishing a Planning Delegated Committee (PDC) to determine statutory and strategic land use planning matters, as well as hear from applicants, landowners and submitters who made objections or submissions on such matters. The PDC could decide such matters in accordance with the Planning and Environment Act 1987 (as amended).

The establishment of a PDC could enable planning matters to be heard and decided outside Scheduled Council Meetings. This would have the benefit of providing a dedicated forum in which planning matters are heard and decided by Council, without having to consider such (often complex) matters in amongst a full and diverse Scheduled Council Meeting agenda.

The establishment of a PDC could also have the benefit of taking over a part of the current functions of the Submitters Delegated Committee as it relates to planning matters.

This report is being brought to Council in accordance with its resolution of 16 December 2020.

### **Recommendation**

#### **That Council:**

- 1. Endorses the establishment of a Planning Delegated Committee as a delegated committee of Council in accordance with Section 63 of the *Local Government Act 2020*, to hear from applicants/land owners and objectors/submitters on statutory and strategic planning matters including planning applications and determine planning matters;**
- 2. Receives a report recommending an Instrument of Delegation to the Planning Delegated Committee (PDC) and Terms of Reference to give effect to Council’s preferred PDC option; and**
- 3. Directs that the Planning Delegated Committee commence no later than the third Wednesday in June 2021.**

## Background

At the Ordinary Council Meeting on 16 December 2020, it was resolved:

***That Council direct the Chief Executive Officer to prepare a formal report for consideration at the 24 February 2021 Scheduled Council Meeting on the establishment of a Planning Delegated Committee of Council, including advice regarding the necessary resources to implement, and the relevant delegated powers, duties and functions such a committee would require.***

## Context

### Delegations Framework, Policy and Procedures

Council's "Delegations Framework, Policy and Procedures" (Section 7) sets down the circumstances in which:

- A planning matter may be decided by officers acting under delegation,
- A planning matter may be 'called in' to a Council Briefing or Council Meeting for a decision and,
- A planning matter must be decided at a Council Meeting (with no discretion given to officers to consider under delegation.

The "Delegations Framework, Policy and Procedures" was last adopted by Council at the Ordinary Council Meeting on 27 November 2019. Council's full resolution is replicated at Attachment 1. The document had been brought to Council at that time to outline revisions made to Council's Instruments of Delegation since their review and the adoption of the Delegation Framework and Instruments of Delegation document in September 2017. The "Delegations Framework, Policy and Procedures" document is publically available on Council's website.

### Submitters Delegated Committee (formerly Submitters Committee)

Also at the Ordinary Council Meeting on 27 November 2019, Council resolved to establish a "Submitters Committee." Council's full resolution is also replicated at Attachment 1. The purpose of this Committee is to hear from:

1. people in support of written submissions lodged in accordance with s223 of the Local Government Act
2. persons who have made an objection or submission to a planning application in accordance with the Planning and Environment Act
3. planning permit applicants and/or land owners in relation to a planning permit application submitted in accordance with the Planning and Environment Act.

This Committee has no decision making powers.

Following Council's resolution on 27 November 2019, the first Submitters Committee was held on 13 May 2020. Since then, Submitters Committees have been held monthly, with the exception of October and November 2020. Submitters Committees could not be held in these months due to the Election Period and swearing in of Councillors.

It should be noted that on 1 December 2020 with changes to the Local Government Act, the name of the Submitters Committee was changed to the Submitters Delegated Committee to align with the new legislative provisions. The scope of the Committee remained the same.

This name change is reflected in Council's meeting minutes from 2 December 2020, which refer to the "Submitters Delegated Committee" having met on this date and on 13 January and 10 February 2021.

All Submitters (Delegated) Committees held to date have heard from people on planning matters, with no other non-planning matters yet presented to these meetings.

### **Councillor Call-ins**

The "Delegations Framework, Policy and Procedures" provides the framework by which Councillors may 'call in' a planning application, which could otherwise be decided by officers acting under delegation. Any Councillor may call in a planning application to a Councillor Briefing and/or Scheduled Council Meeting, provided a second Councillor agrees to the call in.

The "Delegations Framework, Policy and Procedures" requires that each fortnight, Councillors are advised of planning applications, which are ready to be decided and:

- Have received one or more objection/s,
- Propose a waiver or reduction in the car parking rate of more than 20 spaces for existing buildings,
- Propose a waiver or reduction in the car parking rate for proposed buildings,
- Propose a more than two storey development
- Propose an extension of time to a planning permit
- A refusal is recommended by an officer
- Seek an amendment to an approved permit determined by Council at an Ordinary meeting
- Previously had a Victorian Civil and Administrative Tribunal (VCAT) determination on the same site.

Following the release of this list, Councillors have the opportunity to call in an application that may otherwise be decided under delegation to a Councillor Briefing or a Scheduled Council Meeting. An application called into a Councillor Briefing may be decided by officers following the Briefing if a Councillor, with seconding Councillor, does not specifically call the application in to a Scheduled Council Meeting to be decided.

If an application is called in to a Scheduled Council Meeting then, in accordance with Council's resolution of 27 November 2019, the application must first go to a Submitters Delegated Committee before it can be considered at a Scheduled Council Meeting.

Planning matters (statutory and strategic) where officers do not have delegated authority do not appear on this fortnightly list. Rather, officers list these for Councillor Briefings and Scheduled Council Meetings as and when a decision is required (regardless of whether it is a milestone decision or final decision), when an update is considered necessary and/or at the direction of Council via a resolution.

### **Assessment**

It is considered that Council has the following options in establishing a Planning Delegated Committee (PDC):



Option 1: Establish a PDC to hear from submitters and decide on planning matters

Establish a PDC as a delegated committee of Council (s.63 of the Local Government Act) to deal solely with statutory and strategic land use and development planning matters. Planning matters to be delegated to the Committee by Council as the Responsible Authority under Section 188(1)(a) of the Planning and Environment Act.

The Committee will hear from the permit applicant/land owner and any objectors/submitters who wish to speak on planning matters where they have formally made a submission to Council. The Committee determines all planning applications and other planning (statutory and strategic) matters referred for its consideration and determination.

This would mean that the current scope of the Submitters Delegated Committee would need to be reduced to remove the planning component from it. This Committee could continue to hear submissions made to Council on matters not relating to planning such as proposed Local Laws, proposed road closures, etc.

The PDC could meet on the first or third Wednesday of the month. This is in the context of Submitters Delegated Committees which are currently set down for the second Wednesday of the month (where required) and Scheduled Council Meetings, which are set down for the fourth Wednesday of the month.

Option 2: Maintain the Submitters Delegated Committee to hear from submitters and establish a PDC to decide planning matters

Maintain the Submitters Delegated Committee as is. All planning matters heard at this Committee meeting would be referred to the PDC for determination. All other matters heard by the Submitters Delegated Committee that do not relating to planning would be referred to a Council Meeting for a decision.

This would mean that by convention, applicants and submitters would not be able to speak at the PDC or Scheduled Council Meetings.

As with Option 1 (above), the PDC could meet on the first or third Wednesday of the month.

Option 3: Maintain current arrangements

Maintain current arrangements and hear from applicants and submitters at the Submitters Delegated Committee prior to determination of planning matters at a Scheduled Council Meetings.

**Option Analysis**

These options are considered in further detail below:

<b>Option</b>	<b>Detail</b>	<b>Benefit</b>	<b>Cost to Council</b>
<p>1. Establish a PDC to hear from submitters and decide on planning matters</p>	<p>Planning Committee could:</p> <ul style="list-style-type: none"> <li>• Hear from the Applicant/owner and any objector/submitter /s</li> <li>• Determine statutory and strategic planning matters including planning applications referred to the committee.</li> <li>• Monthly meetings as required, except potentially in December/January.</li> </ul>	<ul style="list-style-type: none"> <li>• Would allow Council to hear from any parties wishing to speak to an item being considered by the Planning Committee.</li> <li>• Matters could be heard and decided on separate nights, to allow any follow-up required after hearing from submitters.</li> <li>• Would devote a single monthly meeting to considering planning matters.</li> <li>• Would remove planning applications from Scheduled Council meetings, and free up time within this meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Would result in additional officer time being required to prepare agenda, minutes and providing information to Council regarding planning matters. Noting that, the PDC would replace the Submitters Delegated Committee as it relates to planning matters.</li> </ul>

<p>2. Maintain the Submitters Delegated Committee to hear from submitters and establish a PDC to decide planning matters</p>	<ul style="list-style-type: none"> <li>• To hear from any Applicants/owners and objectors/ submitters in relation to a planning application, or other matter which Council has invited submissions on.</li> <li>• This Committee would not have decision making powers. Matters considered (heard) by this Committee would need to be reported to a subsequent Council Meeting (either a PDC or Scheduled Council Meeting) for a decision</li> <li>• No submitters would be able to speak at the subsequent decision making meeting of Council.</li> </ul>	<ul style="list-style-type: none"> <li>• Would allow Council to hear from any parties wishing to speak to a planning application, and any other matter which Council has invited submissions on.</li> <li>• Matters could be heard and decided on separate nights, to allow any follow-up required after hearing from submitters.</li> <li>• Would free up time at Scheduled Council Meetings by having planning matters decided at a separate PDC.</li> </ul>	<ul style="list-style-type: none"> <li>• This would add an additional meeting to the monthly cycle.</li> <li>• Additional officer time to prepare agendas and minutes, as well as attend meetings.</li> <li>• Additional costs associated with providing a meal for Councillors and officers in attendance.</li> <li>• May be an additional cost in livestreaming the new meeting.</li> </ul>
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<p>3. Maintain current arrangements and hear from applicants, owners and submitters at Submitters Meetings prior to determination of planning matters at a Scheduled Council Meeting.</p>	<ul style="list-style-type: none"> <li>• Applicant/owner and/or objectors given the opportunity to speak at a Submitters Delegated Committee meeting on a planning application being considered at that meeting, for a maximum of 3 minutes.</li> <li>• Monthly meetings as required, except potentially in December/January.</li> </ul>	<p>Allows Councillors to hear from the parties at a Submitters Delegated Committee meeting.</p>	<p>No additional costs to Council. No additional officer time required.</p>
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Officers consider Option 1 to be the preferable option

While this option imposes a new night time Council Meeting per month, it is likely that fewer Submitters Delegated Committees will be held, as planning matters will be heard and considered at dedicated PDC meetings.

