

# Council Meeting Agenda

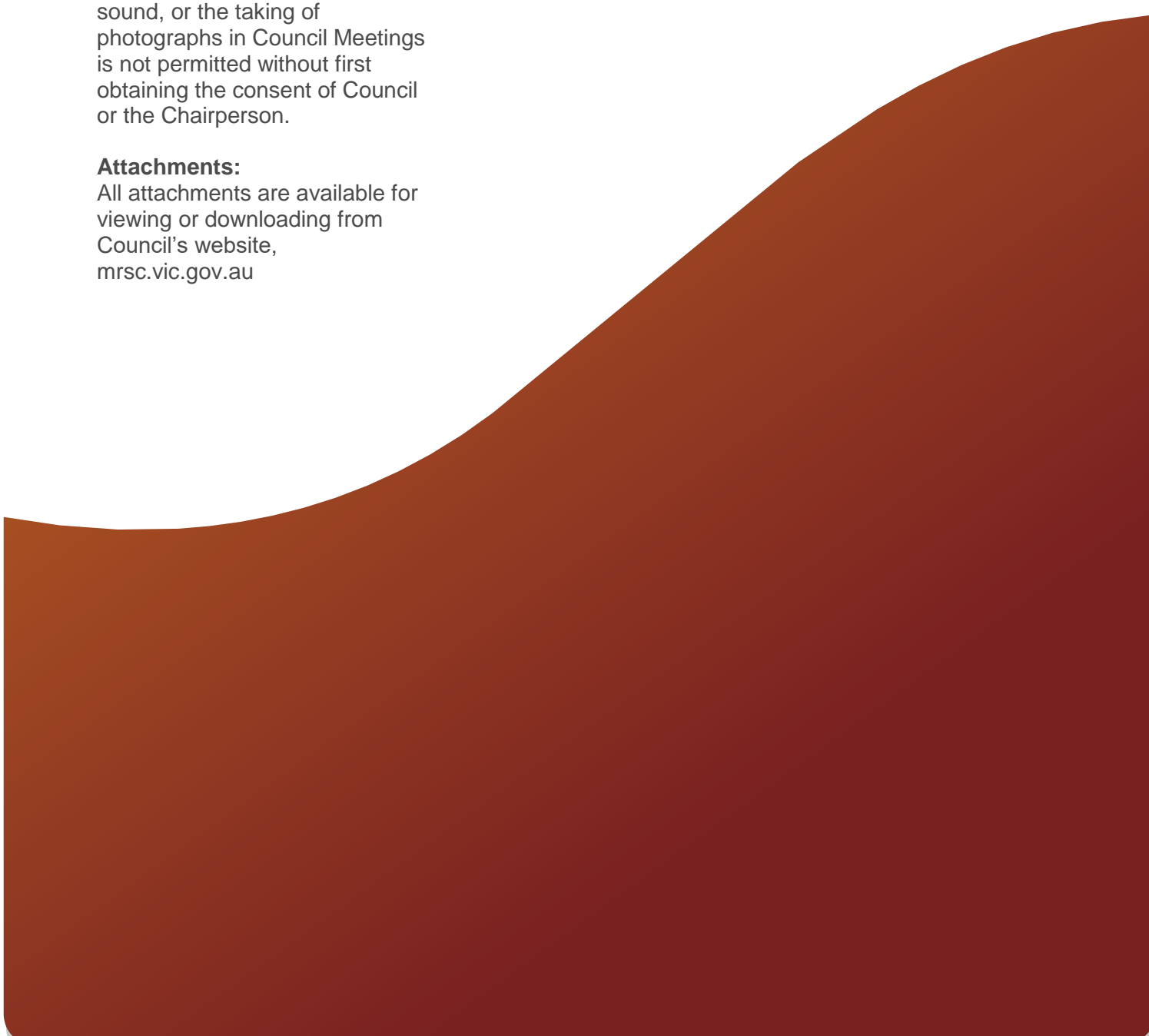
**Wednesday 24 March 2021 at 7.00pm**  
**Gisborne Administration Centre**  
**40 Robertson Street, Gisborne**

**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 24 February 2021

**Recommendation:**

**That the minutes of the Scheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 24 February 2021 as circulated be confirmed.**

**8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – MARCH 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.

<b>1.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Wednesday 17 February 2021 at 7pm	Health and Wellbeing Advisory Committee Meeting
	Venue	Zoom
	Present – Councillors	Cr Anderson (Mayor) Cr Ridgeway (Deputy Mayor) Cr Pearce
	Present – Officers	John Hausler Travis Harling Emma Orchard Hayley Drummond Corey Ramsay Darryn Young Alexandra Adams
	Presenters	Annamarie Perlesz Geoff Caddick Paul Stuart Rachel Wauchope
	Items discussed	<ul style="list-style-type: none"><li>• COVID-19 response update</li><li>• Budget Vision and Financial Plan update</li><li>• Senior housing update</li><li>• Early Years Plan consultation</li><li>• Revised Health and Wellbeing Committee objectives</li><li>• Municipal Public Health and Wellbeing Plan (MPHWP)</li><li>• Disability Action Plan (DAP)</li><li>• General business</li></ul>
	Conflicts of interest declared by Councillors	N/A

and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Did they leave the meeting? N/A
Conflicts of interest declared by officers	N/A
	Did they leave the meeting? N/A

<b>2.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 23 February 2021 at 9.35am	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 (12pm) Cr Bill West
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Sarah Noel Kate Young Allison Watt Stephen Pykett Leanne Khan Isobel Maginn Awais Sadiq Christo Crafford
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> <li>• Councillor Gift Policy</li> <li>• Nature Strip Policy</li> <li>• Telecommunications facilities</li> <li>• Lancefield Megafauna Interpretation Centre</li> <li>• Cool Changes #3 – The Next Community Climate Action Plan</li> <li>• Amess Road Precinct Structure Plan (ARPSP) – Technical reports</li> <li>• Romsey Structure Plan</li> <li>• Open Space Strategy</li> <li>• Planning Matters <ul style="list-style-type: none"> <li>• PLN 2020/52 Gradys Lane, Kerrie</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>• PLN 2020/159 – 1427 Rochford Road, Newham</li> <li>• Agenda review for 24 February Council Meeting</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 Anderson, Cr West and Cr Pearce all declared a general conflict of interest due to a close association in PLN/2020/159 1427 Rochford Road, Newham, due to their relationship with an objector.</p> <p>Cr Guthrie excluded himself in relation to the agenda item on the Gisborne Futures project because of a perception of an apprehension of bias and left the meeting.</p> <p>Cr Ridgeway left the meeting for the discussion on PLN/2020/291 85 Harpers Lane, Kyneton having previously declared a conflict of interest in this matter.</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>3.</b>	<b>Date / Time</b>	<b>Type of Meeting</b>
	Tuesday 2 March 2021 at 9.35am	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	Angela Hughes (Acting CEO) John Hausler Rob Ball (Acting Director Planning and Environment) Shane Walden Sarah Noel Kate Young Leanne Khan Colin Marshall Terry Fitzpatrick Meaghan McNamara Justin Walsh Elicia Aitken Christos Crafford Simon Findlay

	Fiona Alexander Travis Harling Darryn Young
Presenters	Mark McKenna (City Collective) Caroline Adam (City Collective via Zoom) Todd Beavis (i.e community) Prue Blake (i.e community)
Items discussed	<ul style="list-style-type: none"> <li>• Macedon Ranges Landscape Study – Amendment C133mace Update</li> <li>• Kyneton Saleyards update</li> <li>• Macedon Ranges Regional Sports Precinct – Proposed Schematic Design Community Consultation Plan</li> <li>• Coliban Water – Planning Scheme Amendment Request for the Environmental Significance Overlay Schedule 4</li> <li>• Planning Policy Framework Translation</li> <li>• Planning Scheme Review</li> <li>• Amess Road Precinct Structure Plan</li> <li>• Planning Matters – <ul style="list-style-type: none"> <li>• PLN/2020/335 – 136 Main Street, Lancefield (Crs West /Ridgeway)</li> <li>• PLN/2020/370 – 12 Powlett Street, Kyneton (Crs Pearce/Anderson)</li> </ul> </li> <li>• Romsey Ecotherapy Park Design</li> <li>• Aged Care Reform</li> <li>• Discussion with Deliberative Engagement Facilitator i.e community</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 declared a conflict of interest in the agenda item on the Romsey Ecotherapy Park design as he is on the Committee for this project.</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>

4.	Date / Time	Type of Meeting
	Tuesday 9 March 2021 at 9.40am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	<p>Cr Jennifer Anderson (Mayor)</p> <p>Cr Mark Ridgeway (Deputy Mayor)</p> <p>Cr Death</p> <p>Cr Rob Guthrie</p> <p>Cr Anne Moore</p>

	Cr Geoff Neil Cr Janet Pearce Cr Bill West
Apologies	Cr Dominic Bonanno
Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Sarah Noel Jessica Baguley Fiona Alexander Stephanie Harper Gary Randhawa Steve Skinner Travis Harling Hayley Drummond Lisa Kennedy Rob Ball Isobel Maginn Michelle Wyatt Christo Crafford
Presenters	Mark Davies (Mach2 Consulting)
Items discussed	Councillor Briefing <ul style="list-style-type: none"> <li>• Senior citizens clubs</li> <li>• Outcomes of Information Systems Analyst review</li> <li>• Road Management Plan review</li> <li>• Revenue and Rating Plan</li> <li>• Kyneton Urban Design Framework – Consultation results</li> <li>• Zero net emissions</li> <li>• Primary school cross country event at nature conservation reserve</li> <li>• Planning Matters <ul style="list-style-type: none"> <li>• PLN/2020/165 – 198 Mount Gisborne Road, Gisborne</li> </ul> </li> <li>• Agenda Review for 24 March 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	Cr Guthrie excluded himself from discussion on PE.4 during the agenda review because of a perception of bias, and is currently seeking legal advice.  Cr Neil declared a conflict of interest in the agenda item on the Romsey Ecotherapy Park design as he is on the committee for this project.  Did they leave the meeting? Yes
Conflicts of interest declared by officers	Nil  Did they leave the meeting? N/A

5.	Date / Time	Type of Meeting
	Wednesday 10 March 2021 at 7.02pm	Delegated Submitters Committee Meeting
		Agenda and minutes have been made publicly available on Council's website.

6.	Date / Time	Type of Meeting
	Tuesday 16 March 2021 at 9.30am	Councillor Briefing
	Venue	Online (Zoom)
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Anne Moore Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies	Cr Mark Ridgeway (Deputy Mayor)
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Kate Young Allison Watt Rob Ball
	Apologies	Sarah Noel
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"><li>• Clarkefield proposed development</li><li>• Gisborne Futures</li><li>• Planning Development Committee</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	Cr Guthrie stated that he would exclude himself in relation to the Gisborne Futures agenda item on the basis of apprehended bias and left the meeting at 10.43am.  Did they leave the meeting? Yes
	Conflicts of interest declared by officers	N/A  Did they leave the meeting? N/A

**Officer Recommendation:**

**That Council endorse the record of meetings of Councillors and Council staff as outlined in this report.**

**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/2020/165 – 198 MOUNT GISBORNE ROAD, GISBORNE – DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY AND REMOVAL OF NATIVE VEGETATION (TEMPORARY IMPACT TO NATIVE GRASSES)</b>
<b>Officer</b>	<b>Christo Crafford, Coordinator Statutory Planning</b>
<b>Council Plan Relationship</b>	<b>Improve the Built Environment</b>
<b>Attachments</b>	<b>1. Locality – Aerial plan 2. Applicant’s planning report 3. Elevation plans 4. Site plans 5. Vegetation impact assessment 6. Applicant’s response to objections 7. CFA letter 8. Assessment against Statement of Planning Policy 9. Western Water Further report</b>
<b>Applicant</b>	<b>Western Region Water Corporation</b>
<b>Date of Receipt of Application</b>	<b>22 May 2020</b>
<b>Trigger for Report to Council</b>	<b>Councillor call-in</b>

### **Purpose and Overview**

The subject site is located on the summit of Mount Gisborne, a hill that overlooks Gisborne and the surrounding locality. The proposal is for the development of the land for a new telecommunications facility to replace the previous tower on the site. Whilst the summit site is within the Public Park and Recreation Zone, the slopes of the Mount are within either the Rural Living Zone or the Rural Conservation Zone.

The application was advertised and ten (10) submissions were received. This includes nine objections and one submission in support.

Key issues to be considered relate to the suitability of the site for the new tower, the impact of the development on the environment and amenity, and the need for the facility.

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, overlays, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions.

### **Recommendation**

**That Council issue a Notice of Decision to grant a planning permit for the Development of a proposed telecommunications facility and removal of native vegetation (temporary impact to native grasses) for the land at 198 Mount Gisborne Road, Gisborne, Reserve on Plan of Subdivision 111376, subject to the following conditions:**

- 1. Before the development commences, an electronic copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the Site Plans prepared by Wayne Mitchell Surveying dated 25.03.2020 but modified to show:**
  - a. A temporary fencing plan for all construction vehicles as required by Condition 8.**
  - b. Exact location and measurements of the Tree Protection Zone (TPZ) and associated tree protection fencing for all trees shown on the plans to be retained as required by Condition 11.**
  - c. Colours and materials of the proposed tower.**
- 2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment and non-reflective, to the satisfaction of the Responsible Authority.**

### **Environment Unit Conditions**

#### ***General Conditions***

- 4. All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the *Catchment and Land Protection Act 1994*.**
- 5. All trees and native vegetation, as they relate to the approved development, are to be retained and protected by a tree protection zone. The following is prohibited within the tree protection zone:**
  - a) vehicular or pedestrian access;**
  - b) trenching or soil excavation;**

- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d) construction of entry and exit pits for underground services; or
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.

#### ***On Site Environmental Management***

- 6. An Environmental Consultant, approved by the MRSC Environment Unit, is required to educate all associated on ground staff prior to the commencement of works. The consultant must educate all construction staff about the environmental sensitivity of the reserve and the requirement to work within designated areas to the satisfaction of the MRSC Environmental Unit.

#### ***Site Preparation and Reporting***

- 7. Prior to the commencement of works, a site plan must be submitted that illustrates a temporary fencing plan for all vehicles up to the construction site of the summit. An Environmental Consultant must produce this plan and minimum impacts to native vegetation must be a priority.
- 8. Prior to the commencement of works, temporary fencing must be installed along the track to the summit, leading up to the construction area in accordance with the Vegetation Impact assessment Report by Atlas Ecology (dated Sept. 3). MRSC Environment staff are to inspect the fencing and provide approval. Temporary fencing such as orange para-webbing is recommended.
- 9. An Environmental Outcome report must be submitted at the completion of this project to inform the Responsible Authority of the environmental outcomes of this project. If severe impacts result as a consequence of this development, a remedial revegetation and management plan is a requirement and must accompany this report.

#### ***Tree Protection Management***

- 10. Prior to works commencing, a Tree Protection Management Plan (TPMP) must be submitted by a suitably qualified Level 5 Arborist detailing the tree protection measures for trees along the reserve track undertaken for all phases of demolition and construction. The report must also include a tree protection plan for a eucalypt located 30 metres from the entrance gate, in accordance with the Vegetation Impact assessment Report by Atlas Ecology (dated Sept. 3).

The report is to include the following information:

- a. A mitigation plan for all trees along the track with exposed roots.
- b. Within 15 metres of the work site, a plan for all trees to be protected with tree protection fencing
- c. Native vegetation No Go Zones
- d. Tree Protection Signage



- e. An inspection timeframe for the micrositeing of tree canopies relating to all crane activity along the reserve track to the summit.
  - f. Milestone reporting to the Responsible Authority relating to tree protection works at each construction stage
  - g. A compliance checklist to be completed by onsite Project Arborist
  - h. Appropriate procedures relating to planks of wood or similar to protect tree protection zones during the ascent and descent of cranes along the track and to assist with traction where required.
11. Any damage or disturbance to trees' root zones within the Tree Protection Zone (TPZ) must be reported to Council. A TPZ is 12 x the diameter of the tree taken at breast height. No digging or excavation can be undertaken within the TPZ as this may affect the future viability of the tree. Damaged tree root zones may deem the tree unviable and offsets may be required.

***Culvert Upgrade***

12. Prior to the commencement of works, an Arborist Report must be submitted to determine the impacts to any trees as a result of culvert upgrades.
13. A DELWP Native Vegetation Removal report must be submitted for the loss of any trees associated with the upgrade of the culvert. <https://nvim.delwp.vic.gov.au/Biodiversity>.

***Site Environmental Management Plan (SEMP)***

14. Prior to any works commencing, a Site Environmental Management Plan (SEMP) must be submitted and endorsed by the Responsible Authority and include the following information:
- a. Vegetation protection fencing to be erected around 'environmental no go zones'
  - b. All machinery storage areas must be identified.
  - c. All machinery and equipment must leave work sites weed free. An appropriate wash-down area must be identified. To prevent the spread of weeds listed under the *Catchment and Land Protection Act 1994*, all track construction and maintenance equipment, earth moving equipment and associated machinery, must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.
  - d. All spill and excess must be indicated on a designated location on the plan.
  - e. A site plan that details the path for all vehicles to use in high conservation zones
  - f. Vehicle path must be pegged and flagged with tape and suitable fencing in areas around the summit so a consistent road track is used through the entire project.
  - g. Construction staging relating to all tree management/native vegetation protection.

### **Engineering Unit Conditions**

15. 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
16. 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

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

17. Within three months of the tower being constructed, the existing culvert crossing in Woodland Drive must be reconstructed to the satisfaction of the Responsible Authority.
18. 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.

### **Permit Expiry**

19. This permit will expire if one of the following circumstances applies:
  - a. The development is not commenced within two years of the date of this permit.
  - b. The development is not completed within four years of the date 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 three months afterwards.

### **Council Resolution of 27 January 2021**

At the Scheduled Council Meeting on 27 January 2021, it was resolved:

***That Council defer this application for consideration at a Scheduled Council Meeting no later than 24 March 2021, to give the Applicant the opportunity to submit a report to Council, which gives further consideration to alternatives for this application. This report is to include the following points for consideration, but should not be limited to these points:***

- 1) A better report about why the Mt Gisborne site is considered preferable to other sites***
- 2) Consideration of additional alternative sites for the location of the proposed telecommunication tower including but not limited to:***
  - a) Mount Aitken***
  - b) Other sites in Gisborne South***
  - c) Other less environmentally sensitive sites, either on a temporary or permanent basis.***
- 3) Consideration of co-locating with a new or existing telecommunication facility with another organisation in Gisborne South.***

### ***Part B***

***Direct the Chief Executive Officer to write to Telstra/NBN/Optus regarding how they intend on improving telecommunication access in Gisborne South.***

The applicant provided the additional information on 12 February 2021, and this is contained within Attachment 9 to this report. This additional information responds to Items 1, 2 and 3 of Council's 27 January 2021 resolution.

The Chief Executive Officer has also written to Telstra, NBN and Optus regarding Part B. Officers will update Councillors on these requests separately to this planning application.

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

#### **Subject land**

The subject site is located on the summit of Mount Gisborne. It is located approximately four kilometres south of the Gisborne central business district. The site is accessed from Woodland Drive which also forms the northern boundary of the site.

The land is zoned Public Park and Recreation Zone and is irregular in shape. The land is owned by the Macedon Ranges Shire Council.

An informal walking track ascends the reserve to the summit of the hill. The summit provides views of the surrounding district and as far as Melbourne's CBD.

### Surrounds

Whilst the summit site is within the Public Park and Recreation Zone, the slopes of the Mount are generally in the Rural Living Zone. The southern boundary of the lot abuts land that is in the Rural Conservation Zone.

The adjoining land generally contains dwellings with lot sizes varying between 20ha and 4ha.

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

A current copy of the title has been provided with the application which shows no Covenants, Section 173 Agreements or restrictions registered on the titles to this property.

