

Council Meeting Agenda

Wednesday 28 April 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

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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 March 2021

Recommendation:

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

8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – APRIL 2021

Summary / Purpose

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

Policy Context

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

Background Information

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

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

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

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

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

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

Report

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

1.	Date / Time	Type of Meeting
	Wednesday 23 March 2021 9.45am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies – Councillors	Cr Annette Death
	Present – Officers	John Nevins Angela Hughes Shane Walden Allison Watt Jessica Baguley Stephen Pykett Rob Ball Michelle Wyatt Krista Patterson-Majoor Leanne Khan Isobel Maginn Christo Crafford Awais Sadiq
	Presenters	Nick Byrne (REMPPLAN)
	Apologies – Officers	John Hausler Sarah Noel
	Items discussed	• Economic Development Strategy Workshop

	<ul style="list-style-type: none"> • Draft Roadside Conservation Management Plan • Gisborne Futures — Response to submissions: Economy & Employment • Agenda review
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated that he was removing himself from the discussion on the Gisborne Futures project because of a possible perception of bias and left the meeting at 11.50am.</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

2.	Date / Time	Type of Meeting
	Tuesday 6 April 2021 9.20am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Rob Guthrie Cr Janet Pearce Cr Bill West
	Apologies – Councillors	Cr Annette Death Cr Anne Moore Cr Geoff Neil Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno
	Present – Officers	John Nevins John Hausler Angela Hughes Shane Walden Sarah Noel Jessica Baguley Emma Orchard Stephen Pykett Danni Findlay Christo Crafford Damien Hodgkins Travis Harling Hayley Drummond Lisa Kennedy Christine Sullivan
	Presenters	Mark Davies (Mach 2 Consulting) Michael Kealy (Office of the Valuer-General Victoria) Karl Cundall, Leon Roach and Murphy Xiao (Value-It Pty Ltd) Steve Wroe (Daylesford Macedon Tourism)

Apologies – Officers	Kate Young Allison Watt Bob Elkington
Items discussed	<ul style="list-style-type: none"> • 3 year old kindergarten rollout • Agribusiness Forum – Introduction & future direction • Revaluation 2021 • Revenue and rating • Tourism sign audit • Daylesford Macedon Tourism • Planning matter AGR 2021/2 – 184 High Street, Kyneton • Budget Workshop 3
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the meeting? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

3.	Date / Time	Type of Meeting
	Tuesday 13 April 2021 9.55am	Councillor Briefing
	Venue	Gisborne Administration Office
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Rob Guthrie Cr Anne Moore Cr Annette Death Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies – Councillors	N/A
	Present – Officers	John Nevins John Hausler Shane Walden Angela Hughes Allison Watt Travis Harling Bob Elkington Danni Findlay Christo Crafford Rob Ball

	Isobel Maginn Michelle Wyatt
Presenters	Mark Davies (Mach 2 Consulting) James Schaefer
Apologies – Officers	Sarah Noel
Items discussed	<ul style="list-style-type: none"> • Budget Workshop 4 • Revenue and rating • Business continuity and resilience program and report on program delivery • Planning matters <ul style="list-style-type: none"> ○ PLN 2020 421 5 Susanne Court Romsey ○ DPO24 Lancefield Area 1 (James Schaefer) • Gisborne Futures • Agenda review • Waterway Environmental Workshops Plans – Port Phillip and Westernport Catchment.
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated he that was removing himself from the discussion on the Gisborne Futures project because of a possible perception of bias and left the meeting at 1.30pm.</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
	Wednesday 14 April 2021 7.02pm	Delegated Submitters Committee Meeting
		Agenda and minutes have been made publicly available on Council's website.