Option 1 would also have the benefit of reducing the agenda of Scheduled Council Meetings and time spent in these meetings, as planning matters would be heard in a separate PDC meeting.

**Consultation and Engagement**

Officers have not carried out any consultation on the options outlined in this report.

As it is recommended that a PDC be created, it is not considered that consultation on this option is necessary. The recommended option to establish a PDC would provide regularly scheduled opportunities to allow parties to planning applications and those making submissions in relation to other planning matters to speak/present to Councillors.

**Implications**

**Financial, Resource, Information Technology and Asset Management**

**Implications and Risks**

Options 1 and 2 will result in an additional monthly meeting being allowed for in Council’s meeting cycle.

Through Option 1, it is likely that a number of Submitters Delegated Committees would not be held, as any planning matters would be heard and decided by the Planning Delegated Committee without the need to hold a Submitters Committee.

Therefore, it is considered that there would be few additional meetings across the year, when considering that Submitters Delegated Committees would likely not be held monthly.

Option 2 suggests that Submitters Delegated Committees continue to hear planning matters, with those matters then being referred to a PDC for a decision. This option will likely result in an additional night-time meeting being held monthly, as planning matters are a feature of the Submitters Committee. This option would likely have the impact of reducing overall time spent at Scheduled Council Meetings.

### **Strategic Alignment**

Council's adopted Community Consultation Framework (2021) outlines expectations around consultation on statutory planning applications. The Framework is designed to complement any statutory notification of a planning application that may occur.

### **Policy and Legislative Implications and Risks**

In most instances, the Planning and Environment Act 1987 (as amended) requires notice to be given to land owners/occupiers of planning applications and Planning Scheme Amendments.

The Planning and Environment Act 1987 (as amended) does not require Council, as the Responsible Authority, to hear in person from parties as part of their decision making on planning matters.

The options outlined in this report go above and beyond that which is required by the Planning and Environment Act.

### **Sustainability Implications and Risks (Social and Environmental)**

This report does not pose any sustainability implications or risks.

### **Charter of Human Rights Implications and Risks**

This report accords with the Charter of Human Rights.

### **Officer Declaration of Conflict of Interest**

Officer Declaration of Conflict of Interest No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

### **Conclusion**

Council currently hears from submitters on planning applications. Since May 2020, the Submitters Delegated Committee has met monthly. It is not a decision-making meeting which means that any applications heard at this Committee must be referred to a Scheduled Council Meeting for a decision. This can sometimes occur in the month that the application was heard, or in the following month/s.

Having considered all options available to Council in establishing a PDC, it is recommended that Council pursue Option 1. That is, that Council establish a PDC, to be held monthly, to hear from submitters on planning matters (statutory and strategic) and decide those matters. This will remove planning matters from the Scheduled Council Meeting agenda and Submitters Delegated Committee agendas.

This option will reduce time spent in Submitters Delegated Committees and Scheduled Council Meetings by moving planning matters to a new dedicated committee.

**11. ACTING CHIEF EXECUTIVE OFFICER REPORTS**

Nil

<b>CC.1</b>	<b>CONTRACTS TO BE AWARDED AS AT 24 FEBRUARY 2021</b>
<b>Officer</b>	<b>Corinne Farley, Coordinator Contracts</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 24 February 2021 under a delegation from Council. Although this report recommends noting the delegated authority of Council officers, the Council has the power to:

- (a) direct that the Chief Executive Officer award the contract under the direct delegation from Council; or
- (b) specifically grant delegated authority to the Chief Executive Officer.

### **Recommendation**

**That Council note that the following contracts will be awarded by Council officers under delegated authority:**

- **C21.1096 Virtual Host and SAN Replacement**
- **C21.1097 Banking and Bill Payment Services**

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### **Background**

Council's delegation to the Chief Executive Officer (CEO) dated 14 July 2020 limits the CEO's power to award contracts to contracts having a value of \$1,000,000 or less.

The CEO has delegated that function to staff in accordance with an instrument dated 27 August 2020, subject to conditions that include compliance with Council's adopted Procurement Policy and its associated position-based financial thresholds.

### **Context**

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

#### **C21.1096 Virtual Host and SAN Replacement**

This is a goods contract for the supply only of server and storage infrastructure to host the virtualised IT environment at Council offices. The existing IT server and storage infrastructure is approaching end of life and is targeted for replacement. This infrastructure comprises host servers, storage and associated networking. The replaced infrastructure will enable the confirmed functioning of Council's computer network and effective storage of information and data.



In line with Council strategy, this equipment is replaced at five year intervals, the equipment is limited to five (5) Hosts, two (2) Storage Area Network (SAN) environments, networking equipment associated with storage (only) and associated warranty and maintenance for a five (5) year period.

The CEO has delegated authority to award this contract. Funds for these works have been provided in the 2020/21 capital budget and future operating budgets.

#### C21.1097 Banking and Bill Payment Services

Council is looking to appoint a Banking provider who will complete all banking requirements associated with day to day Council banking functions and all functions associated with the receipting of transactions for rate payments and other payments made to Council. This is a 5 year contract with an option to extend for a further 2 years, in single year extensions (total 7 years inclusive of the options).

The CEO has delegated authority to award this contract. Funds for this work has been provided in the 2020/21 operating budget and future budgets.

#### **Consultation and Engagement**

Nil

#### **Strategic Alignment**

In order to ensure Council carries out procurement activities in accordance with its Procurement Policy, as required by the *Local Government Act 1989*, this report is provided to acquit those requirements.

Delivering on the above requirement ensures that Council delivers on its priority of strong and reliable government.

#### **Legislative Implications**

The *Local Government Act 2020* does not become applicable to procurement until 1 July 2021. As such the provisions of the *Local Government Act 1989* and associated regulations will apply until this time. On 1 July 2021, Council will have a transition period until 31 December 2021 in which to enact the requirements of the *Local Government Act 2020*.

#### **Officer Declaration of Conflict of Interest**

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

#### **Conclusion**

That Council note that delegated authority exists for officers to award contracts:

- C21.1096 Virtual Host and SAN Replacement
- C21.1097 Banking and Bill Payment Services

<b>CC.2</b>	<b>AUDIT AND RISK COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER</b>
<b>Officer</b>	<b>John Hausler, Director Corporate and Community</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The Audit and Risk Committee is comprised of two Councillors and three Independent Members from the Macedon Ranges Shire community. This report seeks to have Council appoint a new independent member to the Audit and Risk Committee.

At the 16 December 2020 Council Meeting, Council noted the following:

#### ***That Council:***

- 1. Note the report together with the minutes from the Audit and Risk Committee meetings on 16 September and 15 October 2020.***
- 2. Endorse the appointment of Independent Member, Peter Matthews as Audit and Risk Committee Chairperson from 1 January 2021 to 31 December 2021.***
- 3. Note that a recruitment process will begin for a new Independent Member in 2021, for a three year appointment.***
- 4. Direct the CEO to write to the outgoing Independent Committee Member, Brian Collins to thank him for his contribution to the Committee.***
- 5. Note the Annual Report of the Audit and Risk Committee and thank the Committee for the Report.***

Public notice was then given in the Midland Express and the Star Weekly on 15 December 2020 and 5 January 2021. Advertising also occurred on Council's website.

Expressions of interest were received from six candidates. A selection panel assessed the applications against the selection criteria. Standout candidates from the applicant field were identified for interview.

In order to protect the privacy of the candidates, a confidential report and the Panel's recommendation is included in the confidential section of this agenda.

### **Recommendation**

**That Council closes the meeting to the public under section 66 (2)(a) of the *Local Government Act 2020* (the Act) to consider a matter that is “confidential” as defined by section 3 (1) of the Act because it contains information relating to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The report contains personal information about persons who submitted an expression of interest for the position of independent member of Council’s Audit and Risk Committee.**

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### **Option**

In the event that all Councillors are satisfied with the recommendation for this item as contained in the confidential section of this notice paper and without questions and debate, Council may resolve to adopt the recommendation as contained in the confidential section in open Council at any time. The Minute Secretary will then formally read out this resolution. The Council resolution will then immediately become public information but the confidential report will remain confidential.

<b>CC.3</b>	<b>OUTCOME OF EXPRESSIONS OF INTEREST PROCESS FOR THE FUTURE MANAGEMENT OF THE FORMER KYNETON PRIMARY SCHOOL</b>
<b>Officer</b>	<b>Hayley Drummond, Coordinator Property and Valuations</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report provides an update to the submission made by Council for the future management of the former Kyneton Primary School site following the resolution of Council on Friday 1 May 2020:

#### ***That Council:***

- 1. Note the Expression of Interest document prepared by the Department of Environment, Land, Water and Planning for the future management and/or use of the former Kyneton Primary School site dated 28 February 2020, with a closing date for submissions 1 June 2020.***
- 2. Direct the Chief Executive Officer to make a submission to the Expression of Interest process that expresses a formal interest in the appointment of Macedon Ranges Shire Council as Committee of Management over the following four State Government lots:***
  - Lot 2 – Volume 11401 Folio 342 – Crown Allotments 2 Section 5 Township of Kyneton Parish of Lauriston;***
  - Lot 3 – Volume 11201 Folio 343 – Crown Allotments 3 Section 5 Township of Kyneton Parish of Lauriston; and***
  - Lot 12 and 13 – Volume 11401 Folio 344 – Crown Allotments 12 and 13 Section 5 Township of Kyneton Parish of Lauriston.***
- 3. Note that should an alternate submission to the Expression of Interest process be received for the whole site that is supported by DELWP then Council shall:***
  - a. withdraw its offer to become Committee of Management for the four allotments; and***
  - b. work collaboratively with the successful applicant and DELWP as agreed.***
- 4. Direct the Chief Executive Officer to report back to Council on the outcome of the Expression of Interest process.***

### **Recommendation**

**That Council note the unsuccessful outcome of the Expression of Interest process for the future management of the former Kyneton Primary School site.**

## **Background**

The former Kyneton Primary School site is located at 7-15 Baynton Street, Kyneton. The property comprises an area of approximately 1.2 hectares with the main building constructed in the mid 1850's.