### Site history

In the 1987, a 22.5m high telecommunications mast was erected on the summit of Mt Gisborne to relay two-way radio signals. The occupier of the tower was Victoria Communications Pty Ltd. There was an arrangement with the company for the inclusion of Council's two-way radio relay to also be located on the mast. Silvercomm took over the occupancy of the tower in 2001. Silvercomm entered into an arrangement with the Country Fire Authority (CFA), Western Water and two commercial concreting companies to also occupy the tower with their equipment. The telecommunications infrastructure was connected via underground conduits to computer / server equipment in a utilities hut located on the adjoining property.

In July 2019, the mast was destroyed in a storm. The associated concrete pad, underground conduits and utilities hut were not affected and remain intact. From October 2019, Western Water has taken over operation of the communications facilities on site where temporary services have been reinstated on the existing communications hut for that organisation, CFA and radio voice services for two concrete companies.

These temporary services provide communications to all Western Water sites, but at a reduced capacity, causing increased message failures. The organisation no longer has direct linkages from a data concentrator in Sunbury through to their disaster recovery (DR) centre at Rosslynne Water Filtration Plant at Gisborne.

As a result, if there was a server outage or Telstra failure, it could seriously affect the operational capacity of Western Water to operate and monitor the real time data system via the Rosslynne disaster recovery site.

Upon discussions with the tenant, Silvercomm, regarding works required to remove the debris of the mast, Silvercomm advised Council that they did not wish to continue with the license and gave notice of their intention to vacate the site. Western Water agreed to remove the debris of the tower on behalf of Silvercomm and this was completed on 26 September 2019.

Western Water advised that they wished to remain onsite and enquired if Council would consider entering into a lease with them under which they could reinstate the mast as it was essential for their communications to their assets within the Shire. The CFA indicated that they would also like to remain onsite as the mast was required to continue emergency service communications.

Western Water accordingly applied for a planning permit to reinstate the mast. This is the application that is the subject of this report.

#### Previous planning permit history

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

Permit No.	Description
PLN/2005/91	TELECOMMUNICATIONS FACILITY

#### **Proposal**

The proposal is for the development of land for a new telecommunications facility to replace the previous one on site. The proposed telecommunications facility will comprise of:

- 15 metre high monopole tower and ancillary components that bring the total height of the structure to 17.5 metres.
- Dipole array;
- Two WW link antennas;
- VHS Voice Comms WW antennas;
- Four microwave dish installations for use by Western Water and the CFA.

As part of the application, the Applicant advised that the previous telecommunications tower was a key component of a regional communications network. The Applicant says that the temporary measures are unsustainable due to dropouts and other failures. Consequently, they say that a permanent communication solution to replace the service provided by the collapsed tower at Mount Gisborne is needed for the following purpose:

- *"To provide a microwave link and to restore the quality of SCADA (real time data) communications link from Sunbury (Jacksons Hill) to the disaster recovery centre located at Rosslynne should the head office server room fail.*
- *In reinstating the tower, Western Water will re-establish high grade communications to key infrastructure sites in fire prone areas that can remotely turn on asset protecting deluge systems and alternate water sources in fire events. It will also provide all the functionality to fill water storage tanks, remove sewage and operate water and waste water treatment facilities including complex alarm systems.*
- *Western Water has a UHF based radio system for all field staff including personnel monitoring in a man down situation. Currently this system has substantial blackspots and placing a base station at this site would mitigate the black spot risk.*
- *Western Water operates its own independent radio system separate to the likes of Telstra or other telecommunication operators. In doing this, the company provides a robust system which can be internally maintained. This is industry best practice to protection against cyber-attack and ensure we can continue to provide essential services. The new tower will ensure this.*
- *From a CFA perspective, the previous tower was pivotal in providing voice communications to all the surrounding Mount Gisborne area and the Mount Macedon aspects. It also provides critical communications to the Incident Control Centre covering all major incidents, including bushfires which are expected to only become more frequent in the coming years and decades. The*

*new tower will ensure CFA preparedness and warning systems will be in place for the foreseeable future.”*

The additional information provided by the Applicant on 12 February 2021 (Attachment 9) does not change their view that this site is the best site for the proposed telecommunication facility. Thus, the Applicant is not proposing any changes to their current planning application, which is before Council for decision.

**Relevant Macedon Ranges Planning Scheme controls**  
State Planning Policy Framework

Clause No.	Clause name
11	Settlement
12	Environmental and Landscape Values
15	Built Environment and Heritage
19	Infrastructure

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
22.01	Macedon Ranges and Surrounds

Zoning

Clause No.	Clause name
36.02	Public Park and Recreation Zone

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay – Schedule 5
42.03	Significant Landscape Overlay – Schedule 2

Particular Provisions

Clause No.	Clause name
52.19	Telecommunications Facility

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> ?	No.
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	No.
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	No.

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

### The process to date

The application was referred to the following authorities:

#### Referral

Authority (Section 55)	Response
Nil.	

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Environment	No objection subject to conditions.
MRSC Parks & Gardens	No objection.
MRSC Property	No objection.

#### 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.

Nine (9) submissions have been received in response to notification. Of these, eight (8) object whilst one (1) supports the application.

The concerns of the objectors raised relate to:

- Visual impact
- Non-compliance with Planning Scheme provision and Inconsistent with council policy
- Environmental damage
- Alternative sites should be investigated
- Questions the veracity of the need of the tower
- Proposal ignores proposed change in zoning of site to PCRZ

The submission in support relates to:

- Confirmation that maintenance requirements have been historically infrequent and access mostly private property.
- Foresees no environmental detriment whilst providing a critical community service.

### **Officer assessment**

#### General

The proposed development has been assessed against the provisions of the PPF, LPPF, Public Parks and Recreation Zone, the Significant Landscape Overlay – Schedule 2 and the decision guidelines of Clause 65. Matters for consideration include the suitability of the site for the tower and consideration of alternative sites, impact on the environment and amenity impacts.

On balance, it is considered that the replacement of the mast is in keeping with the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework as follows:

#### Planning Policy Framework (PPF)

Clause 11.03-3S Peri-urban areas has the objective to “*To manage growth in peri-urban areas to protect and enhance their identified valued attributes*”.

The clause contains the following relevant Strategies:

- *Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.*
- *Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Gisborne and other towns identified by Regional Growth Plans as having potential for growth.*
- *Prevent dispersed settlement and provide for non-urban breaks between urban areas.*
- *Ensure development is linked to the timely and viable provision of physical and social infrastructure.*

Clause 11.03-5S Distinctive areas and landscapes has the objective to “*To protect and enhance the valued attributes of identified distinctive areas and landscapes.*”



The clause contains the following relevant Strategies:

- *Recognise the significant geographic and physical features of these areas.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*

Clause 12 Environmental and Landscape Values states that planning is to assist to “conserve areas with identified environmental and landscape values” and “protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.”

Clause 12.05-2S Landscapes has the objective “To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.”

The clause contains the following relevant Strategies:

- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 15 Built Environment and Heritage has the following relevant policies:

- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*
- *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*

Clause 19 Infrastructure has the following relevant policies:

- *Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.*
- *Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.*

Clause 19.03-4S Telecommunications has particular relevance to this application. It has the following objective:

- *To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.*

This clause also contains the following relevant strategies:

- *Facilitate the upgrading and maintenance of telecommunications facilities.*

- *Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.*
- *Ensure the communications technology needs of business, domestic, entertainment and community services are met.*
- *Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.*

The proposal is considered to be generally consistent with the above Planning Policy Framework and particularly the provisions of Clause 19.03-4S Telecommunications, in providing infrastructure that is important to key service providers and authorities, including Western Water and the CFA. The proposed tower will assist to ensure that the safety of residents in the area is not compromised and will cover important telecommunications gaps which Western Water and the CFA are currently experiencing.

The proposed tower will impact on the landscape but this will be balanced by the need to provide essential communications infrastructure. The new tower will further be lower in height than the previous, with muted colours and of a similar design, and therefore the visual impact will be reduced from its previous state. Existing infrastructure on the site, such as the access tracks and telecommunication lines and site pad will be used to minimise works to be undertaken.

In summary, it is considered that the proposed tower balances the importance of telecommunications infrastructure with the need to protect important landscapes.

#### Local Planning Policy Framework (LPPF)

Clause 21.05 Environment and Landscape Values recognises the Macedon Ranges and its surrounds as an area of both state and national environmental and conservation significance. The preservation and enhancement of its natural environment is fundamental to the Shire's attractiveness as a residential living area and tourist destination.

Clause 21.05-2 Significant environments and landscapes has the following relevant objectives relating to this application:

Objective 1: *To maintain and enhance the existing rural landscapes.*

With the following relevant Strategies:

Strategy 1.1 *Ensure development and works complement the Shire's rural landscape character.*

Strategy 1.2 *Protect the landscape, environmental and scenic qualities of the Macedon Ranges.*

Objective 4: *To maintain and enhance the ranges, major hills and ridges as significant visual backdrops to the Shire.*

With the following relevant Strategy:

Strategy 4.2 *Avoid development on prominent ridgelines and hilltops and ensure development within view sheds to the Shire's backdrop of ranges, hills and ridges does not detract from their significance as a land range feature.*

Objective 7: *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape.*

With the following relevant Strategy:

Strategy 7.1 *Encourage the retention and enhancement of all remnant vegetation and exotic vegetation which contributes to the landscape quality or character of the area.*

Clause 21.06-3 Bushfire has the following important objective relating to this application:

Objective 1: *To prioritise fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk.*

With the following relevant Strategy:

Strategy 1.1 *Prioritise fire risk as a critical consideration.*

Clause 22.01 Macedon Ranges and Surrounds contains specific relevant policy that with regards to infrastructure that states:

*Provision of drainage, sewerage, utilities and social services in keeping with the special demands and restraints placed upon the policy area.*

The proposal is considered generally consistent with the Local Planning Policy Framework in balancing the location of the tower in a significant landscape area against the need to provide essential infrastructure for the wider community. The Local Planning Policy Framework also seeks to balance the growing demand for urban development in the region against the need to protect the Shire's important conservation, recreation and scenic attributes. Only temporary impact on vegetation is envisaged and the Council's Environment Unit supports the application subject to conditions. The proposed tower is some 5m shorter than the previous tower and therefore its visibility and impact will be reduced in the landscape.

Western Water has advised that the tower is essential to re-establish high grade communications to key infrastructure sites in fire prone areas that can remotely turn on asset protecting deluge systems and alternate water sources in fire events.

The CFA has also confirmed that the tower is essential to their communications needs. The tower will therefore play an important role in minimising the communities risk in bushfire events.

It is, therefore, considered that the proposed tower provides for a balanced planning outcome.

### Zone

#### Clause 36.02: Public Parks and Recreation Zone (PPRZ)

The site is zoned PPRZ and the purpose of the zone includes the following:

- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

The use of the land for a telecommunications facility does not require a planning permit. A planning permit is however required to construct a building or carry out works as the works are not being carried out by or on behalf of the public land manager being Macedon Ranges Shire Council.

Under Clause 36.02-5 Decision Guidelines, before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

As noted above the proposal is considered appropriate in terms of the Municipal Planning Strategy and the Planning Policy Framework. The proposed tower is considered to balance the importance of telecommunications infrastructure with the need to protect important landscapes. The new tower will be located on the existing construction pad, is significantly reduced in height thereby minimising the visual impacts and impact to vegetation will be minimised by utilising the existing access track with minimal maintenance required.

The applicant has acknowledged that the management objectives of the environmental management plan that was previously approved will continue to be met both during construction and for the ongoing management of the tower and any appropriate adjustments to the plan can be made as any condition requirement of a permit.

The proposed rezoning (Amendment C126) of the site from Public Parks and Recreation Zone (PPRZ) to Public Conservation and Resource Zone (PCRZ) would not impact on the proposal. The tower can still be considered if the zoning does change to PCRZ and that would not affect officers' recommendation to support the application.

#### Overlays

##### Clause 42.01 Environmental Significance Overlay – Schedule 5 (ESO5)

A small section of the lot in the south western corner is affected by the ESO5. The location of the site where the tower will be erected is however not affected by this Overlay.

##### Clause 42.03 Significant Landscape Overlay – Schedule 2 (SLO2)

The proposed tower will require a permit under this overlay.

The site and abutting land to the west, south and east is covered by the SLO2. The purpose of this overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Schedule 2 of the Overlay relates to 'Ridges and Escarpments'.

The Statement of Significance for Mount Gisborne is as follows:

*Mount Gisborne is an ancient volcano vent and a distinct landscape feature viewed from the Calder Highway. The cleared surface of the hills accentuates its form. It is a recognised regional landmark feature and a vista feature from Gisborne. Being comparatively high it can be seen from many points within the Gisborne area. One of the most distinctive attributes of Mount Gisborne, its natural form with patches of eucalyptus, is being eroded by the competing textures and form of buildings and exotic tree plantings on the higher up-slopes.*

The Landscape character objectives to be achieved are as follows:

- *To ensure that the siting and design of buildings and works in rural areas (including the choice of building materials) is responsive to the landscape character of the Macedon Ranges Shire.*
- *To maintain vegetation on escarpments and ridgelines for its landscape value.*
- *To control the location and visual impact of buildings by requiring adequate setbacks from cliff tops, ridgelines and other prominent areas.*

As noted above the construction of the new tower in a significant landscape area is considered to balance the need to provide essential infrastructure for the wider community and specifically during an emergency situation to protect life and property from bushfires.

#### Particular Provisions:

##### Clause 52.19 Telecommunications Facility

The purpose of this clause is:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To facilitate an effective state wide telecommunications network in a manner consistent with orderly and proper planning.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

A permit is required to construct a building or construct or carry out works for a Telecommunications facility.

It is considered that the proposal generally meets the purpose of the Clause in providing for infrastructure to meet the community's needs. As noted above the proposal is considered consistent with the PPF and LPPF and thus consistent with orderly and proper planning. The proposed tower will have a limited visual impact to and from the site in terms of being shorter than the previous tower. Existing dwellings in proximity to the tower are topographically set below the tower and/or are screened by vegetation. No further infrastructure upgrades are required on site to locate the tower and all existing infrastructure will be utilised. Minimal, if any, impact to vegetation would occur and this will be controlled in terms of permit conditions.

### Statement of Planning Policy

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.

### Objections

Ten (10) submissions have been received in response to notification. There were 9 objectors and 1 supporter.

The following comments are made in response to concerns raised:

<b>Concern raised</b>	<b>Response</b>
Visual impact	It is acknowledged that the tower will have some detrimental visual impact. The tower will however be significantly lower than the previous tower. The visual impact will however be balanced by the need to provide for an essential bushfire safety need for the wider community.
Non-compliance with Planning Scheme provision and Inconsistent with council policy	As noted above the proposal is considered consistent with the provisions of the Planning Scheme and Council policy.
Environmental damage	Minimal environmental is anticipated. The applicant has prepared an environmental management plan that is supported by Council's Environment Unit. This plan deals with issues such as access during and after construction of the proposed tower, as well as further protection the biodiversity values of the site.
Alternative sites should be investigated	The applicant's application report does discuss other options for the site that were considered (Section 4.1, Page 10). Numerous reasons are also listed as to why the co-location of the facilities on the existing Telstra tower located approximately 400m further south on the same lot is not feasible.
Questions the veracity of the need of the tower	The veracity of the need of the proposed tower must be taken in good faith. The communication role the tower will play in an emergency situation as described above should be an important part in consideration of the application. Western Water and the CFA has confirmed in writing that the tower is essential to their

	needs.
Proposal ignores proposed change in zoning of site to PCRZ	The zoning of the land has not been changed and the application must be considered in terms of the current zoning and other provisions. The tower can nevertheless still be considered if the zoning does change to PCRZ and that would not affect officers' recommendation.

The comments on the submission in support is noted.

#### **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 for a shorter tower in the same location as the previous tower which had failed in a storm event. The construction of the proposed tower will result in a shorter tower in the same location utilising existing services and infrastructure on site there will be minimal visual disturbance. Neither the siting nor construction of the tower will require vegetation removal and appropriate conditions are imposed to minimise environmental degradation. Both Western Water and the CFA have advised that the proposed tower is essential to their need for improved communication as well as for community safety.

The proposal is considered consistent with the objectives of and meets the requirements of the Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF), zoning and overlay provisions.

In summary, it is considered that the proposed tower balances the importance of telecommunications infrastructure for the region and the community with the need to protect important landscapes and is therefore recommended for approval.

<b>PE.2</b>	<b>MACEDON RANGES PLANNING SCHEME AMENDMENT C126 – ERRORS, ANOMALIES &amp; MINOR CHANGES PANEL REPORT</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>Attachments</b>	<b>1. Proposed Part 1 changes 2. Proposed Part 2 changes</b>

### **Purpose and Overview**

The purpose of this report is for Council to consider the recommendations made in the Panel Report for Macedon Ranges Planning Scheme Amendment C126macr and to progress the amendment to the next stage.

### **Recommendation**

#### **That Council:**

- 1. Split Amendment C126macr into:**
  - a. Part 1 comprising of changes 1, 2, 3, 5, 6, 7, 8, 9 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 33 and 34**
  - b. Part 2 comprising of changes 4, 13, 15, 26, 27 and 28**
- 2. Adopt C126macr Part 1 and submit to the Minister for Planning together with the prescribed information for approval and gazettal pursuant to Section 31(1) of the Planning and Environment Act 1987.**
- 3. Abandon C126macr Part 2 and notify the Minister for Planning.**
- 4. Notify submitters and land owners of Council's decision.**

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### **Background**

The amendment applies to land in Bullengarook, Fern Hill, Gisborne, Kyneton, Macedon, Malmsbury, Monegeetta, Mount Macedon, New Gisborne, Riddells Creek and Woodend.

A total of thirty-four (34) changes were proposed to the Macedon Ranges Planning Scheme. This includes twenty-three (23) zone mapping changes, seven (7) overlay mapping changes and five (5) ordinance changes.

The Minister for Planning granted Council authorisation to prepare amendment C126macr on 5 December 2019. The Amendment was exhibited from 27 February 2020 to 30 March 2020. The consultation program comprised the following activities:



#### *Direct notification*

- Over 1,300 letters were sent including an explanatory letter, explanatory report, copy of the gazette notice with each letter to explain the changes proposed to:
  - all land owners and occupiers impacted by the changes.
  - landowners adjacent or abutting the land impacted by the change.
  - relevant government departments and agencies and other stakeholders

#### *Advertisements and publicity*

- Public notice in the Government Gazette (see Attachment Two). Notices in local papers – Midland Express, Macedon Ranges Leader and Star Weekly.
- Article on Council's website.

Two drop in sessions were scheduled on 17 March 2020 and 19 March 2020. A total of two people provided a RSVP for these sessions. Due to the COVID-19 pandemic, the drop-in-sessions were cancelled and phone meetings were held with the people that provided an RSVP.

Twenty-seven inquiries were received from the public during this time over the phone and counter during the exhibition period.

Twenty-two (22) submissions were received. In summary:

- Thirteen submissions are in support of the amendment
- Two submissions do not object or support.
- Five submissions oppose the amendment.
- Two submission object to one change and supports another.

#### **Council's response to COVID-19 Pandemic**

Council was undertaking exhibition when a State of Emergency was declared for Victoria on 16 March 2020. Following the declaration, Council offices were closed to the public from 18 March 2020 and have only recently re-opened to the public.

#### **Legislated requirements for exhibition of amendments**

Prior to 24 April 2020, the *Planning and Environment Act 1987* (PE Act) required Council to make an amendment and all its documents and any submission received available at its offices free of charge for anyone to inspect. On 24 April 2020 The Victorian State Government passed the COVID-19 Omnibus (Emergency Measures Bill) 2020 which amended the PE Act to allow Council to display documents and submissions on its website rather than have a physical document at an office.

Between Council office closure on 18 March 2020 and amending of the PE Act on 24 April 2020, the exhibited C126 amendment documents were not available for inspection in accordance with the PE Act. However, Council did have all documents available online during this time and no requests were received asking to inspect the documents at any Council Office during lockdown.