5.	Date / Time	Type of Meeting
	Tuesday 20 April 2021 9.30am	Councillor Briefing
Venue		Gisborne Administration Office
Present – Councillors		Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Rob Guthrie Cr Anne Moore Cr Annette Death Cr Geoff Neil Cr Janet Pearce Cr Bill West
Apologies – Councillors		N/A

Present – Officers	John Nevins John Hausler Shane Walden Angela Hughes Sarah Noel Kate Young Jessica Baguley Travis Harling Stephen Pykett Gary Randhawa Cam McFarlane
Presenters	N/A
Apologies – Officers	N/A
Items discussed	<ul style="list-style-type: none"> • Budget discussions • Review of Australia Day Awards Program • Planning matter – Draft Woodend Master Plan and business case update
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the meeting? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

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.

PE.1	APPLICATION FOR PLANNING PERMIT PLN/2020/225 – RE-SUBDIVISION OF SIXTEEN (16) LOTS INTO TWENTY-TWO (22) LOTS, CREATION OF EASEMENT, AND REMOVAL OF VEGETATION (NATIVE AND NON-NATIVE) – RHONDA PARK, 36 SULLIVANS ROAD, WOODEND
Officer	Damien Hodgkins, Senior Statutory Planning Officer
Council Plan Relationship	Improve the built environment
Attachments	1. Locality – Aerial Photo 2. Planning Report 3. Subdivision Plans and Streetscape Plan 4. Arborist Report 5. Statement of Planning Policy Assessment
Applicant	Rhondda Park Pty Ltd
Date of Receipt of Application	24 June 2020
Trigger for Report to Council	Councillor call In

Purpose and Overview

This application proposes a re-subdivision of the subject land from 16 lots into 22 lots, along with the creation of a new easement and the removal of vegetation (native and non-native).

The application was advertised with five objections received. Note, an additional two objections were received but these have been withdrawn.

Key issues to be considered relate to the format of the proposed subdivision in context of policies and provisions relating to neighbourhood character, removal and viability of retained vegetation, increased traffic and road layout matters, bushfire safety, amenity impacts, and the provision of reticulated infrastructure services.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and objections received. On balance it is considered that the proposal is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions.

It is recommended that the proposal be supported and that a Notice of Decision to Grant a Planning Permit be issued.

Recommendation

That Council resolve to Issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

- 1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, and the commencement of works for the approved subdivision, 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 plans submitted with the application, but modified to show:
 - (a) An amended plan clearly detailing trees to be removed and those to be retained within the subject land as well as third party trees encroaching within the subject land, and including Tree Protection Zones for retained trees and third party trees, as well as fully dimensioned Building Exclusion Zones provided for each lot with retained trees and third party trees encroaching within the subject land. The Building Exclusion Zones must incorporate the Tree Protection Zones for retained trees and third party trees, and must also achieve simple rather than complicated alignments including the avoidance of curved lines.**
 - (b) The Landscape Master Plan required by Condition 3 of this permit.**
 - (c) The plans and details required by MRSC Engineering Condition 13 of this permit.**
 - (d) The native vegetation offset evidence requirements of DELWP Condition 58 of this permit.****
- 2. The subdivision and removal of native vegetation allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.**
- 3. Prior to the certification of a plan of subdivision, a digital copy of a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Masterplan is to be developed in conjunction with the Functional Layout Plan and prepared by a suitably qualified and experienced landscape designer. It is to be drawn to scale and must show:
 - (a) The locations of street tree planting within the subdivision including the Sullivans Road frontage. Trees are to be spaced at a minimum of one per lot or every 12 metres, whichever is the lesser, where road reserve space allows.**
 - (b) Topography and existing features, including contours for the subject land and any affected adjacent land.****