The site is currently in the ownership of the Minister for Education and managed by the Department of Education and Training (DET) through the Victorian School Building Authority for the Minister.

The land was first set aside for school purposes in 1854 and operated as a school for 161 years before closing in March 2018, when the school was relocated to a new site in Edgecombe Street, Kyneton.

DET had previously declared the Baynton Street site as surplus to its operational requirements. In May 2018, the Victorian Government announced that the site would be retained in public ownership rather than be sold on the open market.

Between August and October 2018, Department of Environment, Land, Water and Planning (DELWP) sought feedback on the community's interest in the site and to develop a list of realistic objectives for its future use and management. The community consultation process found a strong preference for the premises to become a hub for community use and activities with further work to be conducted through an Expression of Interest (EOI) process to determine the most appropriate arrangements for management and use of the site.

Council was then advised of a new EOI process to attract submissions "from interested parties to manage and attract varied uses for the premises that will provide the Kyneton and wider community with valued, varied, safe and accessible services or facilities to benefit the community."

## **Context**

The EOI process was for the whole site, however DELWP indicated an EOI could be made for part of the site only. As agreed by Council at its Special Council Meeting on 1 May 2020, an EOI was submitted that Council become Committee of Management for the four vacant crown allotments to the east of the school buildings.

Council received advice from DELWP on 24 November 2020, that the application has not been successful. Councillors were advised by the Acting Chief Executive Officer by email on 25 November 2020 of this outcome.

The State Government announced that the former Kyneton Primary School would become a new exhibition space. The announcement came as part of the 2020-21 Budget that was released on 24 November 2020 and allocated \$12 million of State Government funding to upgrade existing facilities, making it a new home for art exhibitions and a space for the whole community to enjoy.

## **Consultation and Engagement**

Nil

### **Strategic Alignment**

The proposal to become Committee of Management for the undeveloped eastern lots aligns with the achievement of priorities set out in the Council Plan 2017 – 2027: Our Priorities: Improve the built environment:

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management Implications and Risks**

Nil

#### **Policy and Legislative Implications and Risks**

Nil

#### **Sustainability Implications and Risks (Social and Environmental)**

Nil

#### **Charter of Human Rights Implications and Risks**

The proposal does not limit any rights contained in the Charter of Human Rights and Responsibilities.

#### **Officer Declaration of Conflict of Interest**

No officers involved in the preparation of this report have any general or material interest in this matter.

### **Conclusion**

This reports completes the resolution of Council to formally report back to Council on the outcome of the EOI process. Should Council be approached by DELWP and/or the successful applicant regarding the new development proposal, officers will work with them collaboratively.

<b>CC.4</b>	<b>QUARTERLY REPORT FOR THE PERIOD ENDED 31 DECEMBER 2020</b>
<b>Officer</b>	<b>Travis Harling, Manager Finance and Reporting</b>
<b>Council Plan Relationship</b>	<b>Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Quarterly Report for the period ended 31 December 2020</b>

### **Purpose and Overview**

The Quarterly Report for the period ended 31 December 2020 is presented for Council's consideration and information. This report includes the following:

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

The report also provides a high level summary of the organisations performance to 31 December 2020 and outlines proposed changes to the 2020/21 Budget, following the completion of a mid-year review of budget variances.

### **Recommendation**

#### **That Council:**

- 1. Note the Quarterly Report for the period ended 31 December 2020; and**
- 2. Endorse the budget changes identified as part of the mid-year budget review.**
- 3. Approve the following transfers of reserve funds for eligible projects that were identified in the mid-year budget review:**
  - Romsey Development Contributions Plan Reserve to contribute \$32,000 to the Bus Stop in Romsey**
  - Plant Reserve to contribute \$400,000 for additional plant renewal**
  - Public Open Space – South Reserve to contribute \$17,000 for Gardiner Reserve Football Change Rooms**
  - Public Open Space – South Reserve to contribute \$11,000 to Gardiner Reserve Netball Change Rooms**
  - Public Open Space – East Reserve to contribute \$13,000 to Riddells Creek Recreation Reserve**

## **Background**

The quarterly report is provided in accordance with Section 97 of the *Local Government Act 2020* (Vic) ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting. The December quarterly report also includes a review of budget variances for the first six months of the 2020/21 financial year.

## **Context**

### Section 1 and 2 - Financial performance to 31 December 2020

The Income Statement reports an adjusted operating surplus of \$26.35m which is \$1.36m favourable to budget for the six months ending 31 December 2020. This seemingly high surplus is due to compliance with applicable accounting standards which sees rate income recognised at the start of the financial year when the rates are struck. This results in Council having a large surplus at the start of the year which reduces as the year progresses. Expenditure is incurred more evenly throughout the year.

Overall, the operating surplus for the six months is \$1.36m favourable to budget - operating income is \$0.5m unfavourable to budget and operating expenses are \$5.03m favourable to budget. Areas of expenditure contributing to the favourable result include Employee costs \$3.3m and Materials and Services \$1.12m. Capital expenditure totalled \$6.02m for the first six months of the year which was \$7.57m unfavourable to budget. The variance is contributed largely to under expenditure in infrastructure expenditure \$3.47m and building and improvements \$3.28m.

The implications of dealing with the COVID-19 pandemic has also slowed progress in the delivery of Capital expenditure items included in the budget. It is expected the program delivery will pick up as working conditions return to normal. Capital expenditure has also been impacted by the delay in the 2020/21 budget being approved (July 2020), putting the program one month behind schedule, as works could not commence until a budget was adopted.

Council remains in a sound financial position for the financial year to 31 December. The impacts on Council's financial position as a result of the COVID-19 pandemic are being recorded as they become known, and to date are not having an impact that indicates a requirement to produce a Revised Budget which would be subject to community engagement. Broadly, revenue impacts of COVID-19 are being offset by under expenditure. These impacts have been considered further in the 2020/21 Mid-Year Budget Review.

### Section 3 to 9 – Quarterly Report 31 December 2020

Sections 3-9 of the report provides Council an update as at 31 December on the progress of completing various council plan actions for the 2020/21 financial year, and includes reports relating to People Culture and Performance and Risk Management. The report also includes a Governance Schedule and several other reports relating to Councillor expenses and activities.



### Mid-Year Budget Review

In January each year, a review of the actual financial performance for the first half of the year is undertaken and variances to the annual budget are identified. Generally there will be a range of budget variances both favourable and unfavourable as the budget is based on assumptions made prior to the commencement of the financial year.

The 2020/21 Mid-Year Budget Review (MYBR) has evaluated a number of variations that have occurred in the first 6 months, and those forecast to occur in the second half of the financial year.

COVID-19 has constrained the ability of the organisation to generate revenue and also resulted in additional costs being incurred to continue to provide services in a COVID-Safe way to the community.

The additional costs include extra support to ensure facilities are cleaned to a higher standard and providing equipment and technology to ensure our staff are able to work effectively and safely.

The impact of COVID-19 has been absorbed into the MYBR, and offset by identified savings. Notably, the MYBR also includes higher waste processing costs (\$100,000) and critical unbudgeted capital works at the Kyneton Museum (\$170,000). Overall the small deficit projected in the MYBR, given the absorption of COVID-19 costs and funding of additional significant pressures is seen as a reasonable outcome for the budget review.

The MYBR cash result after Capital expenditure, Reserve Transfers and Loan adjustments reports a cash deficit of \$179,344. This deficit is partially offset by the remaining surplus of \$12,861.

Council staff will continue to work diligently during the remaining months of the financial year to reduce the forecast cash deficit.

### **Consultation and Engagement**

Officers from across the organisation have contributed to the preparation of the quarterly report.

### **Strategic Alignment**

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

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

The Quarterly Report provides information on Council's operating and financial performance for the period 1 October 2020 to 31 December 2020.

A noted financial risk during the 2020/21 financial year is the financial implications associated with the impact of COVID-19.

Whilst the first six months results show that other operational revenue has been impacted negatively from the closure of some Council facilities during this time, the revenue has been offset during the same period by savings in expenditure on salaries, material and services and other expenses, offsetting this impact.

The financial impacts of COVID-19 will continue to be monitored by officers and have been considered as part of the 2020/21 Mid-Year Budget Review process.

### **Policy and Legislative Implications and Risks**

This report has been prepared in accordance with Section 97 of the *Local Government Act 2020 (Vic)* and is compliant with the requirements. As stipulated by s97(3) this being the second quarterly report of a financial year, it also requires the inclusion of a statement by the CEO that a revised budget will not be required. The financial statements have been prepared in accordance with Australian Accounting Standards.

### **Sustainability Implications and Risks (Social and Environmental)**

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

### **Charter of Human Rights Implications and Risks**

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

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

That Council note the Quarterly Report for the period ended 31 December 2020, and that Council endorse the budget changes identified as part of the mid-year budget review.

<b>AO.1</b>	<b>MACEDON POSTED SPEED ASSESSMENT</b>
<b>Officer</b>	<b>Angela Jenks, Traffic and Road Safety Engineer</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

A Notice of Motion No 13/2019-20 was resolved on 27 May 2020 by Council regarding the posted speed limits on roads within the Macedon township. In particular, the community cited concerns regarding the speed of vehicles through the main thoroughfares and the potential risk to pedestrians and cyclists. This report has been prepared by Council officers to outline the results of the speed assessment on these roads.