As a result Council undertook a second round of exhibition to comply with the PE Act, which occurred from 25 June 2020 to 3 August 2020.

The consultation program comprised the following activities:

*Direct notification*

- Letters were again sent to the same owners and occupiers of previously notified properties including an explanatory letter, explanatory report and a copy of the gazette notice with each letter to explain the changes proposed to:
  - all land owners and occupiers impacted by the changes.
  - landowners adjacent or abutting the land impacted by the change.
  - relevant government departments and agencies and other stakeholders

*Advertisements and publicity*

- Public notice in the Government Gazette (see Attachment Two). Notices in local papers – Midland Express and Star Weekly (note: Macedon Ranges Leader is not currently in circulation).
- Article on Council's website.

Six additional inquiries were received from the public during the second exhibition period, including six (6) additional submissions. In summary:

- Three submissions did not object to the amendment.
- Three submissions objected to the amendment.
- Another submission was the same submission received during the first exhibition period and therefore will not be counted as an additional submission.

At the Scheduled 16 September 2020 Scheduled Council Meeting it was resolved:

1. **Review and consider the issues raised in submissions to Amendment C126 and officer responses provided in Attachment One.**
2. **Request the Minister for Planning to appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C126 to the Macedon Ranges Planning Scheme.**
3. **Refer all submissions on Amendment C126 to the Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.**
4. **Notify all submitters of Council's resolution.**

A Planning Panels Victoria (PPV) panel hearing considered the planning merits of the amendment and all submissions received. PPV conducted a Panel hearing on 24 and 25 November 2020 online.

A panel report was received by Council on 10 December 2020 and has since been circulated to submitters and provided publically on Council's website. The three key recommendations are:

1. *Abandon the rezoning of land at 51 Aitken Street Gisborne pending further work to determine the most appropriate planning controls to achieve the desired land use outcome.*
2. *Abandon rezoning of 531 Hobbs Road, Bullengarook and Bald Hill Reserve, Kyneton pending further work to consider site contamination risk from previous or current land uses with advice from the EPA.*
3. *Abandon extension of the Heritage Overlay (HO89) at 39 High Street, Kyneton, pending further work to determine heritage significance and appropriate extent of the overlay.*

It is further noted in relation to recommendation three that the proposed changes at 39 High Street, Kyneton falls under change 27 which applies to numerous properties in Kyneton. Changes 26 and 28 also propose similar corrections to the Heritage Overlay over High Street (HO89) and Mollison Street (HO162). The panel report recommends (page ii) that Council should consider these changes and the lack of justification moving forward. It is considered that the whole of changes 26, 27 and 28 should be abandoned as per the Panel noting it is not a minor change or correction and further evidence and justification is required.

In accordance with the recommendations of the Panel Report and changes 26 and 28 described above, it is proposed to split the amendment into two parts (Part 1 and Part 2). This will allow the majority of the proposed changes (Part 1 – See Attachment One) of C126macr to progress to the next step. As the Planning Panel did not support some changes (Part 2- Attachment Two), it is recommended to abandon these changes as Council does not have the strategic justification to progress them at this stage.

### **Consultation and Engagement**

Amendment C126macr has undergone statutory consultation as per Section 19 of the PE Act. All submissions were referred to an independent planning panel.

### **Strategic Alignment**

Amendment C126macr assists with the achievement of priorities set out in the Council Plan 2017-2027:

Priority Area 2 – Protect the natural environment

Priority Area 3 - Improve the built environment

The amendment is seeking to ensure the Macedon Ranges Planning Scheme is working as intended and to best control land use and development within the Macedon Ranges Shire. The changes will ensure clarity to the controls applying to council's bushland reserves, correcting zoning and overlay anomalies and errors while protecting heritage sites within the Shire.

### **Implications**

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

#### **Implications and Risks**

The proposed changes under the amendment are not expected to create greater numbers of planning permit applications than currently experienced as a result of this amendment. The changes will result in clearer interpretation of the planning scheme and reduce confusion and uncertainty. It may also reduce the number of permit applications for areas covered by the Environmental Significance Overlay Schedule 2. This will ensure staff time and resources are focused on permit applications which are required and not a result of an error or anomaly.

### **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 act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy that is expressed to be 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.

The Macedon Ranges Statement of Planning Policy (SPP) has 10 policy domains, each with an objective and a series of strategies to achieve that objective. The recommended resolution and its resultant actions are consistent with the 10 policy domains, and their respective objectives and strategies. The following Table 1 demonstrates how the proposed amendment is considered consistent with the objectives and strategies of the SPP:

<b>Table 1</b>	
<b>SPP Objective</b>	<b>Officer Response</b>
Objective 1 – <i>To ensure the declared area's natural and cultural landscapes are conserved and enhanced.</i>	The amendment will ensure that Council's bushland reserves are correctly zoned to ensure the correct identification and purpose of the reserve. Nos 6-8 and 10 Clarke Street Macedon will be rezoned to Rural Conservation Zone and covered by the VPO will offer greater protection to native vegetation and the wider landscape.
Objective 2 – <i>To ensure that the significant biodiversity, ecological and environmental values of the declared are conserved and enhanced.</i>	The PCRZ will be applied to a number of the council's bushland reserves to provide clear identification of the reserve's purpose and identify the environmental values of these sites.
Objective 3 – <i>To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.</i>	Several parcels are to be zoned PUZ1 to reflect the purpose of the land and its use by Coliban Water. This will allow Coliban Water to continue its function to manage its land around important water supply catchments.
Objective 4 – <i>To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.</i>	The amendment is not considered to result in any adverse impact on any Aboriginal cultural and spiritual heritage values. As part of the exhibition of this Amendment, notices were sent to the Dja Dja Wurrung Clans Corporation, Taungurung Land and Waters Council and Wurundjeri Tribe Council. No

	issues were raised by these parties to the proposed amendment.
Objective 5 – <i>To recognise, conserve and enhance the declared area’s significant post-contact cultural heritage values.</i>	The amendment has sought to apply the Heritage Overlay clearly along property boundaries to ensure clear application of the Heritage Overlay to ensure a holistic consideration of wider heritage matters within Kyneton. However, further work will be required to justify these changes.
Objective 6 – <i>To support and encourage agricultural land uses that strengthen the declared area’s economy and contribute to the rural landscape.</i>	The amendment seeks to remove the Environmental Significance Overlay Schedule 2 from the Monegetta area. This will remove a redundant planning control from an agricultural area. No other changes are expected to impact on agricultural land.
Objective 7 – <i>To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.</i>	The proposed changes are considered to not impact on the visitor economy but will clarify errors and anomalies in the planning scheme which will support economic development by working toward an error free planning scheme.
Objective 8 – <i>To plan and manage growth of settlements in the declared area consistent with protection of the area’s significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.</i>	The amendment seeks to correct an error within the insert map under Clause 21.13-5 which incorrectly refers to a “priority residential development precinct”. This corrects an error to local policy regarding the settlement planning of Riddells Creek. This correction will support objective 8.
Objective 9 – <i>To manage the provision of infrastructure consistent with protection of the area’s significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.</i>	The amendment will remove the Road Zone Category 1 (RDZ1) from part of Chisholm Avenue to ensure the correct application of the Road Zone Category 1. This will support objective 8 by ensuring the correct application of the RDZ1.
Objective 10 – <i>Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.</i>	As this amendment is an administrative amendment it does not actively respond to the challenges of climate change or natural hazards. However, it does not result in the increase of risk to these threats through any proposed change.

It is considered that the amendment and the officer recommendation ensures that Council as a Responsible Public Entity is not acting inconsistently with the provisions of the SPP.

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

The amendment will not result in any social or environmental risks. It is considered the proposed amendment introduces minor changes that are largely administrative in nature and will not result in changes to land use or development that would otherwise be permissible.

### **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**

Amendment C126macr seeks to address thirty-four (34) errors, anomalies and minor changes across the municipality to improve the administrative function of the Macedon Ranges Planning Scheme.

The amendment has been appropriately exhibited, with twenty-eight (28) submissions having been received and Council has complied with the requirements of the PE Act.

The amendment aligns with the Council Plan and does not pose any resource, policy, environmental or human rights implications.

It is recommended that Council split the amendment into two parts, Part 1 and Part 2, in accordance with Attachments One and Two. This report in line with the Panel recommendations recommends to abandon Part 2 encompassing the changes 4, 13, 15, 26, 27 and 28. The remaining twenty-eight (28) changes in Part 1 are recommended to be adopted and submitted to the Minister for Planning for consideration. Council will notify submitters of any decision made by the Minister for Planning once an outcome is finalised.

<b>PE.3</b>	<b>DRAFT RURAL LAND USE STRATEGY</b>
<b>Officer</b>	<b>Edwin Irvine, Strategic Planner</b>
<b>Council Plan Relationship</b>	<b>Protect the natural environment Enhance the social and economic environment</b>
<b>Attachments</b>	<b>1. Draft Macedon Ranges Rural Land Use Strategy</b> <b>2. Farming Zone Review: Research and Investigation Paper</b> <b>3. Rural Conservation Zone – Research and Investigation Report</b>

### **Purpose and Overview**

The draft Rural Land Use Strategy updates the rural framework plan and policy directions for rural land having regard to the changing nature of rural land use, the strategic and policy context and the unique circumstances associated with Macedon Ranges peri-urban location.

In 2017 Council commenced the 'In the Farming Zone Strategy' and in 2019 this was expanded to include land in the Rural Conservation Zone. The draft Rural Land Use Strategy provides contemporary policy direction for the shire's rural land.

This Report is seeking Council's endorsement to commence the next phase of community consultation on the draft Rural Land Use Strategy.

### **Recommendation**

**That Council endorse the Draft Rural Land Use Strategy for the purpose of community consultation.**

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### **Background**

In 2006, Macedon Ranges Shire Council introduced a planning scheme amendment to implement the key recommendations of the shire's inaugural 2002 Rural Land Strategy. That strategy identified critical issues facing the shire arising from growing competition for rural land. The strategic directions articulated by the 2002 Rural Land Strategy underpin the current suite of rural planning policies. Since 2006 there have been changes in the shire's rural areas, a raft of state and local strategies have been adopted and Ministerial amendments to the suite of rural zones have been gazetted, all of which have implications for rural land use and development.

Preparation of the draft Rural Land Use Strategy commenced in 2017 with the In the Farming Zone project which produced a Research and Investigations Report, incorporating comprehensive stakeholder engagement, an extensive landholder survey and a draft In the Farming Zone Strategy. It was acknowledged at the time, that the review would ideally encompass all land in the Farming Zone and Rural Conservation Zone, however there weren't sufficient resources available at the time to do so.

Since 2017, Macedon Ranges has completed strategic work including a planning scheme review, Biodiversity Strategy and Landscape Assessment Study. In 2019, in response to this strategic work and review of the draft In the Farming Zone Strategy, Council widened the scope of the Farming Zone review to include land within the Rural Conservation Zone. At the Ordinary Council Meeting on 26 June 2019, Council resolved:

**“That Council:**

- **Resolve to expand the scope of the ‘In the Farming Zone Strategy’ to include land in the Rural Conservation Zone, and change the project title to the ‘Rural Land Use Strategy’.**
- **Note the administrative errors made in the associated survey sent to landowners in the Rural Conservation Zone and that the online version of the survey was amended accordingly.**
- **Thank the survey respondents for their participation in consultation for the project.**
- **Require additional consultation on the Rural Conservation Zone component of the project via online survey, accessible on Council’s website, and made available to any person to respond regardless of whether or not they live on land within the Rural Conservation Zone. The survey to be open for a minimum of 2 weeks, commencing in July 2019. The survey is to be promoted via an advertisement in local print media.**
- **Note that the results of the consultation outlined in this resolution, along with any prior consultation, in relation to the now named “Rural Land Use Strategy” will be brought back to a future ordinary council meeting for noting, prior to any further consultation being carried out on the strategy.”**

A Rural Conservation Zone Research and Investigations Report, including further stakeholder engagement and landholder survey, was produced prior to preparing this draft Rural Land Use Strategy.

The key stages and deliverables in the development of the draft Rural Land Use Strategy include:

- Farming Zone Research and Investigation Report
- Farming Zone Landholder Survey
- Farming Zone Macedon Ranges Community Survey
- Farming Zone Stakeholder engagement
- Rural Conservation Zone Research and Investigation Report
- Rural Conservation Zone Landholder Survey
- Rural Conservation Zone Macedon Ranges Community Survey
- Rural Conservation Zone Stakeholder engagement



Over 1,200 people responded to the landholder surveys and contributed their thoughts on the performance of the planning scheme as it relates to rural land; the values of rural land that are important and warrant protection; and their aspirations for the future of rural land.

Key findings from the surveys of landholders in the Farming Zone include:

- Land was purchased for rural lifestyle
- Most owners of vacant land intend to build a dwelling in the future
- The property is the primary place of residence for 80% of landholders that own a property with a dwelling
- 50% of landholders earn income from the land
- 70% earn less than \$70,000 per annum or less than 30% of household income
- High land values inhibit farm expansion
- Future business opportunities includes produce sales and accommodation.

Key findings from the surveys of landholders in the Rural Conservation Zone include:

- Land was purchased for a rural lifestyle on a 'bush block'
- Most owners of vacant land want to build a dwelling in the future
- The property is the primary place of residence for 88% of landholders that own a property with a dwelling
- 20% of landholders earn income from the land, primarily from agriculture
- Future business opportunities include agriculture and tourism
- Strong agreement with the importance of protecting the environment.

These survey responses complemented direct interviews with individual farmers, the Macedon Ranges Agribusiness Forum, the Macedon Ranges Equine Industry Forum, Upper Deep Creek Landcare Networks, Clarkefield and District Landcare Group, Upper Campaspe Landcare Network, and the Newham and District Land Care Group.

### **Context**

In conducting the preparation of the draft Rural land Use Strategy (the strategy), it was recognised that the existing strategic directions currently being pursued by Council remain relevant. Those principles include:

- Creating an urban growth boundary around each town. Inside is urban and outside is rural
- Rural does not necessarily mean agricultural. Rural means it is for non-urban uses.
- Much of the rural area will function as non-commercial farms or rural living areas.
- Residential uses will be secondary to the maintenance and enhancement of a cultural and environmental rural landscape.
- Changes of land use and new developments in the rural areas are supported only where they are consistent with the above two principles but only if they can also demonstrate and deliver a net gain in condition of the shire's land and water environment. Developments that do not deliver such gains will not be supported. But there is no presumption to support a development simply because it does achieve a net gain in the condition of the environment.
- The shire's planning scheme needs to spell out clearly what it is trying to achieve in respect of its rural areas.

With these existing principles for guidance, the strategy's vision for the shire's rural areas is:

*The shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.*

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

*Protection of water quality, especially potable water supply, is fundamental. Land use and development, particularly un-serviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised.*

*Native vegetation is retained and enhanced, balanced with fire protection considerations.*

*Native vegetation is vital for the environmental health of the shire and is a significant component of the shire's character.*

*Development complements the nature and character of the rural landscapes of the shire.*

*Landscapes, in particular the landscapes around Mount Macedon and Woodend, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the shire.*

*Development in the rural areas delivers high quality environmental outcomes, improved environmental outcomes and contributes to improved habitat and ecological connectivity through good design and on-site environmental improvement works.*

*Development occurs in an orderly and sustainable manner, maintaining clear distinctions and separations between settlements. A diverse range of residential and commercial opportunities are provided in appropriate locations, including appropriately zoned and serviced land to meet the needs of the shire's changing demographic. Growth is generally directed to the transport corridors, in-line with infrastructure provision and cognisant of constraints.*

*Economic growth and development are encouraged to deliver jobs and reduce escape expenditure. This occurs in appropriate locations within the settlement boundaries, apart from agriculture based business.*

*Rural living areas will be planned for well in advance and areas will be identified to achieve a fixed supply up to 2045 in well serviced areas with good internal connectivity and integration with external road and path networks.*

This vision has led to the identification of strategic agricultural land as being one of the key new recommendations to arise from this project. Agricultural land is a finite resource, and it falls to Council to ensure that good quality land for agriculture is provided with the best available incentives to be used for that purpose. This key policy direction demonstrates the role that Council plays in ensuring food security for Victorians, whilst also demonstrating the role that Council plays in facilitating business and economic development.

These policy positions give rise to some of the key recommendations within the strategy which include rezoning of land, and the introduction of new planning policies and planning scheme overlay controls. Key to understanding these recommendations is that since the previous Rural Land Strategy was completed, the range of zones available to be used in rural areas has expanded. This provides the opportunity to create a more nuanced land use direction for the shire's rural areas that takes into account current and preferred future land use and development.

The draft Rural Land Use Strategy also seeks to introduce the overarching ethos that development in the rural areas delivers high quality environmental outcomes through good design and on-site environmental improvement works.

In preparing the draft Rural Land Use Strategy, the following key points were documented:

- Farms/agricultural enterprises are diverse, have varied economic output, and are spatially clustered by property size and business scale.
- The equine industry has expanded and diversified.
- Strategic agricultural land has been identified where there is a mismatch between the zone and the dominant land use.
- Rural tourism has grown and diversified.
- The environment and landscape are highly valued.
- Features of state significance are present in rural areas – water supply catchments, tourism.
- Climate change will exacerbate hazards and risks to the rural areas of the shire.
- Rural lifestyle living continues to grow and demand has not abated.
- Macedon Ranges is more 'accessible' due to improvements in transport infrastructure, and Melbourne's Urban Growth Boundary has moved closer to the shire.
- A suite of recent strategic studies have been completed by Council and State Government that influence the rural areas of the shire.
- Conflict between land uses and land users has grown.
- The issues and trends identified in the 2002 Rural Land Strategy have persisted and increased.
- Expectations and aspirations are high (State Government, community, business).

Also, in reviewing the performance of the Macedon Ranges Planning Scheme with respect to addressing rural matters, the following points should be noted:

- Recognition of, and alignment with, the Planning Policy Framework and Macedon Ranges Statement of Planning Policy requires improvement.
- The format of many planning scheme clauses are inconsistent with the Ministerial Direction – Form and Content of Planning Schemes (a legal requirement for all planning schemes in Victoria).
- Unresolved issues from the 2002 Strategy remain, such as delineation of the boundaries of the Farming Zone and the Rural Conservation Zone.
- There has been an escalation of land use competition/conflict within rural areas.
- Demands on rural land have continued to evolve, and spatial variations and policy mismatch is now evident.
- Vision from the 2002 study remains valid, but would benefit from updating.
- The Rural Framework Plan needs to be updated and further refined to reflect land use change, the values held by the community, and issues and opportunities that have arisen.
- The Local Planning Policy 22.03 is redundant and there is lack of policy guidance for discretionary uses.
- Application of the Farming Zone needs realignment to accord with strategic agricultural land and the updated Rural Framework Plan.
- Rural Conservation Zone requires realignment with the revised Rural Framework Plan.
- Land within the Cobaw Biolink is predominantly cleared and is being used for livestock grazing, held in larger lots and falls within land identified as strategic agricultural land.
- Overlays – lack of recognition of environmental values and policy to drive biodiversity and ecological connectivity enhancement.

Key solutions recommended in the draft Rural Land Use Strategy include the following:

- Bringing the Planning Scheme into alignment with the new Planning Policy Framework, thus ensuring State, Regional (Loddon Mallee South Regional Growth Plan) and Local policy is in accord.
- Updating the vision and rural framework plan.
- Include new and updated objectives and strategies for major rural land uses in the new Planning Policy Framework.
- Prepare new Local Policy to guide decision making on discretionary (section 2) uses, e.g. tourism, subdivision, dwellings, place of assembly, primary produce sales.