- (c) **The location of all trees existing on the site, including any that overhang the site from adjoining land.**
 - (d) **Details of tree protection zones for all trees to be retained on site.**
 - (e) **Any trees proposed for removal from the site clearly designated.**
 - (f) **The principles and graphical concepts of the proposed treatment of any drainage reserves.**
 - (g) **All proposed furniture, paths (other than footpaths) and any proposed amenities. Consideration should be given to providing an amenity area within the basin reserve. At the very minimum it must include a gravel walking path and seating area.**
 - (h) **All interfaces to public areas separated by bollards or post and rail fencing with access provided e.g. removable bollard or gate for maintenance vehicles.**
 - (i) **The principles and graphical concepts of the proposed treatment of any drainage reserves.**
- 4. Prior to the issue of a Statement of Compliance for the subdivision, three hard copies and a digital copy of a detailed Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The detailed landscape plan is to be prepared by a suitably qualified and experienced landscape designer. It is to be generally in accordance with the endorsed Landscape Master Plan but is to focus on the details of any reserve areas and streetscape plantings. The plan is to be overlaid on the approved Engineering plans to ensure coordination with services and other infrastructure. When approved, the plan will be endorsed and form part of this permit and is to include:**

Street trees

- (a) **Street tree species selection is to tie in with the existing surrounding character and be a mix of native and indigenous species to the approval of the Responsible Authority.**
- (b) **Typical cross-sections for each street type, dimensioning tree locations, services offsets as set out in Council's Tree Management Policy, 2019 and any other spatial requirements.**
- (c) **A table of offsets for all utility services and street trees.**
- (d) **The following notations:**
 - ***Tree planting is to occur between April & September to maximise establishment and survival.***
 - ***Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.***
 - ***Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation***
 - ***It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.***

- (e) An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes.
Reserves (including basins):**
- (f) Large canopy trees are to be provided to the perimeter of (but not within) any basin areas with a preference for locally indigenous species.**
- (g) Trees proposed within lawn areas are to be a minimum of three metres apart (including mulch/waterwell) to facilitate mowing machinery or consolidated within mulched garden beds.**
- (h) All grassed areas are to be a minimum grade of 1:5, preferably 1:6, to allow for maintenance by mowing machinery.**
- (i) Any gradients 1:4 and greater are to be planted with native grasses and groundcovers at a sufficient density to discourage weed growth. Species for gradients adjacent to and, within waterways and basins must be locally indigenous.**
- (j) Seed for grassed reserves is to be a Fine and Tall Fescue mix with 20% Perennial Ryegrass.**
- (k) Seed for within retarding basins is to be a Fine Fescue Mix with 20% of native seed or native grass cells interspersed.**

Reserve Furniture

- (l) All reserve furniture is to be submitted in a Schedule to Parks and Gardens for final approval along with the detailed Landscape plan.**
- (m) Details of all proposed bollards, fencing and access for maintenance are to be provided and approved as part of the endorsed Landscape package.**

Landscape Completion

- 5. The landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance or any other time agreed in writing by the Responsible Authority.**

Landscape Maintenance

- 6. Landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.**
- 7. Before the certification of the Plan of Subdivision, the owner/s of the lots must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**

- (a) Any dwelling or other building constructed on a lot must comply with the front, side and rear setbacks specified by the Neighbourhood Residential Zone (NRZ6) of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land), with the exception that a dwelling may align within 3 metres of a side boundary on one side of a lot subject to the garage for the dwelling being located on the same side of the dwelling and must also incorporate a minimum 3 metre setback from the same boundary. The opposite side of the dwelling must achieve a minimum 5 metre setback from the alternative side boundary of the lot.**
- (b) No buildings or works are to be located within the Building Exclusion Zones as shown on the endorsed plans forming part of Planning Permit PLN/2020/225. No trees within Building Exclusion Zones as shown on the endorsed plans forming part of Planning Permit PLN/2020/225 to be retained (including third party vegetation encroaching into lots) are permitted to be removed, lopped or destroyed (Please note: Planning permit requirements may also apply for removal of vegetation including native and exotic trees). Tree protection fencing and other measures in accordance with Conditions 55 and 56 of Planning Permit PLN/2020/225 must be implemented prior to the commencement of works for any building within on any lot containing retained trees or third party vegetation and must be maintained for the duration of building works.**
- (c) The site coverage of all buildings constructed on any lot must not exceed 25% of the area of the lot. An area of minimum 30% of the lot area must be maintained with permeable surfacing.**
- (d) The rear (eastern) boundary for each of Lots 9 to 22 abutting rural zoned land to the east must only be fenced with rural post and wire or similar visually permeable fencing construction to the satisfaction of the Responsible Authority.**
- (e) Variation to the restrictions applied by this Agreement may only be granted by the prior written consent of the Responsible Authority. Any application to vary these restrictions will only be supported on the grounds that the variation achieves an appropriate outcome in respect to the preferred neighbourhood character for the locality including spaciousness of development, generous setbacks of buildings from property boundaries, and the retention of existing mature trees and establishment of new landscaped gardens.**