### **Recommendation**

#### **That Council:**

- 1. Note there is no opportunity for justifiable speed reduction at this time and that a speed assessment process be repeated in future, if there is any change to road characteristics or roadside development density in the area.**
- 2. Note that officers will liaise with the Victorian Police to monitor locations where speeding issues have been identified.**
- 3. Note that officers are undertaking a Road Safety and Mobility Strategy which will include driver education campaigns focused on speed management.**

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### **Background**

Any speed change on Council-managed roads requires approval from Regional Roads Victoria, and should also be determined in accordance with the VicRoads '*Speed Zoning Guidelines (2017)*'. The VicRoads '*Speed Zoning Guidelines*' (Guidelines) help to identify the appropriate speed limit for any given road based on criteria such as road classification, road characteristics, nature of roadside development, and crash history. This ensures consistency for drivers driving on similar roads and enables better driver compliance.

## Context

At the Ordinary Council Meeting of 27 May 2020 Council resolved the following:

***“That Council notes concerns received by a number of community members in Macedon regarding pedestrian and traffic safety in the township and acknowledges their request to investigate speed reductions. Council directs the CEO to undertake a review of the speed limits on the roads in the Macedon township and prepare a report on pedestrian and traffic safety and options to reduce current speed limits, for consideration at a future Council meeting.”***

Council officers conducted a review of key roads within the Macedon Township in consultation with the lead community member who voiced concerns. This provided a list of roads to focus on for speed assessment. The list included Smith Street, Victoria Street, Carrington Street and McBean Avenue. The assessment included an onsite assessment and traffic monitoring which were assessed against the Guidelines’ criteria.

The assessment outcome for all streets was to retain the existing speed limit. This outcome included relevant inputs including up-to-date vehicle count and speed measurement data and road and roadside characteristics. The current roadside development/characteristics do not justify a reduction below the existing speed limits.

Under the Guidelines:

- Carrington Street - it is not appropriate to reduce speeds below 60 km/h,
- McBean Avenue - it is not appropriate to reduce speeds below 60 km/h,
- Victoria Street – it is not appropriate to reduce below 50 km/h,
- Smith Street, it is not appropriate to reduce from 60 km/h to 50 km/h (excluding the existing 40 km/h school zone).

For these locations further pursuit of posted speed reductions, via application to Regional Roads Victoria, is not recommended.

Speeding issues were identified on some roads. Vehicle counts on Carrington Street, for example, identified that 15 percent of vehicles were travelling above 71 km/h. At this location the posted speed limit is 60 km/h. It is not a correlation that a reduction in speed will result in drivers reducing speed. Those that follow the speed limit, those that do not will still speed.

In terms of the consistency of driver experience, it is likely that a reduction in speed will result in more drivers driving above the posted speed limits as the road condition will present as 60km/h (for example) despite being posted at 50 km/h. As a result of this, drivers will naturally and subconsciously look to drive at 60km/h.

It is recommended that Council liaises with local police to target locations where speeding is reported, especially those sites where monitoring proves these reports. The upcoming Road Safety and Mobility Strategy will include other methods to address speeding, potentially addressing strategies like widespread driver education campaigns.

Smith Street is the only location which might be considered for reduction to 50 km/h in the future. This length of commercial development is not long enough to justify a speed reduction in accordance with the Guidelines (the length of commercial development would need to be 200m long). Officers will continue to monitor this location and, if safety issues dictate, will gauge community support for a speed reduction at this location.

### **Consultation and Engagement**

Consideration of any speed limit reduction will be completed in line with the Guidelines and pursued in collaboration with Regional Roads Victoria; this will include consideration of community support for any such change.

### **Strategic Alignment**

The upcoming Road Safety and Mobility Strategy will include multiple methods to address driver speeding. Potentially this will include strategies like widespread driver education campaigns.

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

No immediate resource requirements. Future resource requirements are to be determined pending the outcome of the upcoming Mobility and Road Safety Strategy.

### **Policy and Legislative Implications and Risks**

Consideration of any speed limit reduction will be completed in line with the Guidelines.

### **Sustainability Implications and Risks (Social and Environmental)**

Road safety is of high importance in the Shire. Correct procedure must be followed to ensure that all road safety decisions made are in line with best practice and current Guidelines. The local community has significant interest in decisions relating to road safety and officers should clearly communicate the assessment processes followed, identify compliance to best practices and adherence to current Guidelines.

### **Charter of Human Rights Implications and Risks**

Not applicable.

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

As resolved by Council a review was conducted of the posted speed limits in specific locations in Macedon. This review assessed the roads against the VicRoads '*Speed Zoning Guidelines*' to determine if any speed reduction is justified. There is no opportunity for a justified speed reduction at this time. It is recommended that officers monitor these locations and repeat this process in future, if there is any change to road characteristics or roadside development density in the area.

<b>AO.2</b>	<b>REPORT ON CURRENT PLANNING AND MANAGEMENT OF ROADS FOR REDUCTION OF WILDLIFE ROAD TRAUMA</b>
<b>Officer</b>	<b>Angela Jenks, Traffic and Road Safety Engineer</b>
<b>Council Plan Relationship</b>	<b>Improve the Built Environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

At the Ordinary Council Meeting of 16 September 2020 the concerns of residents regarding the safety of local wildlife in the Cherokee, Riddells Creek, New Gisborne and Kerrie area were raised as urgent and other business. Some residents requested consideration of a 50 km/h speed limit on a number of rural roads that are currently either 80 or 100 km/h.

This report has been prepared by Council officers as a report on the current planning and management of roads for the reduction of wildlife road trauma and to recommend next steps.

### **Recommendation**

**That Council receives a comprehensive report outlining opportunities to improve wildlife safety on roads across the shire at its October 2021 Scheduled Council Meeting.**

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### **Background**

The Macedon Ranges has long been regarded for its natural landscape beauty and wildlife attracting many visitors and new residents to our Municipality.

Locals, used to driving in areas where wildlife are present, know how to adapt their driving to consider wildlife. This includes knowing when wildlife is most likely to be on the road, either due to the time of day, weather conditions or food scarcity.

The residential growth in Melbourne and surrounding suburbs has resulted in more drivers on our roads, and some of these drivers are not experienced in driving in rural areas on rural roads.

Township growth is potentially adjacent to some animal populations' food or movement corridors. These two things mean, in parts of the shire, there is more wildlife on or near the road and there are more drivers who are not experienced in driving where wildlife is present. This includes parts of Cherokee, Riddells Creek, New Gisborne and Kerrie.

This has caused concerns for residents and the community as they report noticing an increase in wildlife trauma.

At the Ordinary Council Meeting on 16 September 2020, Council resolved:

***“That Council***

- 1. Notes concerns received by local, national and international community members about wildlife collisions on four specified roads in Cherokee, Riddells Creek, New Gisborne and Kerrie, and acknowledges their request to investigate speed reductions to reduce wildlife road trauma; and***
- 2. Directs the Acting CEO to provide a report on the current planning and management of roads with regards to reduction of wildlife road trauma along with guidance on required resources to undertake a review of best practice actions and solutions in reducing wildlife road trauma for consideration at a future Council meeting.”***

This report provides information on the current planning and management of roads with regards to wildlife road trauma.

**Context**

The community is seeking road speed reductions to 50km/h on several rural roads. Most are currently 80 or 100 km/h zones; many of these roads are unsealed. The reason for the community requested speed reductions is a belief that this will preserve wildlife, reduce roadkill and wildlife road trauma.

Council currently provides a core focus on human safety and trauma reduction when planning and managing roads. Traditionally, wildlife safety has been a smaller focus in the design of roads.

Most concerns with regards to an increase in wildlife road trauma incidents fall into a couple of categories:

- Changes in the traffic volumes on previously low traffic roads
- Changes in where wildlife are frequenting, or
- Changes in the vegetation management in certain locations and this attracting wildlife

With regards to the last point, the community is improving natural vegetation which is encouraging wildlife to return to areas they didn't frequent previously. Predominantly this is through initiative on their own properties. This is a great sustainability outcome and these changes in wildlife behaviours will potentially change road safety conditions.

Council receives reports from various sources on wildlife road injuries and accidents. This may result in a review of the road and the potential for signage or other aids to be used to reduce trauma. Signage is frequently viewed by people as being the solution, along with speed reduction. Both come with restrictions on when and how they can be used.

Signage has limited impact and is best used where there are either frequent experiences with groups of animals, or in areas of noted high incidence of wildlife road trauma. Signage is known to be most effective when people first notice a sign, but it soon loses its prominence and is then frequently noted by drivers as more of a landmark. The positive is that this means it is useful in areas where visitors or tourist drivers may frequent.

Any speed change on Council-managed roads requires approval from Regional Roads Victoria, and should be determined in accordance with the VicRoads '*Speed Zoning Guidelines (2017)*' (Speed Guidelines). The Speed Guidelines help to identify the appropriate speed limit for any given road based on criteria such as road classification, road characteristics, nature of roadside development, and crash history.

The Speed Guidelines do not identify 50 km/h as an appropriate speed limit for rural roads for the purpose of addressing wildlife safety.

The opportunity for ensuring best management opportunities for protection of wildlife or reduction in wildlife road trauma is during design. In 2012 VicRoads brought out the '*Fauna Sensitive Road Design Guidelines*' (Fauna Guidelines). Whilst these have a focus on highways, major roads and arterials there are learnings and guidance that Council can utilise.

This report focuses on the current planning and management of roads with regards to wildlife road trauma. It is recommended that officers undertake a comprehensive operational report outlining opportunities to improve wildlife safety on Council managed roads across the shire.

Council officers will also consider wildlife road safety as part of the upcoming *Road Safety and Mobility Strategy*.