As indicated above the draft Rural Land Strategy identifies four new strategic objectives to guide rural land use in the Macedon Ranges:

### **Strategic Objective One – Agriculture**

Agriculture is a comparatively small, locally important economic sector that plays a significant role in the landscape and identity of Macedon Ranges and its attraction as a tourism destination. The industry comprises a mix of commercial scale businesses and small scale, niche agriculture and hobby farming. In the future, commercial scale businesses will be largely contained to mapped areas of significant agricultural land that are least constrained by fragmentation. Protection of significant agricultural land is important to give businesses confidence to invest for the long term.

### **Strategic Objective Two – Environment, Landscape, Hazards and Catchments**

The environment and landscape values of Macedon Ranges contribute greatly to its attraction as a place to live and work. The rural farmed landscape is an important element of the shire's liveability and tourism attraction. Environmental and landscape values will be clearly identified and recognised in policy. There are opportunities to strengthen policy and controls in order to recognise and protect these diverse and significant natural values and support the establishment of biolinks and restoration of ecological connectivity. A large proportion of Macedon Ranges falls within declared water supply catchments which provide water resources for the region's communities and economy. Development within these catchments will be carefully managed to ensure a sustainable water supply into the future.

### **Strategic Objective Three – Equine**

The equine industry, including thoroughbred training, quarantine facilities, leisure horse agistment and riding facilities has emerged as a significant and growing sector, particularly in the eastern parts of the shire and between Kyneton and Trentham. This industry sector presents multiple opportunities for the shire stemming from the proximity to Melbourne, and includes activities such as horse breeding, equine education, horse training/equestrian coaching, private leisure horses, equestrian clubs and associations as well as ancillary services such as equine health, husbandry services, fodder and other suppliers. The strategy clearly identifies locations where the equine industry will be supported over other non-agricultural rural uses.

### **Strategic Objective Four – Rural Tourism**

Tourism is an important economic sector in Macedon Ranges based primarily on the areas attractions including Mount Macedon, Hanging Rock, rural landscapes, outdoor recreation and paddock to plate experiences. Tourism in conjunction with agriculture in appropriate locations, presents opportunities to assist with farm business viability. Tourism in conjunction with environmental values presents opportunities to diversify the tourism offer and leverage visitation to established natural attractions. It will be important that tourism developments are of a scale and type that is suited to the prevailing directions for land use and development and minimise the risk of introducing land use conflict.

To support these key Strategic Objectives the draft Rural Land Use Strategy recommends a number of key changes to the Macedon Ranges Planning Scheme:

### **Strategic Agricultural Land**

Land identified as being strategic agricultural land, due to its land capability classification, current dominant land use type, and its relatively large land holding, is proposed to be included in the Farming Zone, as this is the best zone available to promote agriculture.

Key changes recommended for the Farming Zone include: -

- Align the Farming Zone with strategic agricultural land.
- The minimum lot size for subdivision to remain at 100ha, however the minimum lot size for a dwelling without the need for a planning permit is reduced to 0ha thus providing the opportunity to ensure that the dwelling is required in support of an agricultural use.
- Rezone some areas of the Farming Zone to the Rural Conservation Zone as recommended in the Biodiversity Strategy (2018).

### **Proposed Introduction of the Rural Activity Zone**

For other land, generally between Woodend and Malmsbury, and the Calder corridor and the Lauriston Reservoirs area, the Rural Activity Zone is recommended. This is a new zone for the Macedon Ranges Planning Scheme, and seeks to provide better direction for this area where substantial land use change has occurred, and where agriculture, including niche agriculture and hobby farming, will continue along with other complementary uses such as tourism. This new zone provides for the greatest range of land uses in rural areas.

This gives rise to the need for additional local policy, as the Rural Activity Zone, as well as the Farming Zone and the Rural Conservation Zone all contain a range of land uses that can only occur via the granting of a planning permit. A new discretionary uses policy is proposed to guide decision making on those planning permit applications.

### **The Rural Conservation Zone**

The Rural Conservation Zone will be retained for much of its current extent, with additional areas recommended for inclusion in this zone, as recommended in the Biodiversity Strategy (2018). The range of uses and the permit requirements in the Rural Conservation Zone is also very similar to the Farming Zone and Rural Activity Zone apart from place of assembly and camping and caravan parks being prohibited uses in the Rural Conservation Zone.

The review of the Rural Conservation Zone included a detailed assessment of the Cobaw Biolink and the boundaries of the Rural Conservation Zone. The assessment found that there is land within the Cobaw Biolink that is predominantly cleared, being used for livestock grazing, held in larger lots and falls within land identified as strategic agricultural land. The Environmental Significance Overlay is proposed to ensure that new development is consistent with the environmental objectives of the area, in particular protection and enhancement of habitat and water supply catchments.

The strategy recommends that land currently zoned Rural Conservation Zone that has been identified as being strategic agricultural land be zoned Farming Zone. The objectives of the Farming Zone better align with the land use, attributes and land use outcomes for this area.

This rezoning should be accompanied by introduction of an Environmental Significance Overlay that incorporates objectives, strategies, application requirements and decision guidelines that ensure that new development contributes to the creation of the Cobaw Biolink and the creation of ecological connectivity.

This does not mean that Council's environmental conservation agenda is being lost, as that remains an important aspect of policy. The draft strategy seeks to provide guidance on how new use and development of rural land will also provide good quality environmental outcomes that support the implementation of Council's Biodiversity Strategy (2018).

Key changes recommended for the Rural Conservation Zone include:

- The minimum lot size for subdivision to remain unchanged.
- Rezone some areas within the Cobaw Biolink to the Farming Zone to accord with identified strategic agricultural land.
- Introduce the Environmental Significance Overlay to these rezoned areas to ensure that new development provides additional native vegetation coverage to contribute to the creation of biolinks.

### **Consultation and Engagement**

The draft 'In the Farming Zone Strategy' underwent the first round of community consultation in mid-2017 with a research and investigations paper later released for comment.

A second round of community consultation was held in late 2017 with a Farming Zone survey sent out to all properties. Workshops were also held with key stakeholders, government agencies and Councillors.

The scope of the 'In the Farming Zone Strategy' was increased in 2019 to include land in the Rural Conservation Zone. To complement the previous consultation work, a survey was sent to all landowners in the Rural Conservation Zone in May 2019. The survey questions were similar to those sent to landowners in the Farming Zone, to ensure comparable data was received.

Consultation on the draft strategy is proposed to occur for a minimum of six weeks. A number of scenarios have been prepared based on COVID-19 social distancing requirements that align with the principles underpinning Council's Community Engagement Policy.

The community's participation in the consultation process will be continually reviewed to ensure participation and the selection of the most appropriate tools to engage.

## Strategic Alignment

The draft Rural Land Use Strategy assists with the achievement of priorities set out in the Council Plan 2017-2027:

- **Priority 2: Protect the natural environment** - The strategy does this by providing strategic direction on how rural and agricultural land is to be protected and enhanced; assisting in the management and protection of biodiversity; and assisting in the preservation of landscape vistas.
- **Priority 4: Enhance the social and economic environment** - The strategy does this by:
  - Providing strategic direction for the use and development of rural land that will encourage economic vitality (tourism, agribusiness, local employment options);
  - Supporting the attraction of strategic investment that is consistent with Council's vision;
  - Encouraging business diversity and growth; and supporting local industry sectors that align with our vision and principles.

## Implications

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

#### Implications and Risks

The draft Rural Land Use Strategy has been a priority of Council and funded through the Council budget process. Existing Council budgets will be used to support consultation activities and risk protocols as required in relation to COVID-19 will be adhered to. This report seeks Council's endorsement for a consultation process to be undertaken and as such there is no implications associated with resources, information technology or asset management.

## Policy and Legislative Implications and Risks

The Loddon Mallee South Regional Growth Plan and Plan Melbourne 2017-2050 identify that planning in peri-urban areas should define and protect areas that are strategically important to the metropolitan area and the state, for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources. Critical to both these strategies is the protection of strategic agricultural land and activities, food production and tourism.

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 to not act inconsistently with any provision of the Macedon Ranges Statement of Planning Policy that is expressed to be 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.

The Macedon Ranges Statement of Planning Policy (SPP) has 10 policy domains, each with an objective and a series of strategies to achieve that objective. The recommended resolution and its resultant actions are consistent with the 10 policy domains, and their respective objectives and strategies. The following Table One demonstrates how the draft Rural Land Use Strategy is considered consistent with the objectives and strategies of the SPP:

Table One: Responses to objectives of SPP

<b>SPP Objective</b>	<b>Officer Response</b>
Objective 1 – To ensure the declared area’s natural and cultural landscapes are conserved and enhanced.	The draft Rural Land Use Strategy carry forwards the vision for the shire to remain predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.
Objective 2 – To ensure that the significant biodiversity, ecological and environmental values of the declared are conserved and enhanced	The strategy recommends that the ESO be applied to protect and enhance areas identified to have environmental values. The strategy builds on the outcomes of the Biodiversity Strategy (2018) and Landscape Assessment Study (2019) to support this objective.
Objective 3 – To prioritise the conservation and use of the declared area’s water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.	The draft Rural Land Use Strategy recognises that a large proportion of Macedon Ranges falls within declared water supply catchments, which provide water resources for the region’s communities and economy. Development within these catchments will be carefully managed to ensure a sustainable water supply into the future.
Objective 4 – To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.	The strategy is not considered to result in any adverse impact on any Aboriginal cultural and spiritual heritage values. As part of the consultation process Dja Dja Wurrung Clans Corporation, Taungurung Land and Waters Council and Wurundjeri Tribe Council will be engaged.
Objective 5 – To recognise, conserve and enhance the declared area’s significant post-contact cultural heritage values.	The strategy is not considered to result in any adverse impact on post-contact cultural heritage values.
Objective 6 – To support and encourage agricultural land uses that	The strategy aims to support and encourage agricultural land uses with the

SPP Objective	Officer Response
strengthen the declared area's economy and contribute to the rural landscape.	rezoning of strategic agricultural land. The strategy also intends to test every new dwelling in the Farming Zone is required as part of an agricultural enterprise to ensure agricultural land is protected as a finite resource.
Objective 7 – To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.	The strategy also proposes to rezone land to the Rural Activity Zone to provide better direction for areas where substantial land use change has occurred, and where agriculture, including niche agriculture and hobby farming, will continue along with other complementary uses such as tourism.
Objective 8 – To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.	The draft Rural Land Use Strategy supports existing settlement work to ensure adequate rural breaks between settlements. The strategy acknowledges that the rural farmed landscape is an important element of the shire's liveability and tourism attraction. Environmental and landscape values will be clearly identified and recognised in policy. The strategy recommends to strengthen policy and controls in order to recognise and protect these diverse and significant natural values and support the establishment of biolinks and restoration of ecological connectivity.
Objective 9 – To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.	The strategy acknowledges the need to protect significant landscapes and environmental values. The proposed application of the ESO will ensure the protection and enhancement of biolinks across the shire.
Objective 10 – Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.	The strategy proposes to makes changes to planning policy to support diversification and adaptation to climate change in agricultural and tourism areas.

It is considered that the draft Rural Land Use Strategy and the officer recommendation are consistent with the SPP and Council's obligation as a Responsible Public Entity.

### 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**

This report recommends Council's endorsement of the draft Rural Land Use Strategy to progress to the next phase of community consultation.

<b>PE.4</b>	<b>GISBORNE FUTURES – CONSULTATION PHASE 3 SUMMARY</b>
<b>Officers</b>	<b>Isobel Maginn – Senior Strategic Planner Jake Koumoundouros – Strategic Planner</b>
<b>Council Plan Relationship</b>	<b>Promote health and wellbeing Protect the natural environment Improve the built environment Enhance the social and economic environment Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Gisborne Futures - Phase 3 Consultation - Snapshot Diagram</b>

### **Purpose and Overview**

The purpose of this report is to present Council with a summary of feedback received during Gisborne Futures Phase 3 consultation process and to thank the community for their contribution to the Gisborne Futures project.

### **Recommendation**

#### **That Council:**

- 1. Note submissions (including petition/s and survey responses) received to the Gisborne Futures project.**
- 2. Thank submitters (including head petitioner/s) for their contribution to the Gisborne Futures project.**

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### **Background**

Gisborne Futures consists of a structure plan, urban design framework and neighbourhood character study which aim to provide:

- A sustainable vision for Gisborne and direction for the town that is consistent with state and local policy directions.
- A framework to manage urban development and growth opportunities and provide sustainable outcomes. These include social, community and physical infrastructure for existing and future residents.
- A township boundary that protects the environmental and rural qualities of the landscape surrounding Gisborne while providing sufficient land to accommodate growth for the next 30 years.
- Design directions for landscape, built form and public spaces that maintains and enhances Gisborne's village town character.
- A Neighbourhood Character study that will guide new housing and protect the distinctive semi-rural "feel" of the area.

The project began in 2017 and the community has now contributed to Gisborne Futures through three rounds of consultation:

- Phase 1 – Context and Technical Analysis (August 2018);
- Phase 2 – Emerging Ideas (May 2019); and
- Phase 3 – Draft Plan Exhibition (July/August/September 2020).

The draft Gisborne Futures Plans were endorsed (with changes) for consultation at the 24 June 2020 Ordinary Council Meeting where it was resolved:

**That Council:**

- 1. Endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation subject to the following changes:**
  - a) The land located at 284 Kilmore Road, Gisborne, known as Glen Junor, be included in the proposed settlement boundary and identified to be included in the Urban Growth Zone in the draft Gisborne Structure Plan.**
  - b) A neighbourhood activity centre be identified on the land at 284 Kilmore Road, Gisborne in the draft Gisborne Structure Plan.**
  - c) Update the draft Gisborne Structure Plan and draft Gisborne Neighbourhood Character Study to reflect the changes outlined above.**
  - d) Make the changes as outlined in the amended officer recommendation**
- 2. Note the officers advice that incorporation of Glen Junor in accordance with Item 1(a) and 1(b) above will preclude the provision of a detailed analysis and associated update of the documents referred to in Item 1, and supporting background documents.**
- 3. Note that following consultation, and prior to Council reaching a final decision and adopting the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study, significant strategic assessment to support Glen Junor's inclusion in the Gisborne settlement boundary would be required**
- 4. Council officers will prepare a detailed schedule of strategic work that would be required pursuant to Item 3 above, including timeframes and costs for Council to consider as part of their post consultation deliberations.**
- 5. After considering the results of the forthcoming community consultation, Council will provide a revised version of the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for a further period of community consultation.**

In accordance with the resolution changes were made to the plans and consultation was conducted over a seven week period from 27 July to 14 September 2020.

Subsequently, it was resolved at the 24 February 2021 Scheduled Council Meeting:

**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**

## Context

As a result of rising COVID-19 cases and the subsequent State restrictions which commenced in July 2020, a revised communications plan for the consultation period was prepared with a greater focus on online activities.

This included:

- Council website content to include project and “Have your say” webpages, including all documents and an online mapping tool;
- Postcard mail-out to 6,500 homes, businesses and landowners which provided instructions regarding how to access the exhibited plans and documentation;
- 3,500 summary booklets inserted in community newspapers;
- 10 webinars which were online public meetings where Council officers presented on the content of the plans, and the community were able to ask questions or seek clarification from officers;
- 20 footpath stickers placed around Gisborne town centre promoting the consultation;
- 16 social media posts;
- 10 newspaper advertisements, three media releases, promotion in school and community newsletters;
- Delivery of hard copies on request; and
- 14 one-on-one meetings and targeted webinars with key stakeholders and agencies.

To date, 208 written submission have been received and 647 people responded to the survey.

Consultation activities attracted broad participation from residents of all ages. Specifically, we note that out of the survey respondents:

- The most engaged aged group was those aged 35-49 with 234 responses;
- There was strong representation of people aged under 25, with 74 responses; and
- The online engagement successfully reached Gisborne’s older residents, with 36 responses aged over 70.

In the survey, 427 people left comments. 80 people participated in the online webinars, and over 40 phone calls and emails were received during the consultation period.

A snapshot summary of Phase 3 consultation is provided in **Attachment One**.

A copy of redacted submissions and surveys (removing any identifying personal details) are now available on Council’s website.

A report will come to a future Scheduled Council Meeting to respond to matters raised in submissions and outline next steps to progress the project, in accordance with the resolution made at the Ordinary 24 June 2020 Council Meeting.

## **Summary of Submissions**

The following is a high-level summary of key topics raised during consultation divided into each key element of the plans.

### *Housing Framework*

The topic of township growth attracted a high number of submissions, with 35 either expressing concern with the level of growth or outright opposed to further township expansion.

Of these:

- 16 submissions are concerned with general loss of township character, 'country feel' and environmental impacts;
- 15 submissions are concerned with medium density infill, units, townhouses or dual occupancy development;
- 9 submissions were specifically not in support of three storey residential development close to the town centre;
- 14 submissions do not support smaller housing lots or would like to see large minimum lot sizes in new housing areas. One of these noted that the plan fails to carry over the lot size principles from the 2009 ODP;
- 14 submissions opposed 'generic' or 'standard' housing development, such as that found in outer metropolitan growth areas;
- 13 submissions not in support of growth due to increased traffic and congestion, access to car parking;
- 6 submissions are concerned with socio-economic impacts, loss of 'community spirit' and/or an increase in criminal activities; and
- 8 submissions do not support the Victorian Government's direction for township growth or nomination of Gisborne as a Regional Centre.

Six submissions were made that were generally in support of the plans. Three were specifically supportive of growth being focussed in New Gisborne, and four submissions were generally supportive of growth but had reservations about increased densities and loss of township character.

Five submissions supported consideration of medium-density housing and greater diversity and levels of affordability, with one noting that this needs to be balanced with adequate open space provision. Two submitted reservations that housing diversity would deliver more affordable housing.

### *Glen Junor Proposal*

Thirty-six submissions support the inclusion of Glen Junor in the township boundary. Reasons cited include:

- Biodiversity and landscape restoration;
- Walking and cycling infrastructure improvements;
- Sustainable development, climate change mitigation;
- Housing diversity and affordability;
- Connection to Victorian racing heritage; and
- Outdoor activities, a community farm and active lifestyle opportunities, youth mental health.

Five submissions supported the development of Glen Junor over land to the west of Station Road due to traffic increase on Station Road, and availability of Kilmore Road to provide an alternative route.

Thirteen submissions do not support inclusion of Glen Junor in the township boundary. Reasons cited include:

- Last minute decision against officer recommendation;
- Lack of infrastructure planning to support development;
- Erosion of rural break between Gisborne and Riddells Creek;
- Loss of outlook for properties on High View Crescent, and the potential impacts of eastern bypass;
- Distance from township and services;
- Loss of rural views and open space;
- Cultural sensitivity of the area; and
- Concern with the influence of developers on Council decisions.

#### *Township Boundary*

Five submissions were received from landowners supporting the inclusion of their properties in the proposed township boundary.

Six submissions did not believe that enough land had been set aside in the proposed township boundary, that previous forecasts have underestimated growth and/or that the 'growth scenario' of 130 dwellings per annum is too conservative an estimate.

There were 16 submissions requesting inclusion in the township boundary, or greater expansion of the boundary. These include:

- Six submissions were from property owners requesting that the township boundary east of the Business Park be extended to Pierce Road, with two in support of expanding to allow for a substantial precinct structure plan to generate a critical mass for delivery of infrastructure and community services;
- Four submissions request expansion further to the south of Brooking Road;
- One submission requesting inclusion of land between the train line and Hamilton Road, west of Station Road; and
- Two submissions requesting the township boundary to be expanded west, along Bacchus-Marsh Road.

#### *Activity Centres*

Seven submissions were received in support of proposed neighbourhood activity centres, while there was some concern from four submitters about what these would look like or the type of retail they would contain.

Three submissions did not support the vision for activity centres. Two of these were concerned with loss of open space and potential amenity impacts at the Station Road site, and one didn't support the Swinburne Avenue site and development of 89 Ross Watt Road more broadly.



### *Economy and Employment*

One submission supported the policy to support local businesses, and three submissions support expansion of the Business Park. One of these submissions would like to see it done progressively and including a 50m landscape buffer to Saunders Road.