Prior to a Statement of Compliance being issued:

- (a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.**
- (b) The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.**

Alternatively, the Section 173 Agreement specified above is not required to be entered into if a Plan of Subdivision including restrictions on the plan or a memorandum of common provisions providing for the same development restrictions specified to be included in the Section 173 Agreement (to the satisfaction of the Responsible Authority) otherwise required by this condition is submitted to and certified by the Responsible Authority.

- 8. Prior to the issuing of the Statement of Compliance for the approved subdivision, the owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the *Subdivision Act 1988*.**
- 9. All underground service infrastructure including drainage and sewerage pipes, electricity, gas and telecommunication infrastructure to be located within the Tree Protection Zones shown on endorsed plans forming part of this permit (including third party trees that encroach within the subject land) must be installed by the method of boring underneath the protected trees. The boring method including the length and location must be written on all landscape and construction plans. No other method for the installation of underground service infrastructure within the Tree Protection Zones is permitted. Service infrastructure works within the Tree Protection Zones must not detrimentally impact upon the protected trees.**
- 10. Measures must be undertaken to minimise any loss of amenity to the neighbourhood associated with subdivision works caused by dust, noise, the transport of material to and from the land, and the deposit of mud and debris on public roads and the road reserve adjacent to the subject land, to the satisfaction of the Responsible Authority.**

Macedon Ranges Planning Scheme Mandatory Subdivision Conditions

- 11. The owner of the land must enter into an agreement with:**
 - (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 12. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**

- (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

MRSC Engineering & Projects Unit Conditions

- 13. Prior to the certification of the Plan of Subdivision, an amended Subdivision Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plan but modified to show:**
- (a) Extend concrete Kerb and Channel on both sides of the road from the existing bus stop westward to Morris Road where the kerb and channel is required to taper into existing swale drains. Cross section of Sullivans Road must be provided showing total road widths along with other changes.**
 - (b) Crossovers for each lot.**
 - (c) Typical cross-section showing the proposed Trenchard Street to be 7.3 metres wide and minimum court bowl radius to be 10m, with a footpath provided along the western side of the road only.**
 - (d) The proposed Wetland (Dam) with ANCOLD assessment.**

The lot layout may be adjusted subject to Council's satisfaction during the Functional Layout Plan review.

- 14. Prior to the submission of Engineering Plans and certification of the relevant plan of subdivision, a Functional Layout Plan for the subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 to acceptable standards and an electronic copy (PDF) must also be provided. The functional layout plan must generally incorporate the following:**
- (a) A fully dimensioned subdivision layout, including proposed street names, lot areas, lot numbers, open space areas, and widths of street reservations.**
 - (b) Topography and existing features, including contours for the subject land and any affected adjacent land.**
 - (c) Identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.**