Consideration of any new or altered traffic control devices will be completed in line with the relevant guidelines and Australian Standards. Consideration of any speed limit reduction will be completed in line with the Speed Guidelines and pursued in collaboration with Regional Roads Victoria.

### **Consultation and Engagement**

Internal and external feedback will be sought during the development of the upcoming *Road Safety and Mobility Strategy*, to ensure that all perspectives have been considered. This will include seeking feedback and input on minimising wildlife road trauma.

### **Strategic Alignment**

The upcoming *Road Safety and Mobility Strategy* will include organisational guidance for future actions relevant to wildlife safety; in line with best-practice and relevant to the wider strategies adopted by Council.



## **Implications**

### **Financial, Resource, Information Technology and Asset Management Implications and Risks**

Resource requirements will be determined as an outcome of the comprehensive report that may identify a range of recommended solutions. Any requirements will be subject to Council's budget processes.

### **Policy and Legislative Implications and Risks**

The officer recommendation is made with consideration of the VicRoads *Speed Guideline and Fauna Guidelines*.

### **Sustainability Implications and Risks (Social and Environmental)**

Wildlife safety is a consideration that is relevant and important across the Macedon Ranges community. A positive outcome for improved wildlife safety is desired from a sustainability perspective.

### **Charter of Human Rights Implications and Risks**

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

### **Officer Declaration of Conflict of Interest**

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

## **Conclusion**

Currently the organisation considers wildlife in its road safety and design activities however it is recommended that a comprehensive report be prepared to assess different opportunities to improve wildlife road safety. The outcome of this comprehensive report will be supported in complimentary outcomes outlined in the upcoming *Road Safety and Mobility Strategy*.

<b>AO.3</b>	<b>SCHOOL BUS SHELTER - ROMSEY</b>
<b>Officer</b>	<b>Angela Jenks, Traffic and Road Safety Engineer</b>
<b>Council Plan Relationship</b>	<b>Improve Built Environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

At the 16 December 2020 Scheduled Council Meeting, Council resolved to seek a report on the installation of a bus bay and shelter in Romsey – located at the corner of Main Street and Reynolds Grove. The shelter would provide weather protection for the more than 30 students that utilise this bus stop.

This report outlines all potential funding options and details time lines to finalise design, seek relevant approvals and deliver the project before May 2021.

### **Recommendation**

#### **That Council:**

- 1. Notes that this is the report requested on the potential funding options and detailed time lines to finalise design, seek relevant approvals and deliver the project before May 2021, for the construction of the bus bay and shelter on the corner of Main Street and Reynolds Grove, Romsey.**
- 2. Notes that this project is nominated as a Local Roads and Community Infrastructure Extension Grant project and if successful will be constructed in 2021.**

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### **Background**

There is no existing bus stop shelter infrastructure at the school bus stop location on the corner of Main St and Reynolds Grove, Romsey. There are no existing footpath connections to the grassed area where students currently wait for the bus service, and the adjacent service road is currently unsealed. There is no line marking in the service road to formalise parking.

At the 16 December 2020 Scheduled Council Meeting, Council resolved:

#### ***“That Council***

- 1. Undertake an audit of school bus stops to ascertain what steps are required to provide weather relief to students; which should include prioritisation of when shelters may be installed, interested parties [including schools, Public Transport Victoria (PTV) and Regional Roads Victoria (RRV)] and potential opportunities for advocacy and funding. This audit to be presented as a report at a future Council meeting; and***

- 2. Seek a report, no later than the February Council Meeting, to install a bus bay and shelter in the vicinity of Reynolds Grove and Melbourne-Lancefield Road Service Road, Romsey. This report should include potential funding options and detail time lines to finalise design, seek relevant approvals and deliver the project before May 2021.”**

This report only responds to the second item. The work on the audit of school bus stops is ongoing.

Public Transport Victoria is the relevant authority for bus shelters as per the Road Management Act 2004. The general process for implementation of a school bus stop is typically as follows:

- The request for a bus shelter is received by Council from the school. This request should include support from the relevant bus services.
- If Council supports this request, Council contacts Public Transport Victoria to determine whether they can provide funding to support the bus shelter construction.
- Council needs to fund any non-shelter infrastructure.
- Council installs bus shelters in accordance with the Australian Standard, AS 1742. 12:2000 - Manual of uniform traffic control devices – Part 12: Bus, transit, tram and truck lanes
- If funding is acquired, the shelter infrastructure is ordered and implementation is arranged. Taking into account design, tendering and construction this process will take several months.

Locations that require significant connecting infrastructure to support the implementation of a new bus shelter may require added funding, in addition to any funding potentially provided by Public Transport Victoria.

### **Context**

In addition to the Council motion a request has been received from Gisborne Secondary College for Council to consider implementation of a bus shelter at the corner of Main Street and Reynolds Grove, Romsey. Gisborne Secondary College have advised that at least 34 students currently use this stop on a regular basis. The corresponding bus service, Sunbury Coaches, have expressed their support for this request also.

Due to there being minimal existing infrastructure, if this shelter is approved it will require additional funding to any provided by Public Transport Victoria. In addition to the shelter structure itself, in accordance with AS 1742.12:2000 the project includes such items as: a hard stand area for bus parking and drop off, footpath connection and kerb and channel.

The introduction of a bus shelter introduces further considerations than just the shelter itself. The design and layout of shelter should meet a number of requirements including:

- Providing shelter from the sun, wind, and rain
- Allowing passengers to see the approaching bus and for the bus driver to see the passengers
- Being accessible with the necessary clearance and circulation spaces,

- particularly for people with physical or vision impairments, and
- Providing a safe shelter for passengers while not posing unnecessary dangers to the occupants or riders of passing vehicles.

The project to install the bus passenger shelter needs to not only consider the benefit to those being sheltered, but also other road users. The formalisation of the bus stop with the shelter requires the formalisation of the other supporting infrastructure. This includes clear delineation of the waiting area and the bus stopping area, and a clear approach zone for the bus to be able to park properly and safely in this area.

Council officers have undertaken a high level review of this site as part of a budget business case and understand the site considerations. Taking this into account, it is not possible for the project to be completed by May 2021. It is anticipated that the design, procurement and construction process can take from six to twelve months. The variance between six and twelve months allows for weather conditions and also considers the current high rate of construction and potential challenges in sourcing the infrastructure and time availability of construction contractors. The likely completion of this project is December 2021, however officers will make all efforts to ensure prompt delivery.

### **Consultation and Engagement**

Consideration of any new bus stop infrastructure must involve Public Transport Victoria. Council will follow their advice and direction as the relevant authority.

Support for this project has been received from key stakeholders: Gisborne Secondary College and Sunbury Coaches.

### **Strategic Alignment**

The linking of existing footpath connections at this location, is in line with Council's strategic direction as outlined in the Shire Wide Footpath Plan. This plan identifies Main Street, Romsey as a high priority.

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

##### **Implications and Risks**

Of an estimated total project cost of \$105,000, approximately \$75,000 funding is being sought by Council from the Federal Government's Local Road and Community Infrastructure Extension grant funding. An additional \$30,000 is required to complete the project. The additional \$30,000 will be sought from the existing 2020/2021 capital works program, as part of the midyear budget review process.

#### **Policy and Legislative Implications and Risks**

Council undertakes bus shelter works in accordance with the Australian Standard, AS 1742.12:2000 - Manual of uniform traffic control devices – Part 12: Bus, transit, tram and truck lanes. The use of Australian Standards and other peer reviewed guides ensures that the communities assets are constructed to reduce industry identified risk and ensure expected outcomes gained.

### **Sustainability Implications and Risks (Social and Environmental)**

Not applicable.

### **Charter of Human Rights Implications and Risks**

The use of the Australian Standard, AS 1742.12:2000 - Manual of uniform traffic control devices – Part 12: Bus, transit, tram and truck lanes, ensures that a standardised approach is used for accessibility. As a result, people of all abilities know and understand the experience of using the infrastructure. Service providers, such as bus companies in this example, can design access to their vehicles in a repeatable and reliable manner due to standardised infrastructure.

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

The bus stop is heavily used by students, and support for a bus shelter has been expressed from the school and bus company. Additionally, the supporting infrastructure required would be complimentary towards the strategic direction for this area as outlined in the Shire Wide Footpath Plan.

Any bus shelter should be built in accordance with the AS 1742.12:2000 - Manual of uniform traffic control devices – Part 12: Bus, transit, tram and truck lanes to ensure learning from other entities are included in the design and construction of the shelter.

It is the recommendation of Council officers that this report is noted as the report requested in the resolution of 16 December 2020. Officers also recommend that it is noted that this project is nominated as a Local Roads and Community Infrastructure Extension Grant project and if successful will be constructed by the end of December 2021.

<b>AO.4</b>	<b>LOCAL ROADS AND COMMUNITY INFRASTRUCTURE EXTENSION GRANT</b>
<b>Officer</b>	<b>Shane Walden – Director Assets and Operations</b>
<b>Council Plan Relationship</b>	<b>Improve the Built Environment Enhance the Social and Economic Environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report provides the background and decision making with regards to the projects identified for the Federal Government, *Local Roads and Community Infrastructure Extension* grant.

### **Recommendation**

#### **That Council:**

- 1. Note the Macedon Ranges Shire Council has accepted the Federal Government Local Roads and Community Infrastructure Extension.**
- 2. Note the projects provided in the application are as follows:**
  - a. Chintin Road, Monegetta – Road Reconstruction and Widening**
  - b. Footbridge Reconstruction**
    - i. Margaret Street, Macedon**
    - ii. Two in parkland near Station Road, Gisborne**
    - iii. Forest Street, Woodend**
  - c. LED street lighting upgrades on minor local roads**
  - d. Electric vehicle charging stations at Woodend, Kyneton and Hanging Rock**
  - e. LED street lighting on major roads**
  - f. Footpath (Active Transport Link) Baynton Street Kyneton**
  - g. Romsey bus stop shelter – in the vicinity Reynolds Grove and Main Street Service Road, Romsey**

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### **Background**

Council received advice that an additional \$2,281,225 is available to Council under the Local Roads and Community Infrastructure (LRCI) Extension grant. This is in addition to the \$1.44m LRCI grant we received last year.