One submission does not believe sufficient land has been set aside for the Commercial 2 Zone precinct in the Business Park, and that the Business Park will eventually be land-locked.

Eight submissions were made in opposition to the expansion of the Business Park. Primary concerns included:

- Impacts on rural character and township entrance;
- Lack of justification or data to back the expansion; and
- Concerns with traffic and truck movements, amenity impacts.

One submission would like to see greater consideration of employment for young people, and how this can be facilitated through innovative opportunities.

### *Heritage and Culture*

Two submissions commended Council for working with Wurundjeri Woi Wurrung elders and representatives to investigate cultural heritage values, with one highlighting the importance of ongoing consultation, inclusion and active participation. Three submissions raised that there is not enough focus on indigenous cultural heritage and that Wurundjeri Woi Wurrung recommendations have not been taken far enough.

### *Landscape and Environment*

A high number of submissions mentioned the landscape and environment. This highlights how much the community values their surroundings and the setting of the town.

Three submissions were highly supportive of the landscape and environment conservation and township character principles in the plans, and 16 submissions mentioned the importance of semi-rural character, landscape, biodiversity and environmental features of the town, and/or expressed concern regarding loss of trees, landscape quality and culturally significant environments in conjunction with township growth.

Nine submissions would like greater certainty on the protection and retention of significant trees, including native trees, and an increase of canopy cover within the town and in new developments.

Seven submissions request greater protection of creeks and waterways, including the Marshlands Reserve, and some included specific requests for Council to acquire land adjacent to creek corridors to provide open space and wildlife corridors with recreational access.

Eleven submissions were concerned with the impacts of development on wildlife, and the lack of recognition of this in the plans. Suggestions include wildlife infrastructure and habitat corridors, reducing speed limits and other strategies designed to minimise impacts on habitat and movement for native fauna.

Four submissions raised concern with the visual impact of development on the rural views available from the Calder Freeway, and would not like to see sound walling used on these edges.

Nine submissions request greater protection for the Jacksons Creek escarpment, Magnet Hill and Rosslynne Reservoir environs, with two specifically citing protection from development such as occurred in the Wallaby Run area.

#### *Parks and Open Space*

Four submissions would like to see greater plans for open space, outdoor recreation, active connections and habitat in the plans.

There were numerous requests for improvements to various facilities in Council-managed open spaces, including upgrades to the skate park and BMX track, communal gardens and the Sankey Reserve environs.

#### *Walking and Cycling*

Eight submissions were made in support of improvements to the walking and cycling network, and three other submissions would like to see an increased emphasis on walking and cycling as alternatives to private vehicles. Two submissions cited that encouraging walking and cycling alternatives to driving was not viable due to topography and often inclement weather.

There were numerous requests for additional footpaths in various locations, and two submissions that raised the need for a pedestrian crossing near the intersection of Cherry Lane so that children could safely access the bus.

#### *Western Link Road*

The concept for a potential Western Link Road attracted a high number of submissions, with 27 either concerned or opposed. Reasons cited include:

- Landowners directly impacted by the concept and concerned with lack of prior consultation (11);
- Impacts on wildlife and environmental values of land zoned for rural conservation (14); and
- Amenity impacts, including noise, visual impact and pollution (12).

Four submissions were made in support of the Western Link Road, removal of truck traffic and relief of general congestion in the town centre, and another four support the idea of a truck bypass but question likelihood of current concept, or disagree with the location.

Four submissions believe the Western Link Road would be unfeasible, and unlikely to be realised due to cost, landscape and environmental impacts.

Eleven submissions suggested alternative bypass routes including Hobbs Road, Forbes Road, Couangalt Road, Diggers Rest-Coimadai Road and/or a location further up towards the Macedon Exit.

#### *Duplication of Station Road*

Ten submissions concerned that growth will lead to increased traffic volumes, and the eventual duplication of Station Road.

Department of Transport, comprising Regional Roads Victoria (RRV) submit that the duplication of Station Road may still be necessary, however notes that Council has rescinded support for the project and agrees that further conversations surrounding the investigation and development of options is needed.

#### *Car Parking*

Thirteen submissions raise concerns that there is not currently adequate car parking in the town centre, and the plans need to find additional car parking solutions.

Parking around Gisborne Central (Coles), the Aquatic Centre and the northern end of Brantome Street were specifically raised in eight submissions.

One submission supports the protection of open space from car parking expansion.

#### *Road Infrastructure*

Four submissions made general reference to lack of infrastructure and road/intersection capacity to support township growth, and there were over ten requests for upgrades at various locations.

There were four submissions that raised concerns with safety and traffic speeds in various locations, and three requests for lighting upgrades.

Two submissions do not support traffic lights, signalized pedestrian crossings or intersection upgrades as these are considered contrary to village character.

#### *Community Facilities and Utilities*

Three submissions do not support township growth due to lack of existing community facilities, including schools, childcare, youth and aged services, or do not believe the plans adequately address the future demand for these. Two submissions would like additional community services such as a hospital, theatre or neighbourhood house, and another two submissions queried whether an additional secondary school was planned.

There were three submissions in support of greater engagement and facilities for youth, including employment opportunities, and/or the development of a Community Hub to provide services for all ages, backgrounds and abilities.

#### *Climate Change and Sustainability*

Two submissions were in support of sustainable design policies while four do not believe that the plans address climate change impacts, mitigation or environmental protection adequately.

### *Town Centre Urban Design Framework*

The greatest response from the UDF was regarding building heights, with 18 submissions opposed to the concepts put forward in the plan. Of these, 11 specifically stated that heights above two storeys are inappropriate while three submissions do not support anything above three storeys.

Three submissions are concerned with the visual impact of signage and buildings covered in corporate colours and provided support for greater built form controls, while five submissions raise concern that the plans do not adequately protect Gisborne from 'big box' or large format retail developments.

A submission was received from Benetas in opposition to proposed built form controls.

### *Neighbourhood Character*

The Neighborhood Character Study also attracted a high number of submissions. 24 were received from the Precinct 6a area (Ormerod Court/Swinburne Avenue area) in opposition to proposed controls, where residents would not like to see further subdivision of larger lots occurring.

Use of the General Residential Zone remains a concern with three submissions preferring application of the Neighbourhood Residential Zone across the whole town, and nine in opposition to housing development above three storeys.

There were various other requests for refinements to boundaries, clarifications on proposed controls, general concern with allowing unit/townhouse developments and changes to the Design and Development Overlays.

The Department of Environment, Land, Water and Planning has raised a number of concerns in regards to the Neighbourhood Character Study, including the application of the 'change areas,' reference to dwelling typologies and open space/permeability requirements.

### *Consultation during COVID-19 Pandemic*

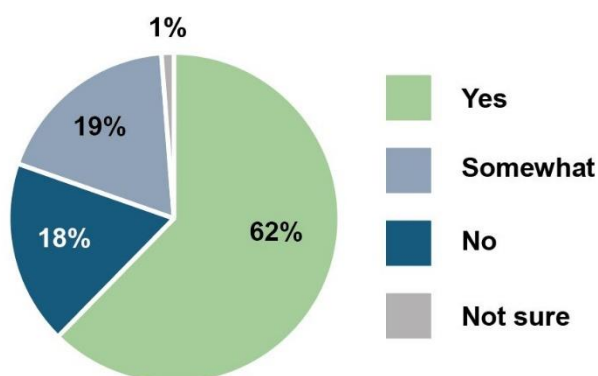
Five submissions raised concern that consultation was undertaken during the COVID-19 pandemic lockdown. One of these was particularly concerned with a perceived 'rush' to consult, and two submissions raised that the plans were complex and technical, and not enough time was provided to absorb and respond to all the information. One was concerned that there was no opportunity to door-knock and discuss the plans with neighbours.

Five submissions believed that all the data and assumptions underpinning the plans is now outdated by the COVID-19 pandemic.

## Survey Responses

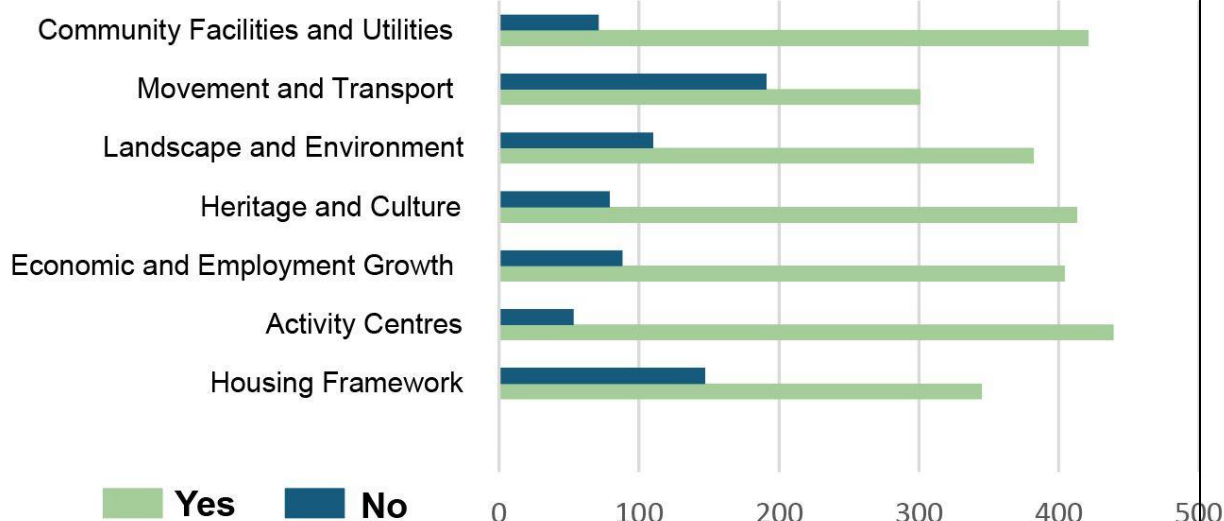
The following provides a summary of the key survey questions.

### Q6 Do you think the draft plans strike the right balance between planning for the future while maintaining valued township character elements?



494 people responded to this question, with 62% of responses in agreeance. 18% answered no, while 18% agreed somewhat. 1% of respondents didn't know. 155 people skipped the question.

### Q7 Do you support the direction provided in the structure plan?



492 people responded to this question, and responses indicate a high level of support for all aspects of the plan.

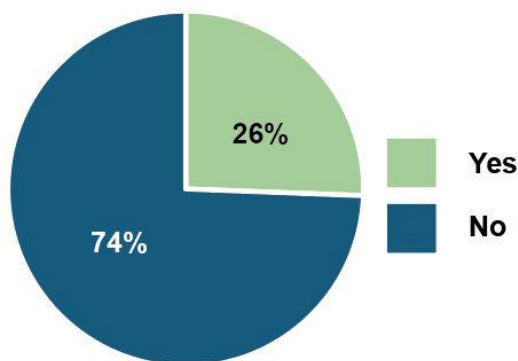
The highest level of support was in the Activity Centres category with 89% of respondents in support. Lower levels of support were seen in the Traffic and Transport (61% support), and Housing Framework (70% support) categories indicating that these areas captured more concern from the community. This question attracted 163 comments.

20 comments were made in general support of the plans, 49 comments did not support population growth or township expansion and 41 mentioned concern with loss of township character, open space, impact on streetscapes and becoming like "Sunbury or Melton".

20 comments were made opposing 4 storey development in the town centre and another 13 did not support 2-3 storey townhouses and infill residential development. 17 comments did not want to see small block sizes and/or indicated a preference for low-density living.

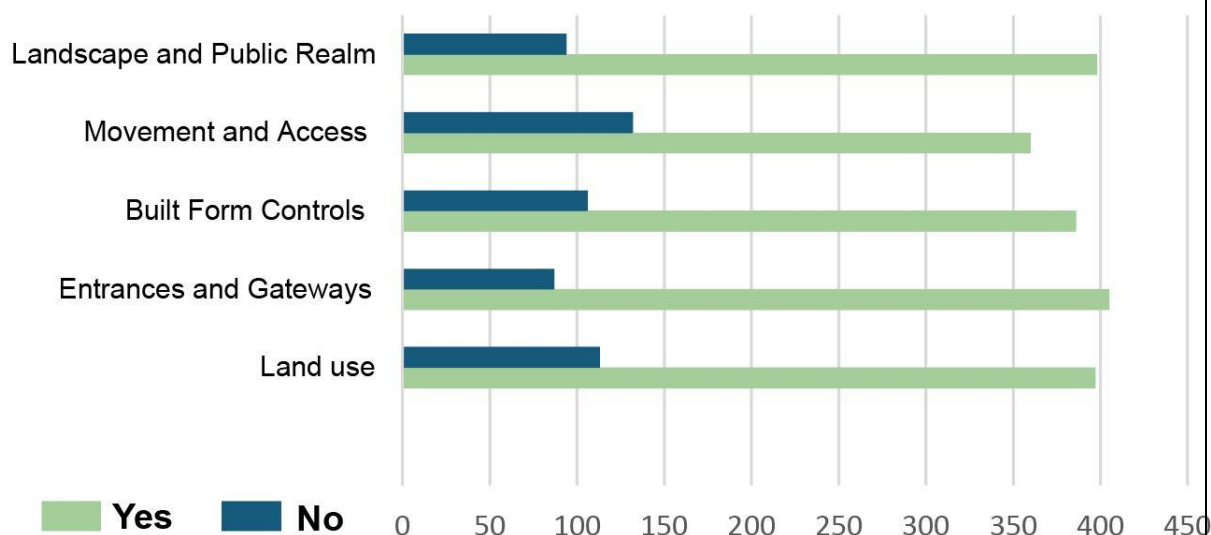
20 comments did not support the Western Link Road, and another 23 had general concerns with traffic growth and a lack of infrastructure to support this.

**Q8 Are there other ideas relating to housing or Gisborne's residential character that should be included?**



494 people responded to this question and majority had no further ideas to add. Of the 26% who did, there were 110 comments. In the comments, similar themes were expressed with 36 mentions of a preference for larger lots, no small lots and n/or no subdivision of larger lots. 11 comments believed the plans were promoting too much growth, and that it should be limited, while eight wanted to see the number of townhouses limited, and five were concerned with loss of 'village' character in the town centre.

**Q9 Do you support the direction provided in the Urban Design Framework?**



492 people responded to this question, and responses indicate a high level of support for all aspects of the plan.

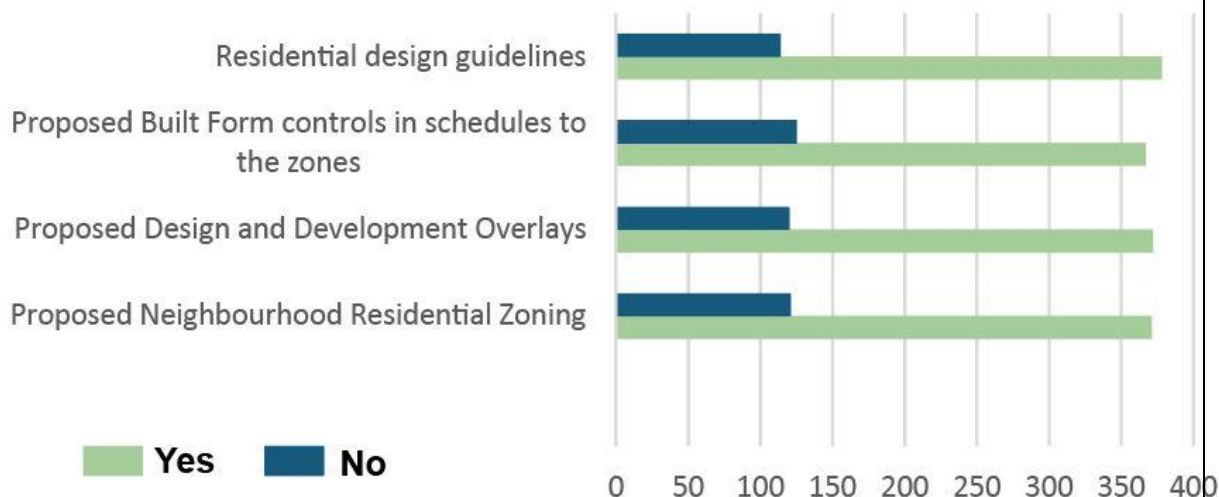
Entrances and Gateways and Landscape and Public Realm attracted the highest level of support (82% and 80% respectively). Movement and Access again had the lowest level of support at 73%.

This question attracted 98 comments.

General concern with or opposition to growth came through in the comments again with 27 mentions in this question. Nine comments were concerned with loss of village character, and there was interpretation of the diagrams in the plan as ‘ugly concrete blocks’. Four comments were concerned with 3-4 storey building heights, and five comments wanted to see more on improvements to landscaping, trees and open space.

Eight comments were concerned with widening of Station Road, and five wanted to see more emphasis on walking and cycling in the plans. Five comments mentioned that they do not support the Western Link Road.

#### Q10 Do you support the direction provided in the Neighbourhood Character Study?

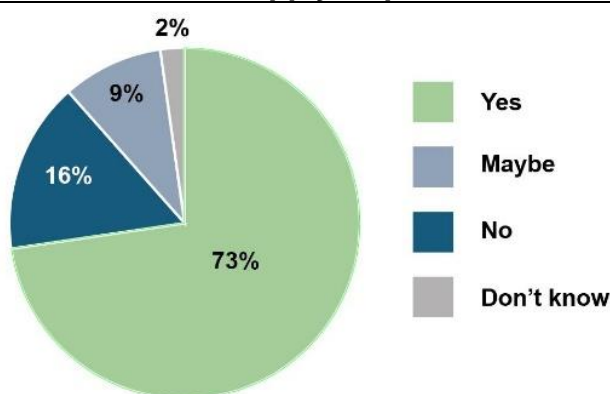


492 people responded to this question, and the level of support for the NCS was again high, with approximately 75% of respondents supporting all categories in the survey.

Entrances and Gateways and Landscape and Public Realm attracted the highest level of support (82% and 80% respectively). Movement and Access again seemed to be of greatest concern with 73% supporting this aspect of the plans.

77 people commented, with two expressing general support. 16 were not in support of further township growth, and nine do not support infill development. Eight comments did not want 2-3 storey residential heights, and six did not want to see four storey development in the town centre. Seven comments were concerned with loss of town character, three believed residential blocks were too small.

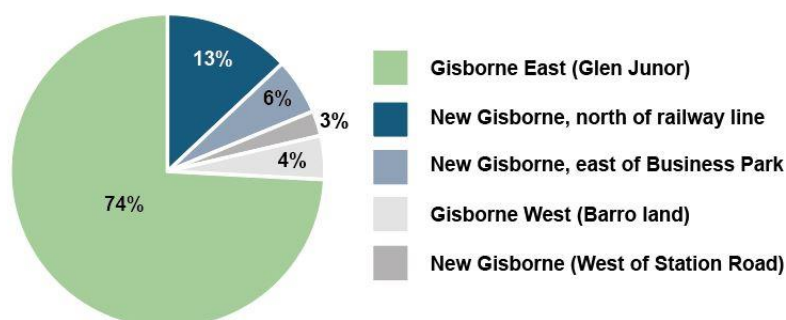
**Q11 Do you support the expansion of the township boundaries to access the additional land supply required to accommodate predicted population growth?**



This question attracted 494 responses and a high majority (73%) of them were in support of expansion of the town boundaries.

**Q12 Where would you prefer to see residential growth prioritised? Rank the following 5 options in your preferred order (1-5)**

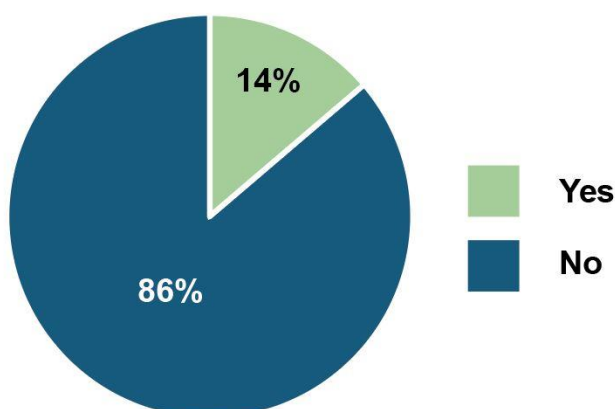
(Percentage of first preferences represented in diagram below)



The Glen Junor property received the highest number of first preferences as a growth area, gaining 74% of the result.