- (d) Details of tree protection zones for all trees to be retained on site.
 - (e) Any trees proposed for removal from the site (including dead trees) clearly designated.
 - (f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
 - (g) Intersections with interim and/or ultimate treatments.
 - (h) A table of offsets for all utility services and street trees.
 - (i) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
 - (j) The proposed minor drainage network and any land required for maintenance access.
 - (k) The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.
 - (l) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
 - (m) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
 - (n) Preliminary location of reserves for electrical kiosks.
 - (o) Works external to the subdivision, including both interim and ultimate access requirements.
 - (p) Proposed linkages to future streets, open space, regional path network and surrounding land.
 - (q) The location, height, width and form of all retaining walls.
 - (r) Splays on all corner lots.
15. Prior to the commencement of works for the subdivision, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The Engineering Plans will not be considered until the Functional Layout Plans have been approved by the Responsible Authority, landscape plans have been submitted to the Responsible Authority, the plan of subdivision has been lodged for certification with the Responsible Authority and the locations of other relevant authority services have been provided to the satisfaction of the Responsible Authority. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - (b) Details of works must be consistent with the approved functional layout plan, submitted landscape plan and lodged plan of subdivision.
 - (c) Details of any cut and fill earthworks including retaining walls.
 - (d) Fully sealed pavements with kerb and channel, to dimensions generally in accordance with the approved functional layout plan, including traffic management devices where appropriate.
 - (e) Provision of concrete footpaths in all streets and reserves.

- (f) **Structural design details of all pedestrian crossings/bridges over the waterway. The design must include field survey, geotechnical assessment and flood modelling.**
 - (g) **Any traffic management or traffic calming devices.**
 - (h) **Driveway links designed to provide one (1) visitor space per lot served by the link.**
 - (i) **Provision of shared paths in accordance with the approved functional layout plan within streets and reserves.**
 - (j) **Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater runoff from adjoining properties.**
 - (k) **Underground stormwater drainage to each lot in the subdivision within own boundaries.**
 - (l) **Water sensitive urban design measures.**
 - (m) **Maintenance management plan for all Water Sensitive Urban Design infrastructures.**
 - (n) **Provision for all services and conduits (underground) including alignments and offsets.**
 - (o) **Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.**
 - (p) **A new sealed crossover for each lot. Crossovers should be located on the long side of corner sites where roundabout splitter islands will hinder access and should be a minimum of 10 metres from any intersection, 1 metres from any power pole, sign or service pit and an absolute minimum of 3 metres from any street tree.**
 - (q) **Vehicle exclusion measures within reserves while maintaining maintenance vehicle access.**
 - (r) **Lot boundary fencing adjoining all reserves other than road reserves.**
 - (s) **Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.**
 - (t) **Traffic control measures including street name signs.**
 - (u) **A separate signage and line marking identifying the road layout, proposed signs, line-marking, RRPMS and a sign schedule.**
 - (v) **Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.**
 - (w) **Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.**
 - (x) **Splays at all intersections, to suit the road functions.**
16. **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.**

- 17. At least 14 days prior to commencement of works, a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:**
- (a) Name and contact details of appointed Civil Contractor and Superintendent.**
 - (b) Existing condition survey of all existing assets including private properties.**
 - (c) Construction Management Plan.**
 - (d) Traffic Management Plan.**
 - (e) Environmental Management Plan.**
 - (f) Occupational Health & Safety and Job Safety Analysis Plans.**
 - (g) Council issued Asset Protection Permit.**
 - (h) Council approved Engineering Plans.**

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

- 18. Prior to issue of a Statement of Compliance, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.**
- 19. Prior to works commencing, engineering plans detailing the storm water drainage are to be submitted for Macedon Ranges Shire Council approval and plan and supervision fees paid. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that:**
- (a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.**
 - (b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.**
 - (c) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subdivision must be constructed at no cost to the Responsible Authority.**
 - (d) All drainage courses located within allotments must be contained within expressed drainage easements.**
 - (e) The flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.**
 - (f) The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.**
 - (g) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.**

- 20. Prior to the commencement of the works, where there is a need for a temporary retarding basin or temporary treatment to mitigate flows and provide treatment from the land or temporary outfall/treatment, the need for a temporary retarding basin to mitigate flows from the land before permanent drainage infrastructure is in place must be investigated and determined to the satisfaction of Responsible Authority. Any temporary drainage works required must be designed and constructed to the satisfaction of the Responsible Authority.**
- 21. Any temporary turning areas to the land must be constructed in accordance with engineering plans approved by the Responsible Authority and maintained to the satisfaction of the Responsible Authority.**

If the temporary turning area is to be retained after the relevant Statement of Compliance is issued, a bond of sufficient value to cover all reinstatement works must be lodged with the Responsible Authority before the Statement of Compliance is issued.