In the first LRCI grant Council was allocated \$1.441million and identified nine (9) projects.

The LRCI Extension is managed by the Department of Infrastructure, Transport, Regional Development and Communication.

The grant aims to create local job opportunities and assist local governments to deliver local road and community infrastructure projects in order to assist communities bounce back from the COVID-19 pandemic.

The LRCI Program Extension funding is available from 1 January 2021 with projects to be completed by 31 December 2021.

The actions identified in the Council Plan, Strategies and Asset Renewal assisted in guiding officers to compile a list of potential projects. There is specific grant criteria on which projects are eligible, noting that all projects must be 'shovel ready' and fully complete by 31 December 2021.

### **Context**

The LRCI Extension aims to create local job opportunities and assist local governments to deliver local road and community infrastructure projects in order to assist communities bounce back from the COVID-19 pandemic.

Council is eligible for \$2,281,225 under the grant. The LRCI Projects must be in addition to existing funded work programs.

Council needed to confirm its intention to partake in the LRCI Extension by no later than 31 December 2020. The Acting Chief Executive Officer confirmed this by signing and lodging the grant application in December, without nominating any projects.

Due to the timing of the grant and the requirement for projects to be completed by 31 December 2021, Council officers compiled a list of projects which met the project guidelines for consideration and review by the Mayor and Acting Chief Executive Officer. This list was prioritised with a range of options provided to guide discussions between officers, the Mayor and Acting Chief Executive Officer. This report is provided to advise Council of the final project list nominated for consideration and approval by the Department of Infrastructure, Transport, Regional Development and Communication under the LRCI extension program.

The project list is as follows:

- a. Chintin Road, Monegeetta – Road Reconstruction and Widening
- b. Footbridge Reconstruction
  - i. Margaret Street, Macedon
  - ii. Two in parkland near Station Road, Gisborne
  - iii. Forest Street, Woodend
- c. LED street lighting upgrades on minor local roads
- d. Electric vehicle charging stations at Woodend, Kyneton and Hanging Rock
- e. LED street lighting on major roads
- f. Footpath (Active Transport Link) Baynton Street Kyneton
- g. Romsey bus stop shelter – in the vicinity Reynolds Grove and Main Road Service Road, Romsey

These project meet the eligibility requirements (listed below) required by the Department of Infrastructure, Transport, Regional Development and Communication.

Eligible local road projects that involve construction or maintenance of roads managed by local governments could include:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to Council-owned assets (including natural assets) that are generally accessible to the public. These projects must deliver benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

### **Consultation and Engagement**

There was no direct consultation undertaken on these projects. These projects are projects which are either part of existing strategies (which originally included consultation) or have minimal direct impact on residents. As part of the project delivery there will be a notification and opportunity for consultation with adjacent residents where required.

### **Strategic Alignment**

The project delivery is in keeping with Council priorities:

*Improve the Built Environment*

*Enhance the Social and Economic Environment*

Three of the projects are also aligned to sustainability outcomes.

### **Implications**

#### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

Most projects submitted support asset renewal, reduce costs or deliver agreed new infrastructure. There are two projects, the electric vehicle charging stations and the Romsey School Bus Shelter, which will create new assets.



Electric vehicle charging stations are a part of Council's plans and the locations and operating procedures for these are currently being finalised for installation later this year.

The Romsey bus shelter is a known requirement that will aid students travelling from Romsey to secondary schools in other townships.

#### **Policy and Legislative Implications and Risks**

There are no policy and legislative implications or risks.

#### **Sustainability Implications and Risks (Social and Environmental)**

There are three projects that directly support sustainability outcomes and this furthers the great work Council has already done in this space.

#### **Charter of Human Rights Implications and Risks**

There are no direct or indirect human rights implications.

#### **Officer Declaration of Conflict of Interest**

No officers involved in the preparation of this report have any general or material conflict of interest.

#### **Conclusion**

The LRCI Extension is managed by the Department of Infrastructure, Transport, Regional Development and Communication. The grant provides the opportunity to create local job opportunities whilst assisting Council to deliver local road and community infrastructure projects in order to assist our communities bounce back from the COVID-19 pandemic.

This report is for Council to note the Macedon Ranges Shire Councils involvement in the grant and also to note the projects identified and agreed by the Mayor and Acting Chief Executive Officer based on prioritised options presented by officers.

<b>AO.5</b>	<b>APPLICATION TO ROUND 5 OF THE BUILDING BETTER REGIONS FUND</b>
<b>Officer</b>	<b>Meaghan McNamara, Manager Major Project Management Office</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment Enhance the social and economic environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The purpose of this report is to seek endorsement from Council for the Acting Chief Executive Officer to submit an application to Round 5 of the Building Better Regions Fund (BBRF). The recommendation is to apply to the BBRF for funding for the road intersection component of the Macedon Ranges Regional Sports Precinct project.

### **Recommendation**

#### **That Council:**

- 1. Endorse the Acting Chief Executive Officer to submit an application to Round 5 of the Building Better Regions Fund for the road intersection component of the Macedon Ranges Regional Sports Precinct project.**
- 2. Note, that should the project grant application be successful it pre-commits \$2,300,000 of Council's 2021/22 budget.**
- 3. Direct that community stakeholders are contacted and notified of Council's intention to apply for funding through this program and seek letters of support.**
- 4. Direct that officers continue to work with the community, and other levels of government to achieve full project funding for the project.**

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### **Background**

The \$1.04 billion Building Better Regions Fund (BBRF) supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future. The fund invests in projects located in, or benefiting eligible areas outside the major capital cities of Sydney, Melbourne, Brisbane, Perth, Adelaide, and Canberra.

The Australian Government announced \$200 million in the 2020-21 Budget for a fifth round of the BBRF. Round Five includes:

- \$100 million to support tourism-related infrastructure projects which are focussed on mitigating the economic impact of the COVID-19 pandemic on a region's tourism industry.
- The other \$100 million will support regional remote Australia more broadly, by funding general infrastructure projects and community investment projects.

The Infrastructure Projects Stream supports projects that involve construction of new infrastructure, or the upgrade or extension of existing infrastructure, and those projects that provide economic and social benefits to regional and remote areas.

For the Macedon Ranges Shire Council the grant funding will be up to 50% of the eligible project costs.

Applications for Round 5 of BBRF are required to be submitted by 5 March 2021.

The road intersection project component adjacent to the Macedon Ranges Regional Sports Precinct project (Sports Precinct project) is the preferred project for application to Round 5 of the Building Better Regions Fund.

The Sports Precinct project has been the basis of two previous applications to BBRF – round 2 in 2017 and round 3 in 2018. Both applications were unsuccessful. The feedback received from the two unsuccessful applications is provided below:

#### Round 2, 2017

- An application was made for the regional sports fields component of the project
- No formal feedback on the application was received, however the Australian Government provided \$100,000 for Council to undertake a further feasibility study in support of a future application

#### Round 3, 2018

- An application was made for the Sports Precinct project as a whole
- The process was extremely competitive and feedback was received that Council's approach of seeking the full funding amount made the application less competitive
- Council had previously submitted an application for the Sports Fields only and feedback expressed uncertainty around the priorities of Council given the Round 3 application was for both the Fields and Sports Hub
- The project schedule identified a project end date in line with the maximum funding period and didn't allow sufficient contingency for unplanned extensions of time

Officers have considered the feedback of the past two applications in determining to apply for only the road intersection component of the Sports Precinct Project. This is a discrete project in its own right and is a more suitable grant size for the grant on offer.

Concept designs are complete for the intersection, with a number of options under consideration. Council officers will determine the overall best intersection treatment and deliverability in the coming weeks. The cost estimates for the intersection are approximately \$4,600,000. If the project is deliverable within the grant guidelines, there will not be the opportunity to come back to a Council meeting for approval to lodge the application.

## Context

The road intersection component of the Sports Precinct project is nominated for Round 5 of the BBRF. Officers have determined that the project adequately meets the Infrastructure Projects Stream's eligibility criteria and has the potential to score highly against the assessment criteria.

After extensive review and discussion, the Project Board determined that the Barringo and Hamilton Road intersection traffic improvements and associated site infrastructure works represent the most favourable scope of works for an application. The current estimated cost for this portion of works is \$4,600,000.

This decision was made on the basis of the following reasons:

- Advice has been received that areas that were impacted by the 2019/20 bushfires will rank higher than other areas and that smaller value applications have a greater chance of success;
- The intersection improvement works can be designed and delivered as a separable portion, and can be accelerated as an early works package in order to meet the 'investment ready' eligibility criteria;
- The intersection works will be tied in with the overall Sports Precinct project, thus enabling a strong justification for each assessment criteria;
- The traffic works are of equal benefit to both of the sports hub and fields stakeholder groups, increasing the likelihood of unilateral community support
- The traffic works fall outside of the existing Victorian Government election commitments and therefore are currently unfunded

Within the eligibility criteria two are important to note:

- Provision of evidence of how Council's share of the project costs will be provided
- Confirm that you have the authority of the land or infrastructure project owner to undertake the project at the nominated site/s.

The Infrastructure Projects Stream only supports investment ready projects. A project is deemed investment ready where the applicant has taken steps to commence within twelve weeks of executing the grant agreement. This includes where the applicant has:

- the authority of the land or infrastructure owner to undertake the project at the nominated site(s)
- confirmed funding contributions from all sources and can provide formal documentation to verify those contributions with the application
- identified and prepared submissions for all required regulatory and/or development approvals or have already submitted and/or obtained those approvals, and
- finalised project designs and costings.