North of the railway line was the second favoured area at 13%, with east of the Business Parks, the Barro Land and New Gisborne, west of Station Road favoured in that respective order.

**Q13 Do you support the inclusion of other areas that you believe have been missed or could be addressed in greater detail through the plans**



487 people responded, with 86% satisfied that they had nothing else to include at this point.

56 people commented. 13 responses requested that the township boundary be expanded west, into RCZ land off Bacchus Marsh Road. Five comments requested that the township boundary be expanded further to Pierce Road, two requested consideration of land south of Brooking Road and eight reiterated that they did not support any further township growth. Four comments were made in support of Glen Junor.



### **Strategic Alignment**

It is considered that Gisborne Futures responds to all five of the Council Plans priorities:

1. Promote health and wellbeing;
2. Protect the natural environment;
3. Improve the built environment;
4. Enhance the social and economic environment; and
5. Deliver a strong and reliable government.

This report is relevant to Priority 5 (deliver strong and reliable government) as it focuses on community consultation and engagement.

### **Implications**

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

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

There are no financial or resource implications as an outcome of this report.

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

This report delivers on Council's Community Engagement Policy to consult with the community when there is a decision to be made by Council.

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

There are no sustainability implications and risks of note.

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

This report 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**

This report provides a summary of feedback received during Gisborne Futures Phase 3 consultation. It is recommended that Council acknowledge receipt of submissions and survey responses and thank the community for providing feedback. A report will come to a future Scheduled Council Meeting to respond to submissions and outline next steps in the project, in accordance with the resolution made at the 24 June 2020 Ordinary Council Meeting.

<b>PE.5</b>	<b>DECLARATION OF A CLIMATE CHANGE EMERGENCY</b>
<b>Officers</b>	<b>Angela Hughes, Director Planning and Environment</b>
<b>Council Plan Relationship</b>	<b>1. Promote health and wellbeing 2. Protect the natural environment 3. Improve the built environment 4. Enhance the social and economic environment 5. Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Strategic and resourcing options</b>

### **Purpose and Overview**

The purpose of this report is to outline implications to Council regarding a potential declaration of climate emergency in accordance with the following Notice of Motion from the Scheduled Council Meeting held on 16 December 2020:

***That Council direct the Chief Executive Officer to prepare a formal report for consideration at the March 2021 Scheduled Council Meeting on the declaration of a Climate Emergency, including advice regarding the necessary resources to implement, how such a declaration would sit with the Council's current policy platform and any adjustments that would need to be made to policy and strategic priorities.***

The report outlines the context for declaring a climate emergency, the potential strategic and policy implications, and several resourcing options available to Council.

### **Recommendation**

**That Council declare a climate emergency as per Option 4, detailed in this report.**

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### **Global context**

The need to address the causes and impacts of climate change is urgent. Work by the Intergovernmental Panel on Climate Change (IPCC) identifies that limiting global warming to 1.5 degrees is required to mitigate against the worst effects of climate change (*Climate Report 2018* and *Special Report on Global Warming of 1.5 degrees*). The IPCC estimates that based on current trajectories, this 1.5 degree threshold will be reached by between 2030 and 2052.

Many scientists and researchers argue that global greenhouse emissions already exceed the level necessary to prevent 1.5 degrees of warming and that increased carbon sequestration, or “global cooling” is required in order to prevent catastrophic impacts such as inundation of island nations and low-lying settlements, destruction and loss of coral reefs, wide scale loss of terrestrial and aquatic plant and animal species, destruction of natural and built environments associated with fires and floods and other extreme weather events, reduced water availability and reduced capacity to produce food.

The impacts of climate change are already evident. Last summer’s bushfires in south east Australia burnt over 11 million hectares of land, including ecosystems that were previously not fire-prone. These fires will continue to affect many people’s lives, livelihoods, and health for many years.

### **Regional climate projections**

The *Victorian Climate Projections 2019* produced by the Victorian Government, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Bureau of Meteorology (BoM) indicate that current trends follow a high emissions scenario. This trajectory is likely to result in the following climatic conditions for the Loddon Campaspe region:

- By 2050, the median maximum temperature for the region is expected to increase by between 1.7°C and 2.4°C (from 1990).
- By 2050, the median minimum temperature for the region can be expected to increase by between 1.2°C and 1.5°C (from 1990).
- By 2050, extreme daily temperatures can be expected to rise by between 1.5°C and 2.2°C.
- The fire season is likely to continue increasing in duration, with the number of fire days per year in Bendigo likely to increase by approximately 60% by 2050.
- Rainfall in the region is likely to increase in variability over time. For example, the median annual rainfall may increase or decrease by 14% compared to 1990.

The increasing temperatures, fire risk, and variability in rainfall will inevitably impact the region’s natural systems as well as the livelihoods and lifestyles of all sectors of the community.

### **Local Government’s role**

While individual local government organisations make a relatively small contribution to global emissions, their collective action can make a significant contribution to achieving state and national emission reduction targets. For example, the combined impact of the 47 councils entering into the Power Purchase Agreement with Macedon Ranges Shire Council will result in the reduction of 270,000 tonnes of carbon emissions which is equivalent to the emissions from 44,500 homes or 82,800 cars.

In addition, local government plays an important role in leading the community. By leading by example, local government can more effectively promote community action and advocate for emission reductions at a state, national and global level.

## **Legislative context**

The *Local Government Act 2020* came into effect in Victoria on 1 May 2020. It now requires councils to consider climate change as an overarching governance principle, as specified in Part 2, Division 1:

### **9 Overarching governance principles and supporting principles**

(1) A Council must in the performance of its role give effect to the overarching governance principles.

(2) The following are the overarching governance principles - .....

(c) *the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted*

Along with the directions contained in Victoria's *Climate Change Act 2017* and *Public Health and Wellbeing Act 2008*, the new *Local Government Act 2020* establishes a statutory requirement for councils to incorporate climate change mitigation and adaption policies and actions within its corporate planning framework.

## **Overview of climate emergency movement**

As of December 2020, 98 local governments across Australia, collectively representing 9 million people, had formally declared a climate emergency. The declarations are public acknowledgments of the threat that climate change presents, and the role councils play in addressing that threat.

A total of 32 councils across Victoria have formally declared climate emergencies, representing 40.5% of the 79 councils in the state. Of these, 13 are in regional areas, including Hepburn Shire Council and Mount Alexander Shire Council which neighbour the Macedon Ranges.

### *What is a Climate Emergency?*

Like other emergencies such as the current global pandemic, climate change presents an immediate and significant risk, and requires urgent action to avoid the risk and its associated impacts.

The two corresponding components to the Climate Emergency are therefore:

- 1. The situation** - The rapidly increasing occurrences of changing weather patterns and global warming caused by human activity.
- 2. The response.** The need to mobilise action at a large scale and at a rapid speed.

### *Why declare a Climate Emergency?*

Declaring a Climate Emergency publicly acknowledges that rapid and dramatic action is urgently required to address the causes and impacts of climate change and avoid irreversible disruption to society, the economy and ecosystems. Importantly, it acknowledges that addressing climate change is the key priority for society, and therefore for all levels of government, businesses and the community.

While the language of “an emergency” can be perceived as alarming, science indicates that this language reflects the reality of the current global predicament and, therefore, is an appropriate framing to stimulate the level of action required to address the risk and tackle the issue.

### *What follows a Declaration?*

There are no prescribed pathways to declaring a Climate Emergency, or prescribed actions associated with a declaration.

The following framework provides one way to structure local government action:

1. **Upwards:** Lobbying state and national governments to respond to the climate crisis.
2. **Sideways:** Encouraging other councils to act and collaborate on action.
3. **Downwards:** Mobilising local emergency action through education and building capacity and resilience.
4. **Inwards:** Amending plans and processes within Council to focus on climate change and building capacity amongst staff to integrate climate change considerations into decision making, policies and plans.

Guidance is also provided by several councils who are in the process of implementing their declaration. For example, as the first local government council to declare a climate emergency, the City of Darebin promotes the following steps:

1. Publicly acknowledge the Climate Emergency.
2. Embed climate emergency action in Council strategies, plans, and activities.
3. Mobilise and build the mandate through working with the community.
4. Reach out to other councils.
5. Advocate to state and federal government.

Following a declaration, programs and activities within each of the five steps are typically outlined in a “Climate Emergency Plan”. This may comprise one plan that addresses the council’s internal response as well as its work with the community (for example, Mornington Peninsula Shire Council’s *Climate Emergency Plan – Ensuring our future: Our climate emergency response*). Alternatively it may comprise two complimentary plans (for example, the City of Banyule’s *Community Climate Action Plan* and its *Corporate Emissions Reduction Plan*).

### *Climate Emergency Australia*

The first national Climate Emergency Summit was held in Melbourne on 14 and 15 February 2020. A key outcome of the summit was the formation of Climate Emergency Australia in June 2020, a network enabling local councils to share knowledge and experience and work together on the climate emergency. The initiative is being hosted by the City of Melbourne and supported by 13 founding funder councils and the regional greenhouse alliances.

### **Strategic Alignment**

Two of the five priorities in the 2017-2027 Council Plan directly relate to Council’s action on climate change:

#### **2. Protect the natural environment**

*Address climate change mitigation, resilience and adaptation.*

#### **5. Deliver strong and reliable government**

*Make responsible and evidence based decisions*

However, as the impacts of climate change are broad reaching, addressing climate change within the context of a declaration will enhance Council's work in all five priority areas of the Council Plan:

1. Promote health and wellbeing
2. Protect the natural environment
3. Improve the built environment
4. Enhance the social and economic environment
5. Deliver strong and reliable government

### **Climate change work completed to date**

In 2017 Council adopted the *Climate Change Action Plan* which establishes an emissions reduction target for Council operations of 25% by 30 June 2021 from 2014/15 levels. The plan also commits Council to plan to achieve zero net emissions by 30 June 2031.

Since adoption of the Plan, Council has achieved the following:

- 30.4% reduction in emissions from Council operations from 2014/15 levels. This has mainly been achieved through replacement of inefficient street lights with LEDs and installation of solar panels on 17 buildings.
- Facilitation of community climate change action plans for Malmsbury and the district of Woodend.
- Commitment to participate in the Council-only renewable energy buying group to secure 100% of Council's electricity from renewable sources from 1 July 2021.

While these are significant achievements, opportunity exists to extend this work as follows:

- Continue to reduce emissions from Council operations to achieve Council's **zero net emissions target by 2030**. This could involve energy efficiency upgrades to Council buildings, transitioning away from use of gas at Council facilities and replacement of petrol and diesel fleet vehicles with electric alternatives.
- Strengthen **internal policies and procedures** relating to, for example, sustainable design, carbon accounting and sustainable procurement.
- Ensure Council's services and infrastructure **adapt to the likely impacts of climate change** such as increased heat waves, fires, storms and floods, and are resilient to these pressures.
- Support and facilitate **carbon sequestration** initiatives across the shire such as revegetation and soil carbon storage.
- Enhance Council's support for **emission reductions in the community, including amongst businesses**.

It is noted that declaring a climate emergency is not a pre-condition for action. Extending Council's climate change work can occur without a declaration, subject to resourcing. However, making a declaration sends a clear message to the organisation and community and provides a policy basis or mandate for decision making.

## Resourcing Implications

An assessment of the impact of different levels of resourcing is outlined below and shown in **Attachment 1**.

### Option 1: No declaration. No additional staff or funds

Officers will continue to deliver Council's existing climate change work program including:

1. Participate in the Council-only **renewable energy buying** group to secure 100% of Council's electricity from renewable sources.
2. Facilitate the development of **community climate change action plans** on a town-by-town basis through the "Cool Changes" program.
3. Commence preparation of a **Zero Net Emissions Plan** for council operations, in accordance with the Council resolution from 25 October 2017.
4. Deliver Council's National Landcare Program funded Private Land Conservation Program, including promotion of regenerative agriculture which builds the capacity of farmers to enhance **carbon storage in soils** (currently funded until June 2021. Additional funding is currently being sought through external grants or Council's 2021/22 budget to continue the role).
5. Transition Council's fleet to **hybrid and electric vehicles** as opportunity arises.
6. Implement **environmental building upgrades** as opportunity arises (subject to approval as a part of Council's annual budget process).
7. Integrate climate change mitigation and adaption in the **Council Plan** and other strategic documents in accordance with the requirements of the new *Local Government Act 2020*.
8. **Advocate** for action and support by responding to state and federal government inquiries and consultation processes, subject to officer workloads.
9. Remain an active member of the **Central Victorian Greenhouse Alliance**, particularly in regional projects and joint advocacy work that align with Council priorities and interests.

### **Resource and financial implications: No additional resources required.**

### Option 2: No declaration. Council funds a new Sustainability Officer position to be referred to the 2021/22 Council budget.

Officers will deliver the above mentioned work program as well as:

10. Complete and implement a **Zero Net Emissions Plan**.
11. Develop a new corporate **Climate Change Adaptation Plan**.
12. **Deliver an annual program of environmental building upgrades** including energy efficiency initiatives in response to energy audits and environmental assessments (subject to approval as a part of Council's annual budget process).
13. Incrementally **review Council policies and procedures** to facilitate the reduction in the organisation's corporate environmental footprint.

### **Resource and financial implications:**

- **1 EFT (Sustainability Officer), \$105,000 (incl. on costs)**

Option 3: *Declare a climate emergency and allocate additional staff resources and funds in addition to the Sustainability Officer position referred to the 2021/22 Council budget.*

Officers will deliver the work programs outlined under Options 1 and 2, as well as:

14. Reframe the Zero Net Emissions Plan and Climate Change Adaptation Plan as a **Corporate Climate Emergency Response Plan**.
15. Develop a **Community Climate Emergency Response Plan**.
16. **Accelerate Council's Cool Changes** program by conducting the program in all towns by 30 June 2023.
17. Deliver **internal training** about the climate emergency and how each department can contribute to Council's response.
18. **Review and update Council's policies**, strategies and plans as appropriate to enact the climate emergency declaration.
19. Increase Council's **proactive advocacy** to other levels of government, both as an individual council, and in partnership with other councils who are enacting a declaration of climate emergency
20. Implement a **Climate Emergency Communications Plan** that significantly increases Council's promotion of the climate crisis.

**Resource and financial implications:**

- **1 EFT (Sustainability Officer), \$105,000 (incl. on costs)**
- **0.8 EFT (Climate Emergency Response Officer), \$84,000 (incl. on costs)**
- **\$50,000 over two years to accelerate Cool Changes**

Option 4: *Declare a climate emergency without providing additional resources to enact the declaration.*

Under this option Council would continue its existing nine initiatives at outlined under Option 1. These are detailed on pages 6 and 7 of this report. While Council would not add to these initiatives, as indicated below and in **Attachment 1**, the declaration of a climate emergency would send a message to the organisation and the community and would provide a policy basis to inform Council's corporate planning and decision making.

Officers consider Option 4 to be the preferred option.

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

As outlined above, the financial and resource implications of declaring a climate emergency will depend upon the degree to which Council decides to divert resources from existing high emission and non-urgent activities to climate action. To date, councils in Victoria who have made a declaration have increased the amount of resources allocated to climate action to varying degrees.

Regardless of whether Council declares a climate emergency, climate change will continue to present a financial, legal and operational risk to Council. It is beyond the scope of this report to discuss the nature and implications of these risks.



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

While Council has a statutory obligation to address climate change as a governance principle in its work, declaring a climate emergency will provide a stronger framework for meeting this obligation. It will also provide a mandate for Council to prioritise climate change action across all of its operations and decision making.

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

Declaring a climate emergency does not override Council's legal and moral obligations to continue to provide essential services to the community and, therefore, will not result in substantive short term social implications. In the long term, taking action to mitigate against global warming will have broad ranging benefits for the safety and security of the community.

Declaring a climate emergency will provide Council with the mandate to prioritise actions that reduce greenhouse gas emissions, thereby contributing to broader efforts to ensure the sustainability of the globe's populations and ecosystems.

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

Declaring a climate emergency does not impact, interfere with or restrict the human rights of any individual, demographic or community. Instead, as outlined above, taking action to address climate change will contribute to protection of life, freedom and dignity.

### **Consultation and Engagement**

In a shire-wide survey conducted in September 2019 to help inform Council's Cool Changes program, Council asked respondents to indicate how urgent they felt it is to respond to climate change. 86% of respondents (out of 326) chose the option "It's a crisis, we need to act urgently". Declaring a climate emergency will respond to the community expectation indicated by this survey result.

### **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**

Climate change is becoming an increasing priority for the community as global emissions continue to increase, threatening ecosystems and the health and wellbeing of communities. The effects of climate change are already being observed in the form of, amongst other things, longer fire seasons, more severe bushfires, more heatwaves and extreme weather events, rising sea levels and loss of biodiversity. Regardless of whether Council declares a climate emergency, these effects will continue to impact the Macedon Ranges community and the shire's natural systems. Council can respond in various ways to this climate crisis depending on the message it wishes to send to the community.

<b>PE.6</b>	<b>DRAFT MACEDON RANGES EVENT STRATEGY 2021-2025</b>
<b>Officer</b>	<b>Nicole Pietruschka, Events and Festivals Officer</b>
<b>Council Plan Relationship</b>	<b>Enhance the social and economic environment Promote health and wellbeing</b>
<b>Attachments</b>	<b>Macedon Ranges Event Strategy 2021-2025</b>

### **Purpose and Overview**

To seek Council adoption of the Macedon Ranges Event Strategy 2021-2025.

The five-year strategy will provide Council with a framework to guide its support for the establishment, growth and recovery of events following the pandemic for the social and economic benefit of the shire.

The strategy has been prepared by consultancy, Urban Enterprise, with input from Council officers, key stakeholders from the events sector, and community via Have Your Say on Council's website.

### **Recommendation**

#### **That Council:**

- 1. Adopt the Macedon Ranges Events Strategy 2021-2025;**
- 2. Acknowledge and thanks all those who contributed to the development of the strategy, particularly the local event organisers who contributed; and**
- 3. Notes that annual action plans will be developed and reviewed annually.**

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### **Background**

The Macedon Ranges Events Strategy 2021-2025, developed over the last 18 months, has included extensive consultation and research on events registered with Macedon Ranges Shire Council in 2019.

Delivery of a new events strategy is an action in the Visitor Economy Strategy Action Plan, Years 1-2:

**Strategy 6** – Develop and grow the positive impacts of the events and festivals.

**Action 6.1** – Develop an events strategy to guide the future direction for events and festivals in the shire, including options for development and support of events of regional significance.

Following a competitive procurement process, consultancy Urban Enterprise was engaged in November 2019 to develop a five-year Events Strategy 2021-2025. At the Ordinary Council Meeting, on 22 July 2020 Council resolved that the draft strategy progress to the final stage of consultation for community feedback:

**That Council:**

1. **Approve the Draft Macedon Ranges Event Strategy 2020-2025 for community consultation;**
2. **Publish the Draft Macedon Ranges Event Strategy 2020-2025 on its 'Have Your Say' website page and make it available at the Council offices in Gisborne, Kyneton, Romsey, and Woodend between Monday 27 July and Monday 24 August 2020;**
3. **Consider all submissions received by 5:00pm on Monday 24 August 2020 in finalising the Macedon Ranges Events Strategy 2020-2025; and**
4. **Consider the final version of the Macedon Ranges Events Strategy 2020-2025 at a future Ordinary Meeting of Council for adoption.**

If adopted the new strategy will supersede the Macedon Ranges Event Strategy 2010-2013.

**Context**

There is overarching policy and strategic support from all levels of government for the development of regional events to enhance regional economies and build visitor destinations. Council similarly recognises the value of events in its various plans and strategies, and supports growing events that celebrate the shire's values and key brand attributes.

The development of this strategy is an output of the Macedon Ranges Visitor Economy Strategy, which recognises events as a key strength of the region, contributing to the economic and social wellbeing of the community. The strategy aims to provide Council with a clear framework to guide its support for the development and growth of the events sector over the next five years.

Events cover a broad spectrum of activity. This strategy focuses on public events for the purposes of leisure and entertainment. Weddings, conferences, private functions and regular user group activity such as sport have not been included.

The key aims and objectives of the strategy are:

- **Community benefit.** Support events that foster community development, contribute to health and wellbeing and are accessible inclusive.
- **Drive off-peak visitation.** Encourage a spread of events across the calendar year including development of events in locations and/or times of lower visitation.
- **Drive visitation.** Provide support for events that attract visitation from outside the region and provide economic benefits to the shire.
- **Brand alignment.** Encourage the development of new and existing events, in particular those which align with Macedon Ranges' identified brand strengths.
- **Event sustainability and building operator skill.** Encourage events to become self-sustaining and to become less reliant on financial support from Council.
- **Community and environmentally minded events.** Encourage events to consider the impact they have on the environment and surrounding community.
- **Event compliance.** Encourage the delivery of successful, safe and compliant events.
- **Alignment to strategic tourism framework.** Support events that align with the vision and strategic directions outlined in the existing Macedon Ranges Visitor Economy Strategy.

- **Higher-yielding events.** Encourage the development of events which drive overnight stays and/or increase visitor yield.

The vision for the strategy is that:

***The Macedon Ranges will have a diverse and stimulating calendar of annual events that showcase the region's brand strengths and make the Macedon Ranges a great place to live and visit.***

To implement the strategy, a range of specific actions have been developed against the following three key directions. This forms the Implementation Plan to be delivered by Council over the next five years.

- **Direction 1:** Enhance the economic impact of events.
- **Direction 2:** Improve event venues, infrastructure and services.
- **Direction 3:** Support successful event delivery.

The research and analysis in the strategy reflects the situation prior to the impacts of the COVID-19 pandemic. While the full impact of COVID-19 remains unknown, it is envisaged that this strategy will assist Council in the recovery phase by enhancing support for existing events, and attracting new events to help revitalise the economy.

### **Consultation and Engagement**

Consultation for this strategy is being undertaken in two stages.

Stage 1 consultation was undertaken to help inform the draft strategy. This included:

- Two facilitated workshop: one with stakeholders from the events sector (nine attendees), and another with council staff (11 attendees from seven departments).
- Event operator survey (31 responses).

Stage 2 consultation sought feedback on the draft strategy from the broader community. A total of nine responses were received and have been considered in the final strategy.

### **Strategic Alignment**

This strategy is supported by the priorities of the 2017-2027 Council Plan to:

- Enhance the social and economic environment.
- Promote health and wellbeing.

The Macedon Ranges Visitor Economy Strategy 2019-2029 includes the strategy;

- Strategy 6 – Develop and grow the positive impacts of the events and festivals.

The Macedon Ranges Arts and Culture Strategy 2018-2028 supports the development and support of arts and cultural experiences.

### **Implications**

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

#### **Implications and Risks**

The draft strategy includes a number of actions in its implementation that have associated costs. Should the strategy be adopted any funding requirement outside normal operational budget will be considered as part of the normal budget process.

**Policy and Legislative Implications and Risks**

Not applicable to this report.

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

Not applicable to this report.

**Charter of Human Rights Implications and Risks**

No issues identified that would affect Council's compliance with the Human Rights Charter.

**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 Macedon Ranges Events Strategy has been developed following considerable research and community consultation. Delivery of this strategy is an action from the Macedon Ranges Visitor Economy Strategy 2019-2020.

This is an important document that will provide the community, Council and the events sector with strategic guidance to support the sustainability, growth and recovery of events in the shire following the pandemic.

<b>CX.1</b>	<b>APPOINTMENT OF CHIEF EXECUTIVE OFFICER</b>
<b>Officer</b>	<b>Sarah Noel, Interim Executive Manager People Culture and Performance</b>
<b>Council Plan Relationship</b>	<b>Delivering strong and reliable government.</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

This report relates to appointment of a Chief Executive Officer of Macedon Ranges Shire Council.

### **Recommendation**

**That Council, in accordance with Section 66(2)(a) of the Local Government Act 2020, close the meeting to consider a report on the appointment of a Chief Executive Officer for Macedon Ranges Shire Council, pursuant to Section 94 of the Local Government Act 1989 in circumstances where that report includes consideration of confidential information.**

**For the purposes of Section 66(5) of the Local Government Act 2020, that confidential information includes personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.**

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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.1</b>	<b>CONTRACTS TO BE AWARDED AS AT 24 MARCH 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 March 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 Chief Executive Officer under delegated authority:**

- **C21.1100 Design and Construct Footbridges Mount Macedon**
- **C21.1101 Kyneton Town Hall Façade Restoration and External Works**

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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.

#### **C21.1100 Design and Construct Footbridges Mount Macedon**

This is a works contract for a design and construction solution for new footbridge structures at Centennial Park and Stanley Park, Mount Macedon. The footbridges are to be designed and constructed with a structure, expected to have a minimum service life of 50 years.

The CEO has delegated authority to award this contract. Funds for these works have been provided in the 2020/21 budget as part of the Footpath Renewal Program.

### C21.1101 Kyneton Town Hall Façade Restoration and External Works

Council is seeking the services of a Commercial Building Contractor to provide construction services to restore and repair external areas of the Kyneton Town Hall. Works included in this contract are external restoration and maintenance works, removal of paint and repainting of the Kyneton Town Hall façade, and installation of new façade lighting.

The Kyneton Town Hall will be operating throughout construction. The contractor must provide safe access through the front doors of the Kyneton Town Hall during the construction period.

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

### **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 relevant 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:

- C21.1100 Design and Construct Footbridges Mount Macedon
- C21.1101 Kyneton Town Hall Façade Restoration and External Works



<b>CC.2</b>	<b>LOCALITY BOUNDARY CHANGE: BALLS LANE CARLSRUHE</b>
<b>Officer</b>	<b>Trudy Campbell, Governance Officer</b>
<b>Council Plan Relationship</b>	<b>Improve the built environment Deliver strong and reliable government</b>
<b>Attachments</b>	<b>Map of Balls Lane, Carlsruhe proposed locality boundary change</b>

### **Purpose and Overview**

To request Council endorsement of a locality boundary change from Balls Lane, Carlsruhe to Balls Lane, Pipers Creek.

### **Recommendation**

#### **That Council:**

- 1. Endorses a proposed change to the locality boundary between Carlsruhe and Pipers Creek.**
- 2. Refers the proposed change to the Registrar of Geographic Names Victoria (the Registrar) for endorsement and gazettal.**

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### **Background**

In Victoria, councils are the state's primary naming authorities. This responsibly extends to naming roads, features (such as mountains, watercourses, buildings, prominent structures or parks) and localities, as well as proposals to change locality boundaries. Naming proposals can be submitted by anyone, including individuals, community groups, organisations, and government departments or authorities.

Council's process for responding to these proposals is guided by the Naming Rules for Places in Victoria (the Naming Rules) developed by Geographic Names Victoria (GNV) which falls under Department of Land, Water and Planning (DELWP). Council also applies its Naming protocol for roads and places. The Naming Rules outline the general principles and statutory requirements to be followed by naming authorities when considering a naming proposal.

While the Chief Executive Officer has delegated authority from Council to approve, assign or change the name of a road, no such delegated authority exists for locality boundary changes. As such, a decision of Council is required to approve locality boundary changes.

### **Context**

Council has received a request for a proposed locality boundary change around an unnumbered property, Crown Portion 94 (CP94) in Balls Lane, Carlsruhe.

The parcel that comprises this property was one of two, each with separate titles that formerly comprised the property known as 83 Balls Lane, Pipers Creek.

As the result of the sale of CP94, a new property was created and the remaining parcel (CP93) remains the property with the address of 83 Balls Lane, Pipers Creek.

The new property does not have rural numbering allocated as it is a vacant property with no crossover. The property is currently in the locality of Carlsruhe but is not accessible via Carlsruhe. Rather, access to the vacant property (CP94) is via Balls Lane, Pipers Creek.

As the only road access to the property CP94 is via Balls Lane, Pipers Creek, the designation of a Carlsruhe address may create confusion and risk in locating the property for emergency services, utilities and Australia Post.

The map in attachment 1 shows the proposed new locality boundary for this property.

Council has received in-principle support from GNV for the proposed locality boundary change.

### **Consultation and Engagement**

In accordance with the Naming Rules, Council officers have undertaken consultation on the proposal with affected property owners and those within a buffer zone of approximately 200 metres of the affected properties, as well as with local and state branches of emergency services. Public notices were also published on Council's website seeking feedback from shire residents.

Those consulted were given a 30-day period to provide feedback on the proposal. Responses received expressed no objections to the proposed changes. If the proposed change is endorsed by Council, the proposal will be lodged with GNV for endorsement and gazettal by the Registrar of Geographic Names. Following this, GNV will inform relevant stakeholders, including state-wide and national bodies, emergency and postal services, and spatial information and mapping organisations. GNV will also provide Council — as the naming authority — a link to an electronic map that can be downloaded and distributed to local stakeholders, including affected residents, ratepayers and/or businesses, and all submitters of feedback. Council is responsible for notifying affected residents, ratepayers and/or businesses in the immediate community.

### **Strategic Alignment**

The proposed changes are aligned with the Council Plan priorities to improve the built environment, and deliver strong and reliable government.

### **Implications**

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

#### **Implications and Risks**

The proposed changes do not raise any financial, resource, information technology or asset management risks.

**Policy and Legislative Implications and Risks**

The proposed changes have been assessed in accordance with Council's Naming Protocol and GNV's Naming Rules.

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

The proposed changes do not raise any sustainability risks.

**Charter of Human Rights Implications and Risks**

The proposed changes do not limit any rights set out in the Charter of Human Rights.

**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**

Officers consider that the proposed locality boundary change for Balls Lane, Karlsruhe is appropriate and in accordance with the requirements set out in GNV's Naming Rules. Having undertaken appropriate consultation and received no objections, it is recommended that Council endorses the proposed change.

<b>CC.3</b>	<b>COUNCILLOR GIFT, BENEFITS AND HOSPITALITY POLICY</b>
<b>Officer</b>	<b>Jessica Baguley, Senior Governance Officer</b>
<b>Council Plan Relationship</b>	<b>Delivering strong and reliable government</b>
<b>Attachments</b>	<b>DRAFT Councillor Gifts, Benefits and Hospitality Policy</b>

### **Purpose and Overview**

The purpose of this report is to present the Councillor Gifts, Benefits and Hospitality Policy for adoption by Council as required under section 138 of the *Local Government Act 2020*.

### **Recommendation**

**That Council adopts the Councillor Gift, Benefits and Hospitality Policy in the form of Attachment 1 to the Officer Report.**

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### **Background**

Macedon Ranges Shire Council is committed to ensuring that councillors act with integrity and honesty. The acceptance of gifts, benefits and hospitality can create a perception that a Councillor's integrity has been compromised. This policy sets out Council's policy position for its Councillors in relation to gifts, benefits and hospitality. This policy is intended to support Councillors to avoid conflicts of interest and maintain high levels of integrity and public trust.

Section 138 of the LGA 2020 requires councils to adopt a councillor gift policy within the period of six months of that section coming into operation. It came into operation on 24 October 2020 so Council must adopt a councillor gift policy by 24 April 2021

### **Context**

The Policy provides an overview of Councillor's legislative responsibilities to gifts, benefits and hospitality with regard to gift disclosure thresholds, conflicts of interest, personal interests, campaign donations and standards of conduct.

The Policy is based upon five key principles in response to accountability which include:

- Obligations
- Public Interest
- Culture of integrity
- Risk
- Accountability

Acting in accordance with this Policy will ensure that Councillors are not compromised in the performance of their duties by accepting gifts, benefits or hospitality that may result in a sense of obligation or which could be interpreted as an attempt to influence. This helps to protect and promote public confidence in the integrity of Council.

The Policy details the action required when considering the receipt of gift, benefits and hospitality. It specifically covers and defines:

- Benefits
- Bribes
- Conference expenses
- Ceremonial gifts
- Gifts valued at
  - Under \$50
  - Over \$50
  - Under the \$500 threshold
  - Over the \$500 threshold
- Anonymous gifts
- Gestures
- Hospitality

This policy outlines the procedure for declining or accepting gifts and the circumstances where each are acceptable, as well as the process of recording all gifts in a register.

The Gifts Register will be maintained and record information regarding the gift, benefit or hospitality and will be publicly available on Council's website and updated on a monthly basis.

A breach of the Policy will be considered misconduct under the Councillor Code of Conduct.

### **Consultation and Engagement**

The Risk and Audit Committee provided feedback on the draft policy. That feedback was incorporated.

### **Strategic Alignment**

This report aligns with Council Plan 2017- 2027 Strategic Objective 5: Deliver a strong and reliable government.

### **Implications**

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

#### **Implications and Risks**

This report does not have any financial, resource, information technology or asset implications or risks.

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

Section 138 of the LGA 2020 requires Council to adopt a Councillor Gift Policy six months after the section commences, being 24 April 2020.

The Policy reduces risk by increasing transparency, honesty and accountability by implementing a gift register for inspection and oversight.

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

This report does not have any social or environmental impacts or risks.

**Charter of Human Rights Implications and Risks**

This report does not have any implications or risks in regards to the Charter of Human Rights.

**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**

Macedon Ranges Shire Council is committed to maintaining public confidence and practicing good governance. Acceptance of gifts, benefits or hospitality can provide a perception that a Councillor's integrity has been compromised. The Gifts, Benefits and Hospitality Policy provides a clear specific directions and advice to Councillors. It ensures that members of the community and other stakeholders can trust that when conducting their official duties and activities, Councillors will not put their personal interests above their public duties.

<b>CC.4</b>	<b>DRAFT GOVERNANCE LOCAL LAW 2021</b>
<b>Officer</b>	<b>Allison Watt, Coordinator Governance</b>
<b>Council Plan Relationship</b>	<b>Delivering strong and reliable government.</b>
<b>Attachments</b>	<b>1. Draft Governance Local Law 2021</b> <b>2. Local Law Community Impact Statement</b>

### **Purpose and Overview**

The purpose of this report is to present Council with a draft proposed Governance Local Law 2021 and to seek endorsement to release the Governance Local Law 2021 for community engagement in line with section 111 of the *Local Government Act 1989* and Council's Community Engagement Policy.

### **Recommendation**

#### **That Council:**

- 1. Endorses the use of the draft Governance Local Law 2021 provided as Attachment 1 for the purposes of the actions set out in these resolutions.**
- 2. Endorses the Local Law Community Impact Statement provided as Attachment 2 to accompany the proposed Governance Local Law 2021 for the purposes of community consultation.**
- 3. Gives public notice of its intention to make the Governance Local Law 2021 under section 111 of the Local Government Act 1989 and seek community input in accordance with Council's Community Engagement Policy.**
- 4. Considers any submissions received on the proposed Governance Local Law 2021 at a Submitters Delegated Committee Meeting at 7pm on Wednesday 12 May 2021.**
- 5. Notes that a further report will be provided at the Council meeting on Wednesday 26 May 2021 summarising any community feedback received and recommending the Governance Local Law 2021 for adoption.**

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### **Background**

*The Local Government Act 2020* (LGA 2020) received royal assent on 24 March 2020. The LGA 2020 repealed many provisions of the *Local Government Act 1989* with the first phase of the new reforms proclaimed on 6 April 2020.

The second phase of reforms were proclaimed on 1 May 2020. These reforms relate to Council decision making. They require councils to adopt a number of new or updated documents, including Governance Rules (which were adopted by Macedon Ranges Shire Council on 26 August 2020).

The Governance Rules regulate the election of the Mayor and Deputy Mayor and the conduct of meetings of Council, its Delegated Committees and any future Community Asset Committees.

While the Governance Rules have largely replaced Meeting Procedure Local Law 11, Council does need a local law to provide for certain offences and infringements, to ensure the orderly conduct of Council meetings, and to regulate use of the Common Seal.

### **Context**

The objective of the proposed Governance Local Law 2021 is to regulate the use of Council's common seal and create and regulate offences in relation to conduct at meetings.

The Local Law Community Impact Statement (Attachment 2) has been prepared in accordance with Local Government Victoria's Better Practice Local Law Manual. This statement serves as an explanatory document for the community to assist in understanding the content and nature of the local law and the processes that Council has worked through to develop it.

Before making a local law, Council must give notice of its intention to make a local law in the Government Gazette and issue a public notice inviting submissions. It is recommended that Council endorses the use of the attached draft Governance Local Law 2021 and that it places it on public exhibition to seek public comment. Any person who makes a submission on the draft Governance Local Law 2021 will be invited to speak to their submission at the Submitters Delegated Committee meeting on 12 May.

A report will be presented to Council in May, following the community consultation process, for the formal adoption of the proposed Governance Local Law 2021 and the revocation of the Meeting Procedure Local Law 11.

### **Consultation and Engagement**

There has been no stakeholder engagement in this preparation of this report. However, Council has a legislative obligation under the LGA 2020 and its Community Engagement Policy to seek public input and feedback on the draft Governance Local Law 2021. This will include notice in the Victorian Government Gazette, local newspaper, on Council's website and Have Your Say page, and social media.

### **Strategic Alignment**

This report aligns with Council Plan 2017-2027 Strategic Objective 5: Deliver strong and reliable government

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



### **Implications**

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

The consideration of this report does not have any financial, resource, information technology or asset management implications or risks.

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

The preparation of the draft Governance Local Law meets Council's statutory obligations under Section 111 (1) of the *Local Government Act 1989* which gives Council power to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

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

The consideration of this report does not have any social or environmental impacts or risks.

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

The consideration of this report does not have any human right 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**

It is proposed that Council releases the draft Governance Local Law 2021 for the purposes of public consultation.

<b>CC.5</b>	<b>ANZAC DAY COMMEMORATIONS AND AUSTRALIA DAY GRANT</b>
<b>Officer</b>	<b>Kate Young, Manager Legal and Corporate Governance</b>
<b>Council Plan Relationship</b>	<b>Promote health and wellbeing</b>
<b>Attachments</b>	<b>Nil</b>

### **Purpose and Overview**

The purpose of this report is to seek Council's approval to provide financial support for Mount Macedon ANZAC Day Dawn Services for the years 2021-2024, and to correct an administrative error in relation an Australia Day Township Grant.

Since 2014, Macedon Ranges Shire Council has provided financial support for the Mount Macedon ANZAC Day Dawn Service (the Mount Macedon Dawn Service), including amounts of \$5,000 for each of 2019 and 2020 (by resolution of Council). Officers are seeking Council's approval to continue providing this financial support.

An error in the name of an Australia Day Township Grant recipient needs to be corrected by Council resolution so that the funds can be paid to the correct recipient.

### **Recommendation**

#### **That Council:**

- 1. Provide funding of \$5,000 for the Mount Macedon ANZAC Day Dawn Services (or equivalent commemoration) for each of the years 2021-2024.**
- 2. Revoke its previous decision to grant \$500 to the Tylden Hall Committee of Management for Australia Day Township celebrations and instead grant \$500 to the Tylden Fire Brigade for Australia Day Township celebrations.**

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### **Background**

#### *ANZAC Day*

ANZAC Day is a national day of remembrance within Australia and New Zealand. The day is marked by ceremonies across Australia of local, regional, state and national significance.

The Mount Macedon Dawn Service is one of the largest services of remembrance held in Victoria. It is held at the Mount Macedon Memorial Cross which is a very significant war memorial. The Mount Macedon Dawn Service is coordinated by the ANZAC Day Dawn Service Committee (the Committee).

### *Australia Day*

At its meeting on 16 December 2020, Council resolved to award a number of grants to community groups to fund Australia Day Township celebrations.