Of the points above there are challenges in regards to the confirmed funding of the project, preparation for or receipt of approvals and finalised costings. Whilst the long term financial plan does identify the Sports Precinct funding, this will not be confirmed unless it is as a part of the budget process which will not be completed until June 2021. It is expected that other Council's will be in similar positions.

Officers will continue to focus on ensuring that the approvals criteria is met and project designs and costings are finalised up until the grant lodgement date.

The assessment criteria used by the BBRF include:

- The economic benefit of the project to the region
- The social benefits of the project for the region
- Capacity, capability and resources to deliver the project
- Impact of funding on the project

Officers will provide strong responses in the grant application to these criteria if the grant application proceeds.

### **Consultation and Engagement**

Internal stakeholders were included and consulted in discussions regarding BBRF Round 5 guidelines, eligibility criteria and assessment criteria. They took part in evaluating past feedback from the BBRF and in determining the eligibility of the road infrastructure component of the Sports Precinct project for this round of funding.

Extensive community consultation has been undertaken on the Regional Sports Precinct Masterplan. Traffic improvements were identified as a strong priority for the community through that consultation process.

If proceeding with the grant application officers would commence further external consultation in the development of the submission for Round 5 of the BBRF and any subsequent project delivery.

### **Strategic Alignment**

An application for the Sports Precinct project aligns with the following Council Plan, primarily on two priorities and responds to all.

The primary alignment is to:

- Priority 3 Improve the built environment
- Priority 4, Enhance the social and economic environment

It responds to all the priorities in the following way:

- Priority 1, Promote health and wellbeing and Priority 3 Improve the built environment
  - The Sports Precinct project will deliver a multi-purpose community infrastructure precinct which integrates a variety of purpose built sporting facilities with interconnected social and passive recreation spaces to support healthy lifestyles for all ages and abilities, social connection/inclusion and social equity
- Priority 2, Protect the natural environment
  - The Sports Precinct project will integrate Environmentally Sustainable Design principles aimed to ensure the health and comfort of the Precinct for visitors whilst at the same time reducing negative impacts on the environment
- Priority 4, Enhance the social and economic environment
  - The Sports Precinct project will support local employment and economic development through responsible procurement and will provide local operational employment opportunities

- As the largest capital works project ever delivered by Council, the Sports Precinct project will set a benchmark for State and Federal investment in the region and will build internal capacity to deliver other major projects
- The Sports Precinct project is also intended on being a social hub for people of all ages participating in active and passive recreational pursuits
- Priority 5, Deliver strong and reliable government
  - The design and construction of the Sports Precinct project will be driven by a value-for-money approach supported by a clear business justification
  - The project will incorporate rigorous controls and governance measures underpinned by the PRINCE2 project management methodology

## **Implications**

### **Financial, Resource, Information Technology and Asset Management**

#### **Implications and Risks**

Officers will prepare and review the grant application for consideration by the Acting Chief Executive Officer. This work can be accommodated within current work plans.

The operational and ongoing asset management costs of the Sport Precinct project are included in the feasibility and considered in each step of the design process.

Should the grant application be successful, a pre-commitment of \$2,300,000 towards the project is required of Council's 2021/22 budget.

The nomination of this project does come with some risk. The project needs to begin within twelve weeks of the funding agreement execution date (which is expected to be June) and must be completed by December 2023. Key risks include:

- Land acquisition – this may take 6-12 months
- Small amount of removal of native vegetation to the north east corner of the intersection, this will include relevant planning permit consideration and potentially offset plantings. This may take 6-8 months and longer if there are objections and this needs to go through VCAT.
- Relocation of Powercor's high voltage power pole or undergrounding of the power lines; Powercor has advised this is 12 weeks for them to design and then there is a further unspecified lead time to get the project delivered.
- Installation of in-ground sewer, water and recycled water services within the intersection are required to service the sports precinct project – these designs are still underway.

The project team will attempt to manage these risks in the project delivery. They come with some uncertainty and potential to push the commencement of the project beyond the date required by this funding programme, but it is also a great opportunity to offset some of the costs of the project. As low risk, but one that must be transparently stated, is that the funding body may withdraw unspent funds if the project is not completed on time and Council would then need additional funds to fund any remaining work.

#### **Policy and Legislative Implications and Risks**

The contents of this report do not relate to any other internal or external policy position or legislative links.

### **Sustainability Implications and Risks (Social and Environmental)**

There would be positive social and environmental implications as a result of submitting an application to Round 5 of BBRF for the Sports Precinct project, as noted above (Strategic Alignment).

### **Charter of Human Rights Implications and Risks**

There are no direct or indirect human rights implications as a result of submitting an application to Round 5 of BBRF for the Sports Precinct project.

### **Officer Declaration of Conflict of Interest**

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

### **Conclusion**

The Australian Government announced \$200 million in the 2020-21 Budget for a fifth round of the Building Better Regions Fund. Of the \$200 million available, \$100 million will support regional and remote Australia more broadly, by funding general infrastructure projects and community investment projects.

Officers identify that the project adequately meets the eligibility criteria and assessment criteria for the Infrastructure Projects Stream of this funding, and as such, the Project Board is recommending the road infrastructure component of the Sports Precinct project to be the basis for the Round 5 BBRF application.

The Project Board has determined that the Barringo and Hamilton Road intersection traffic improvements and associated site infrastructure works are the most favourable components of the project's scope for the application. The current estimated cost for this portion of works is \$4,600,000. Should the grant application be successful, a pre-commitment of \$2,300,000 towards the project is required of Council's 2021/22 budget.

Council's Executive Leadership Team are supportive of an application being submitted to Round 5 of BBRF for the intersection improvement works of the Sports Precinct Project. The Sport Precinct project aligns with all five Council Plan actions.

<b>AO.6</b>	<b>APPLICATION TO ROUND 2 OF THE GROWING SUBURBS FUND</b>
<b>Officer</b>	<b>Meaghan McNamara, Manager Major Project Management Office</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment Enhance the social and economic environment</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The purpose of this report is to seek endorsement from Council for the Acting Chief Executive Officer to submit an application to Round 2 of the Growing Suburbs Fund (GSF). The recommendation is to apply to the GSF for funding for the external shared community spaces and associated infrastructure of the Macedon Ranges Regional Sports Precinct project.

### **Recommendation**

#### **That Council:**

- 1. Endorse the Acting Chief Executive Officer to submit an application to Round 2 of the Growing Suburbs Fund for the external shared community spaces and associated infrastructure of the Macedon Ranges Regional Sports Precinct project.**
- 2. Note, that should the project grant application be successful it pre-commits \$1,500,000 of Council's 2021/22 budget.**
- 3. Direct that community stakeholders are contacted and notified of Council's intention to apply for funding through this program and seek letters of support.**
- 4. Direct that officers continue to work with the community, and other levels of government to achieve full project funding for the project.**

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### **Background**

In November 2020, the Minister for Local Government, announced a further \$50 million from the 2020-21 Victorian budget towards the Growing Suburbs Fund (GSF), bringing the total investment in 2020-21 to \$75 million. The investment is targeted to help deliver critical local community infrastructure needs for Melbourne's fast growing outer suburbs. The program is positioned to respond to the pressures being experienced by interface and peri-urban communities by bringing forward local community facilities. The GSF was expanded in June 2020 to cover peri-urban councils.

Grants are targeted to high priority community infrastructure projects that contribute to:

- the social and economic recovery of communities and groups impacted by coronavirus (COVID-19)



- the needs of rapidly growing communities
- local employment creation in both the construction phase and the ongoing operation
- improved local economic conditions in interface and peri-urban communities
- improved capacity for councils to respond to changing community needs and demands
- the delivery of innovative models of integrated/shared community infrastructure.

At a high level the following projects are eligible (if also meeting other eligibility criteria):

- community health and well-being
- early education, libraries, learning and training
- sport, recreation, and leisure facilities that have dedicated community space and support multiuse purposes
- environmental and climate change resilience
- place making, civic amenity, and community connecting

This is a dollar for dollar grant (GSF and Council). Should the grant application be successful, a pre-commitment of \$1,500,000 towards the project is required of Council's 2021/22 budget.

A Council resolution providing support for each application and a priority order if seeking multiple projects is a mandatory part of this application.

Key dates are as follows:

Applications Open	27 January 2021
Applications Close	2.00pm, 10 March 2021
Assessment and Decision Making	March/April 2021
Announcements From	April 2021
Funding Agreements Executed	April/May 2021
Construction Commencement	Within 18 months of the funding announcement
Project Completion	Within 24 months of commencement

The external shared community spaces and associated infrastructure are the preferred components of the Macedon Ranges Regional Sports Precinct project (Sports Precinct project) for application to Round 2 of the GSF.

Concept designs are complete for the external community spaces. The current estimated cost for this portion of works is \$3,000,000. Endorsement is sought from Council for the Acting Chief Executive Officer to apply for this grant application and for this resolution to be used to prove Council support for the lodgement of the application for this project via GSF funding.

### **Context**

Council officers recommend that the external community spaces and associated infrastructure components of the Sports Precinct project are nominated for Round 2 of the GSF. Officers have determined that the project adequately meets the eligibility criteria and has the potential to score highly against the assessment criteria.

Of the listed projects that are excluded from this funding program, two are important to note:

- projects that are sporting pavilions or single use sports grounds that cannot demonstrate a dedicated community use space(s) for groups other than the resident sporting clubs;
- construction of infrastructure that does not have a direct community benefit or address an identified community need.

The project team has determined that the external shared community spaces represent the most favourable scope of works for a GSF application. Proposed components to be included in the application include:

- playground
- cycling and fitness loop
- BBQ area
- paved pedestrian link
- associated landscaping and infrastructure

The current estimated cost for this portion of works is \$3,000,000; this figure is being refined and will be firm before the lodgement date of the grant application.