An application was received from the Tylden Fire Brigade and officers' view was that funds should be granted in line with the application. During the writing of the Council report, the name of the Tylden Fire Brigade was inadvertently substituted with the name of the Tylden Hall Committee of Management (a group which has sought and received funding in the past).

### **Context**

#### *ANZAC Day*

Each year since 2014, Council has provided the Committee with financial support of \$5,000 for the Mount Macedon Dawn Service. The funding for the 2020 event was returned to Council by the Committee since the event did not proceed due to COVID-19.

In providing past years' financial support (with the exception of 2019 and 2020), requests for funding have only been considered on an annual basis. No formal ongoing agreement has ever been established, notwithstanding this event occurs every year.

The Committee has advised that the 2021 event will be a virtual event due to COVID-19. The virtual event will be a video production involving local schools and the traditional providers of components of the Dawn Service, such as the Australian Defence Force, the Kyneton Aero Club and various musicians. The Committee have indicated that they will have significant costs for the virtual event which will include the cost of filming of important sites (requiring camera hire and production personnel), compilation of still photographs of local cenotaphs, scripting, setting of subtitles and post production work. Although the format of the 2021 Dawn Service will be different, the broad terms of the recommended resolution would permit the use of the funds in this way.

Given Council's long-standing financial support of the Dawn Service, a longer term agreement would provide the Committee and the community with more certainty and a greater ability to plan for future events. This multi-year approval will cover all years of this term of Council.

### *Australia Day*

The resolution of Council granting funds for the Australia Day Township celebrations included the name of the Tylden Hall Committee of Management and not the Tylden Fire Brigade. The mistake was identified prior to the funds being paid. Since the identity of the recipient was included in the Council resolution, a Council resolution is required to alter the recipient.

### **Consultation and Engagement**

Council has engaged with the Committee in relation to the Dawn Service and with the Tylden Fire Brigade in relation to the Australia Day grant.

### **Strategic Alignment**

The funding of these events promotes health and wellbeing in the shire.

## **Implications**

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

Financial support for the Dawn Service has previously been provided from within operational budgets, rather than from one of Council's existing grants or community funding programs. Council's existing grants and community funding programs are not oriented at supporting an annual event and many of them are competitive programs that would require an annual application. The funding for the 2020 event was returned to Council by the Committee.

The change of the identity of the recipient of the Australia Day Township celebration grant does not have any financial implications as the same amount will be paid.

Funds exist in the operational budget to make these payments.

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

Nil

### **Sustainability and Legislative Implications and Risks**

Nil

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

Nil

### **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**

Granting the funding as specified in this report would result in the payment of funds to community groups to support important events in the shire.

<b>AO.1</b>	<b>DRAFT WASTE MANAGEMENT AND RESOURCE RECOVERY STRATEGY 2021-2026 UPDATE</b>
<b>Officers</b>	<b>Gary Randhawa, Manager Engineering and Resource Recovery Daniel Martin, Acting Coordinator Resource Recovery</b>
<b>Council Plan Relationship</b>	<b>Protect The Natural Environment</b>
<b>Attachments</b>	<b>Draft Waste Management and Resource Recovery Strategy 2021-2026</b>

### **Purpose and Overview**

To inform and present Council with the updated draft Waste Management and Resource Recovery Strategy 2021 – 2026 (the draft Strategy) following the review of the Waste Management Strategy 2015-2020 (the previous Strategy). The new draft Waste Management and Resource Recovery Strategy 2021 - 2026 has been drafted to align with contemporary industry and community requirements. Various departments within Council have reviewed the draft also.

The draft Strategy was developed to provide sustainable solutions for the collection, disposal and recovery of resource from waste generated within our community.

The draft Strategy builds on the principals of the previous Strategy. It contains measurable targets and actions to be undertaken by Council over the next five years.

### **Recommendation**

#### **That Council:**

- 1. Approve the release of the draft Waste Management and Resource Recovery Strategy 2021 – 2026 for a six-week period of public consultation;**
- 2. Consider all submissions received in finalising and updating the draft Waste Management and Resource Recovery Strategy 2021 – 2026; and**
- 3. Consider the adoption of final version of the draft Waste Management and Resource Recovery Strategy 2021 – 2026 at a future scheduled Council Meeting.**

## **Background**

The draft Waste Management and Resource Recovery Strategy 2021 – 2026 has been prepared by Council officers to provide sustainable solutions for the collection, disposal and resource recovery from waste generated within our community. It takes into account changes over the preceding period and also included an opportunity for early community input through an issues and opportunities consultation process.

The first draft of the draft Strategy is now complete. Council approval to proceed to the next step of community consultation is now sought for the draft Strategy document.

## **Context**

The previous Strategy was adopted in 2015 and spanned a period of significant and long-term changes in Australia's waste and resource recovery sector.

The banning of recycling exports to China, long-term stockpiling of municipal commingled recycling, closure of major Victorian recycling facilities and capacity issues within the recycling and reprocessing industry within Australia have placed significant pressure on local government to provide sustainable services to their communities. These issues have highlighted the fragility of our waste and recycling systems, our over-reliance on landfills and the need for a strategy that is built on the principles of education, transparency, resilience and sustainability.

As a consequence, several major changes have taken place in the Council's management and operation of waste and resource recovery services. Council responded to the recycling crisis by introducing a four-bin waste collection service at the start of February 2020. The four bin system enables a new food organics garden organics (FOGO) service and the separation of glass from the commingled recycling bin.

Other significant changes include the following:

- E-waste landfill ban – in July 2019 all e-waste was banned from landfill which saw the cost of managing e-waste significantly increase
- Increasing cost of landfill – EPA landfill levy is continuously rising and predicted to rise significantly shortly
- Container deposit scheme (CDS) – the commitment by the Victorian state government of a CDS by 2023
- Changes to State and Federal waste policies.

The update of the previous Strategy is a timely opportunity to review Council's current position on waste and resource recovery. It better aligns Council with current industry and community trends and needs, as well as providing a clear direction for Council's future waste and resource recovery activities.

The draft Strategy looks at where we are currently at the end of the previous Strategy, and looks forward to where we want to be in five years. It will provide direction for Council's future waste management and resource recovery activities and services to ensure that the Macedon Ranges Shire is well placed as we move into the 2021-2026 period.

The updates to the draft Strategy comprise of the following:

- Where previous actions are still relevant and further progress or improvements could be made, the draft Strategy picks up where the previous Strategy left off. For example, diversion of waste from landfills is still a major focus of the draft Strategy. Despite significant progress in this area, the draft Strategy recognises that there are still improvements that can be made.

The draft Strategy incorporates several new focus areas:

- Waste Avoidance and Minimisation;
- Resource Recovery;
- Waste Education and Behaviour Change; and
- Circular Economy.

These areas of focus better align the Council's strategic goals with both the waste hierarchy and recent state policy objectives, as well as recognising the importance of education in changing waste management attitudes and behaviours.

Updated objectives and goals reflect on the progress made to date and align with the current service provision, industry changes, new state policy and circular economy principles.

### **Consultation and Engagement**

An issues and opportunity process was undertaken before commencing the review of the previous Strategy, as the first step of the community consultation process. The purpose of this issues and opportunity process was to involve our community in identifying some of their key focus areas that may inform the draft Strategy. We received a very positive response from the community with over 126 people responding. The outcome of the issues and opportunity process was shared with Councillors at a Council Briefing session and feedback received from Councillors has been addressed in the draft Strategy.

The draft Strategy has been circulated for review to all internal Council staff. Workshops were held with relevant departments and feedback was received from the Planning and Development and Environmental units and considered in finalising the draft Strategy.

The next step is to seek Council approval to proceed with a six-week public consultation period in line with Council's Community Consultation Framework.

### **Strategic Alignment**

The draft Strategy aligns with the second priority in the Council Plan, ***Protect the Natural Environment***, as it assists in managing waste as a resource, embedding environmental sustainability principles across all Council operations and addresses climate change mitigation, resilience and adaptation.

The draft Strategy also aligns with the following strategies and plans within the Waste and Resource Recovery sector.

- Waste Management Hierarchy – provides avoidance, reuse, recycling, treatment, containment and disposal guidance for each waste stream.

- National Waste Policy: Less Waste, More Resources (2018) – provides a framework to avoid waste and improve recycling and reuse practices.
- Recycling Victoria – This is Victoria's Circular Economy Policy.
- Statewide Waste and Resource Recovery Infrastructure Plan – provides waste and resource recovery infrastructure planning up to 2040.
- Loddon Mallee Waste and Resource Recovery Implementation Plan – this provides strategic direction around resource recovery in our region up to 2026.
- Loddon Mallee Regional Organics Strategy 2019-25 – This provides support around minimising organics going to landfill.

## **Implications**

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

#### **Implications and Risks**

There are several possible financial implications, which are largely positive. However, some actions within the draft Strategy require initial capital expenditure. This may be perceived as a negative financial implication for the Council, although the long-term benefits and whole of life cost will provide a sustainable financial model.

#### **Positive:**

- Reduction in General waste to landfill due to the introduction of the FOGO service and the reduction of kerbside general waste collection will result in immense ongoing savings due to the steady rise in the landfill levy.
- A local, Council owned glass crushing facility will reduce costs for Council in heavy haulage, as well as future road and footpath maintenance, as the crushed glass would be used as aggregate material for these works. The budget for this project would be sourced from the current kerbside collection cost centre.
- A local, FOGO processing facility, co-owned and managed by Council would reduce heavy haulage charges. If Council was to consider this approach, funding would be partially supplied by Victorian Government grants and neighbouring Councils involved in the project.

#### **Initiatives with long term benefits requiring initial financial expenditure:**

- A reduction in single use materials within Council facilities would have an initial cost implication that could be subsidised by using compostable materials. The initial costs for this would need to be supplied by individual business unit operating budgets.
- Additional staff at transfer stations may be required which would require an individual business case to cover budget requirements.

Any other resources are currently funded by existing approved budgets within the Resource Recovery Business Unit with possible additional funds supplied by various government grants and subsidies.



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

There are several Council policies and government acts that relate to the draft Strategy. These are provided below:

- *Kerbside Collection and Associated Services Charge Policy* – This has been recently adopted by Council and outlines the various service changes which have been outlined within the strategy. It provides a framework for various items within the strategy to ensure a number of the goals and actions can be achieved.
- *Fees and Charges Policy* – As there is a mention of transfer station fees and charges within the strategy, the fees and charges policy will need to be considered before any changes to fees and charges can occur.
- *Procurement Policy* – The strategy aims to remove the purchase of single-use products from its facilities which is outlined in the procurement policy as follows ‘*environmentally responsible procurement means that Council Staff will endeavour to procure goods, services and works, which minimise environmental impact over their life cycle*’.
- *Environmental Protection Act* – Waste compliance will need to be enforced to address contamination levels and illegal dumping matters under the EPA Act.
- *Local Government Act* – Changes to kerbside collection services and fees and charges relating to the Local Government Act.
- *Recycling Victoria: a new economy* - is the Victorian Government's 10-year policy and action plan for waste and recycling.

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

#### **Social**

The new four bin service which is planned to be implemented shire wide in 2021 will and has already had minor social implications, given the adjustment that many households need to make in managing their waste. The previous Strategy and the draft Strategy mention Council's commitment to waste compliance and waste education, both of which are remedial measures that will ultimately help to influence behaviour change and decrease contamination rates.

#### **Environmental**

There are no negative environmental impacts identified in the draft Strategy. There are however several positive implications such as.

- Reduction in waste to landfill – With the introduction of FOGO and glass services and Waste Compliance Officer, we will be able to reduce contamination and promote the use of compostable materials.
- Local glass crushing and use – reduction in the environmental impacts of glass processing and use of alternative materials.
- Local use of compost – residents would be able to close the loop by using their own FOGO material in their gardens.
- Reduction in illegal dumping – The Waste Compliance Officer role will work to curb illegal dumping activities.

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

There are no implications on the charter of human rights identified in the draft Strategy.

**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 Draft Waste and Resource Recovery Management Strategy 2021-2026 has been drafted using frameworks from various national, state and regional strategies with additional consultation provided by internal Council staff and feedback received from the community survey.

To progress the draft Strategy to its next stage, officers request Council approve the draft Waste Management and Resource Recovery Strategy 2021 – 2026 for public consultation.

The public input/feedback will be summarised, reviewed and brought back to a future Council Briefing session for discussion.

<b>AO.2</b>	<b>ROMSEY ECOTHERAPY PARK – STAGE 2 DESIGN</b>
<b>Officer</b>	<b>Simon Finlay, Manager Open Space and Recreation</b>
<b>Council Plan Relationship</b>	<b>Promoting Health and Wellbeing</b>
<b>Attachments</b>	<b>Stage 2 Design</b>

### **Purpose and Overview**

This report presents the Romsey Ecotherapy Park Stage 2 design for Council's consideration.

### **Recommendation:**

#### **That Council:**

- 1. Endorse the landscape design for stage 2 of Romsey Ecotherapy Park; and**
- 2. Refer funding for maintenance resources to a future budget process.**

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### **Background**

The Romsey Ecotherapy Park is a regionally significant recreation open space project. The project is developing the former Romsey Primary School site into a park for all ages and abilities; created with natural materials, interactive elements and landscaping with a health and wellbeing focus.

At the 25 September 2019 Ordinary Meeting Council resolved the following:

#### **That Council:**

- 1. Support the delivery of stage two of the Romsey Ecotherapy Park as a partnership project that leverages the \$718,000 State Government commitment and \$80,000 Romsey Ecotherapy Park Inc. contribution;**
- 2. Refer the proposed stage two Council contribution of \$702,000 to the forthcoming 2020/2021 budget process;**
- 3. Advise Regional Development Victoria of Council's support for the scope of stage two and finalise the funding agreement; and**
- 4. Establish the potential scope for a third and final phase by referring the completion of the William St on-street car parking project (currently valued at \$411,000) and the completion of the Woodland Ramble space (valued at \$243,555) to the 2021/2022 budget process.**

Since this meeting Council officers, Romsey Ecotherapy Park Incorporated (REP Inc) and Regional Development Victoria (RDV) have worked on the Stage 2 design of the park.

## **Context**

The Romsey Ecotherapy Park (REP) project showcases how the community and Council can collaborate to create best practice community outcomes. For more than 10 years, REP Inc has worked to realise its vision of a regionally significant recreation open space on the site for all ages and abilities, created with natural materials, interactive elements and landscaping with a health and wellbeing focus.

This vision aligns directly with the Council Plan goals of; promote health and wellbeing, promote physical activity, encourage multi-use recreation and community facilities, protect the natural environment, and enhance the social and economic environment.

Council purchased the former Romsey Primary School site from the Department of Early Childhood and Education and Training in September 2015 in support of realising the vision for a regional all-abilities park.

REP Inc. and the Council conducted extensive community consultation to develop a concept for the park in 2017. The size and scale of the proposed park development require a staged approach to completing the project on the site.

**Stage 1** of the Romsey Ecotherapy Park (the Active Nature Space) is complete. The Active Nature Space along Main Street forms the first stage of the park. This includes a cubby under the branches of the significant oak tree, landscaped areas, seating, paths and nature-based play elements. This space was funded by the Australian Government (\$215,000) and Council (\$337,000).

**Stage 2** design works are well underway with the tender for construction due for release in March/April 2021. Total funding for this stage is \$1,500,000 comprising of a State Government grant of \$718,000, a Council commitment of \$702,000 and an \$80,000 commitment from the Bendigo Bank. Rep Inc. were instrumental in obtaining both the State Government grant and the commitment from Bendigo Bank.

Stage 2 works include a sensory therapeutic space featuring raised garden beds including plants with scents, textures and visual spectacle to engage the senses with the background therapeutic sound of running water features. Adjacent seating nooks will provide an opportunity for refuge from everyday life.

A water play system including hand pumps, natural channels and sluice gates will be complemented by the ephemeral (seasonal) billabong. Wheelchair accessible, the terraced sandpit will have wide appeal.

Innovative art installations will feature prominently throughout this space, further cementing the Park's cultural attraction.

An arts and culture events space featuring an open lawn area, including picnic and barbeque facilities, completes Stage 2.

Regional Development Victoria hosted an event at Romsey Ecotherapy Park on 11 December 2020 during which Mary Anne Thomas, MP announced the development of the concept designs for Stage 2.

**Stage 3** of the park includes completion of the Woodland Ramble which includes a rambling trail through a buffer of trees and a hut building frame. The proposed Drooping Sheoak plantation references the Pine plantation once planted near the historic school site. Initial Sheoak plantings were undertaken by volunteers in 2019 funded by a Macedon Ranges Shire Council grant. Stage 3 is completed by the construction of off-street parking along William Street.

This third stage is currently proposed for consideration in Council's 2021/22 budget process at an estimated cost of \$680,855.

### **Consultation and Engagement**

REP Inc are the community representatives for this project having been the driving force behind this park since its inception. Representatives from REP Inc have been participants in the design process, as members of the Project Reference Group which has worked with ACLA Landscape Architects to develop the design for Stage 2 of the park.

### **Strategic Alignment**

The following priorities of the Council Plan goals are relevant to this report:

- Promoting health and wellbeing;
- Protecting the natural environment; and
- Improving the built environment.

### **Implications**

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

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

Total funding for stage 2 is \$1,500,000 comprising of the following:

- State Government grant through Regional Development Victoria \$718,000
- Council \$702,000
- Bendigo Bank commitment \$80,000

Maintenance resourcing of this park will be required at a higher level than many of Council's existing parks and Gardens. Once this park is handed over, (approximately June 2023), Council will require additional horticultural maintenance resources.

Funds for this will be sought through the annual budget process.

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

There are no policy or legislative implications or risks associated with this report.

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

The design of the park has considered sustainability and has been designed with the following.

- Warm Season Turf for the events lawn to minimise water consumption;
- All lighting is solar powered;
- Majority of plant species are drought tolerant: and
- Where possible recycled components will be used in construction.

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

There are no direct or indirect human rights implications as a result of Romsey Ecotherapy Park Stage 2 design.

### **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**

Romsey Ecotherapy Park is a community driven initiative to deliver an all abilities park and place of contemplation in Romsey. REP Inc have been working on realising the vision of the park for more than 10 years. Stage 1 of the park was completed in December 2019 and Council is now progressing the design for Stage 2. This report seeks Council's endorsement of the stage 2 landscape design for Romsey Ecotherapy Park.

<b>AO.3</b>	<b>ROMSEY ECOTHERAPY PARK – STAGE 3</b>
<b>Officer</b>	<b>Simon Finlay, Manager Open Space and Recreation</b>
<b>Council Plan Relationship</b>	<b>Promoting Health and Wellbeing</b>
<b>Attachments</b>	<b>Nil</b>

**Purpose and Overview**

This report discusses funding opportunities associated with Stage 3 of the Romsey Ecotherapy Park.

**Recommendation:**

**That as this report concerns matters which Council considers would prejudice the Council or any person, then pursuant to 6(2)(a) of the Local Government Act 2020 (the Act), it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.**

**14. NOTICES OF MOTION**

**NOTICE OF MOTION NO. 13/2020-21 – CR GUTHRIE**

**That Council sends its sincere condolences, under seal, to the family of Michael Gudinski in recognition and appreciation of the economic and tourism benefits to our community in his pursuit of concerts at Hanging Rock Reserve.**

**NOTICE OF MOTION NO. 14/2020-21 – CR ANDERSON**

**That Council direct the Acting Chief Executive Officer to prepare a report for consideration at the April 2021 Scheduled Council Meeting on the options available, costs and resources required to seek community feedback and provide a subsequent report back to a future Council Meeting on recommendations following such feedback, regarding the Macedon Ranges Residential Land Demand and Supply Assessment, January 2020 prepared by Urban Enterprise with the purpose of consideration for inclusion of such a project in the 2021/2022 Budget.**

**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 APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

**16.2 ROMSEY ECOTHERAPY PARK – STAGE 3**