This decision was made on the basis of the following reasons:

- Advice has been received from the Funding Program Manager from Department of Jobs, Precincts and Regions (DJPR), that external community spaces and connecting infrastructure would be more likely to be supported than the stadium's multipurpose room. The community items identified are more distinct from the specific sporting facilities that Sport and Recreation Victoria are funding. It is also difficult to demonstrate how the stadium's multipurpose room would frequently benefit community groups outside of the resident sporting associations.
- Advice received indicated that if an application is to be made for the multi-purpose space, Council would need to confirm the intended use of the space and provide commitment from the community groups that they will use this space for their purposes – this is deemed unachievable within the current application timeframes
- The external community spaces, facilities and associated infrastructure will be tied in with the overall Sports Precinct project and support passive (non-sporting) use, thus enabling a strong justification for each assessment criteria
- The shared community spaces are of equal benefit to both of the sports hub and fields stakeholder groups, increasing the likelihood of unilateral community support
- The external community spaces, are named in the existing Victorian Government election commitments, but are excluded from the draft scope detailing deliverables for co-funding by Sport and Recreation Victoria.

A Project Plan and designs are required to be submitted with the application, including timelines for the project, which demonstrate that the project can commence construction within 18 months of the grant being announced. Funded projects must be completed within 24 months of the commencement of construction.

Concept designs have been prepared for these components of the project and high level cost estimates received, which will be further tested in advance of an application. Council is currently reviewing draft schematic designs for the precinct.

Commencement and completion timelines can be achieved if the project proceeds in line with the current project schedule. With regards to the Council's contribution, whilst the long term financial plan does identify the requirement for Council funding of the Sports Precinct project, the specific funding provided is part of the budget deliberations for Financial Year 2021/2022 which will not be completed until June 2021. Officers will continue to focus on ensuring that the approval criteria are met and project designs and costings are finalised prior to the grant lodgement date.

The assessment criteria used by the GSF include:

- Why (25%), including the extent to which the project addresses an identified need in the community
- Who (25%), including the extent to which the project will deliver benefits to the locality
- What (20%), including the extent of consistency with climate change, environmentally sustainable design and universal design principles and how the infrastructure will be managed and its benefits sustained once delivered
- How (20%), including the delivery approach and financial viability of the project
- The extent of council and community support for the project (10%), and
- Program wide criteria to be assessed by the assessment panel.

Officers will provide strong responses in the grant application to these criteria if Council resolve that the grant application proceeds.

### **Consultation and Engagement**

Internal stakeholders were consulted in discussions regarding GSF Round 2 guidelines, eligibility criteria and assessment criteria. The Funding Program Manager from Department Jobs, Precincts and Regions (DJPR) was consulted in confirming the project's eligibility for this funding program and has offered continued support in tailoring the application to the guidelines.

Extensive community consultation has been undertaken on the Macedon Ranges Regional Sports Precinct Masterplan. The concept drawings are complete and the community invited to provide feedback.

There is a Macedon Ranges Regional Sports Precinct Primary User Reference Group comprising representatives from clubs and associations. This group formed after the Macedon Ranges Regional Sports Precinct Project Advocacy Group was finalised, post the completed advocacy process associated with the 2018 Victorian Government Election.

The shared community spaces and landscaping were identified as a strong priority for the community through that consultation process. They will be highly valued as passive recreation space promoting social interactions and provide a space for psychological and physical wellbeing.

If proceeding with the grant application, officers would initially seek letter of support from groups and agencies to support the development of the submission for Round 2 of the GSF. Community consultation and notification will take place during any subsequent project delivery.

### **Strategic Alignment**

An application for the Sports Precinct project aligns with the following Council Plan, primarily on two priorities and responds to all.

The primary alignment is to:

- Priority 3 Improve the built environment
- Priority 4, Enhance the social and economic environment

It responds to all the priorities in the following way:

- Priority 1, Promote health and wellbeing and Priority 3 Improve the built environment
  - The Sports Precinct project will deliver a multi-purpose community infrastructure precinct which integrates a variety of purpose built sporting facilities with interconnected social and passive recreation spaces to support healthy lifestyles for all ages and abilities, social connection/inclusion and social equity
- Priority 2, Protect the natural environment
  - The Sports Precinct project will integrate Environmentally Sustainable Design principles aimed to ensure the health and comfort of the Precinct for visitors whilst at the same time reducing negative impacts on the environment
- Priority 4, Enhance the social and economic environment
  - The Sports Precinct project will support local employment and economic development through responsible procurement and will provide local operational employment opportunities
  - As the largest capital works project ever delivered by Council, the Sports Precinct project will set a benchmark for State and Federal investment in the region and will build internal capacity to deliver other major projects
  - The Sports Precinct project is also intended on being a social hub for people of all ages participating in active and passive recreational pursuits
- Priority 5, Deliver strong and reliable government
  - The design and construction of the Sports Precinct project will be driven by a value-for-money approach supported by a clear business justification
  - The project will incorporate rigorous controls and governance measures underpinned by the PRINCE2 project management methodology

The sports precinct project is an icon project for the municipality. Action first started in 2006 and has continued to this day. It is a project that has been successful in receiving Sports and Recreation Victoria funding due to the dual efforts of Council and an active community working together toward this common outcome. Currently overall the project is underfunded for the full completion of all stages.

Applying for this grant is in keeping with current direction for officers to continue to work with the community, and other levels of government to achieve full project funding for the project.

## **Implications**

### **Financial, Resource, Information Technology and Asset Management Implications and Risks**

Officers will prepare and review the grant application for consideration by the Acting Chief Executive Officer. This work can be accommodated within current work plans. The operational and ongoing asset management costs of the Sports Precinct project are included in the feasibility and considered in each step of the design and value management process.

Should the grant application be successful, a pre-commitment of \$1,500,000 towards the project is required of Council's 2021/22 budget.

### **Policy and Legislative Implications and Risks**

The contents of this report do not relate to any other internal or external policy position or legislative links.

### **Sustainability Implications and Risks (Social and Environmental)**

There would be positive social and environmental implications as a result of submitting an application to Round 2 of GSF for the Sports Precinct project, as noted above (Strategic Alignment).

### **Charter of Human Rights Implications and Risks**

There are no direct or indirect human rights implications as a result of submitting an application to Round 2 of GSF for the Sports Precinct project.

### **Officer Declaration of Conflict of Interest**

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

## **Conclusion**

A further \$50 million has been committed from the 2020-21 Victorian budget towards the Growing Suburbs Fund (GSF), bringing the total investment in 2020-21 to \$75 million. The investment is targeted to help deliver critical local community infrastructure needs for Melbourne's fast growing outer suburbs. The program is positioned to respond to the pressures being experienced by interface and peri-urban communities by bringing forward local community facilities.

Officers have identified that the Sports Precinct project adequately meets the eligibility criteria and assessment criteria, and as such, the Project Board is recommending the external shared community spaces and associated infrastructure components of the Sports Precinct project to be the basis for the Round 2 GSF application.

The Project Board has determined that the external shared community spaces on the sports field site, including the playground, cycling and fitness loop, BBQ areas, central paved pedestrian link, and associated landscaping and infrastructure, are the most favourable components of the project's scope for the application. The current estimated cost for this portion of works is \$3,000,000. Should the grant application be successful, a pre-commitment of \$1,500,000 towards the Sports Precinct project is required of Council's 2021/22 budget.

Council's Executive Leadership Team are supportive of an application being submitted to Round 2 of GSF for these components of the Sports Precinct Project. The Sport Precinct project aligns with all five Council Plan actions; and specifically to 'Priority 3, Improve the built environment' and 'Priority 4, Enhance the social and economic environment'.

#### **14. NOTICES OF MOTION**

At the 27 January 2021 Scheduled Council Meeting it was resolved that 'Notice of Motion No. 10/2020-21 – Councillor Neil' be deferred to the February Council Meeting.

##### **NOTICE OF MOTION NO. 10/2020-21 – COUNCILLOR NEIL**

**That Council remove the land located at 284 Kilmore Road, Gisborne, known as Glen Junor, from the draft Gisborne Futures project. This is to include removal of the site from the proposed settlement boundary and draft Gisborne Structure Plan.**

##### **NOTICE OF MOTION NO. 11/2020-21 – COUNCILLOR NEIL**

**That Council:**

- 1. Request the Chief Executive Officer to write to the landowners of the Romsey Hotel (Mr J. Hogan) and the former Romsey Supermarket (Habib family) and invite them to meet with relevant Council officers to discuss and advise Council of their future plans and ideas for their respective sites. Council is keen to understand this given the importance of these sites to the Romsey community.**
- 2. Request the Chief Executive Officer to report to Council the outcomes of these meetings.**

##### **NOTICE OF MOTION NO. 12/2020-21 – COUNCILLOR PEARCE**

**That Council considers changing the current process for place naming to include a written notification to the Traditional Owners to allow the opportunity for them to provide their written feedback within the same timelines as all other parties. In considering this process change, that Council direct the Chief Executive Officer to:**

- (a) Write to the three Traditional Owner groups within the Macedon Ranges Shire to advise that Council is considering changing our process as described above. Include in this letter an invitation for each group to submit feedback to Council as to whether they would like to participate and, whether they have the capacity to do so.**
- (b) If a Traditional Owner group wants to participate, then seek feedback as to whether they have the ability to respond on individual applications, or would prefer to submit a once off or periodically updated list of names to be considered and/or a list of names which are considered inappropriate.**
- (c) Report back to Council within three (3) months outlining any responses received and provide detail as to how any Traditional Owner feedback has informed any process change, seeking to ensure that all future considerations of place naming by Council give consideration to the rich cultural heritage of the shire.**

**15. URGENT BUSINESS**

In accordance with Council's Local Law No. 11 Meeting Procedure, business which has not been listed on the Agenda may only be raised as urgent business by resolution agreed by Council.

**16. CONFIDENTIAL REPORTS**

**16.1 Audit and Risk Committee – Appointment of independent member**