All works undertaken for a temporary turning area must be removed and all affected road pavement, concrete works, nature strips and other land must be reinstated to the satisfaction of the Responsible Authority when the turning area is no longer required.

A sign of at least 1 square meter in area must be displayed in a prominent position near the temporary turning area whilst the temporary turning areas are in operation advising that they are temporary turning areas only. The sign must be removed after the temporary turning areas are removed.

- 22. Prior to the issue of a Statement of Compliance, land on each lot to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.**
- 23. Prior to the issue of a Statement of Compliance, the following ‘as-constructed’ documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:**
 - (a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.**
 - (b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.**
 - (c) Asset information in digital format and in the form of a schedule of quantities.**
- 24. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council’s Policy Engineering Requirements for Infrastructure Construction (June 2010).**
- 25. Before the commencement of works, an environmental management plan shall be submitted to and approved by the Responsible Authority. The**

plan must detail how issues such as erosion prevention, temporary drainage, dust generation and sediment control will be managed, on site, during the operation of the use permitted. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Reference should be made to the Environment Protection Authority's publication 960 'Doing it right on subdivisions'.

- 26. Prior to certification of the plan of subdivision under the Subdivision Act 1988, the operator of this permit shall provide documentary evidence to the satisfaction of the Responsible Authority in support of all proposed new road names shown on the plan. Documentation must include a completed "Road Name History" form. All proposed new road names must comply with the naming principles described in the Victorian Government's "Guidelines for Geographic Names 2010".**
- 27. 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) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.**
- 28. The creation and removal of easement shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.**
- 29. Prior to the certification of the plan of subdivision the proposed basin must be designed to satisfy ANCOLD Guidelines.**
- 30. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:**
 - (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.**
 - (b) Dust control.**
 - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.**
 - (d) Where access to the site for construction vehicle traffic will occur.**
 - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.**
 - (f) The location of any temporary buildings or yards.**
- 31. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The**

approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

- 32. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.**
- 33. The operator of this permit must maintain to the satisfaction of the responsible authority for a period of two (2) years, all landscaping constructed under this permit except for grass areas along street nature strips. The maintenance period shall commence on the date the landscaping is certified by the Responsible Authority as practically complete. Any defects occurring during the maintenance period shall be repaired by the operator of this permit to the satisfaction of the responsible authority. During this period, any dead, diseased or damaged plants are to be replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.**

Western Water Conditions

- 34. Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.**
- 35. Provision of reticulated water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.**
- 36. Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Western Water.**
- 37. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.**
- 38. Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. Easement widths and sewer offsets must comply with the current version of the Gravity Sewerage Code of Australia - Melbourne Retail Water Agencies.**
- 39. Pursuant to Section 36 of the Subdivision Act, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing**

the development is to be located. The easements created shall be in favour of Western Water.

- 40. Prior to Certification of the Plan of Subdivision a Restriction must be created on the plan requiring all dwellings to incorporate dual plumbing for connection to a rainwater tank with a minimum 3,000L capacity, for use in toilet flushing and garden watering.**
- 41. The operator under this permit must enter into an Agreement with Western Water relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.**
- 42. All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:**
 - Own a metered hydrant approved by Western Water;**
 - Meter and pay for all water taken;**
 - Display a Western Water Permit Number Sticker on the tanker;**
 - Only take water from nominated hydrants or standpipes;**
 - Only use water for the purpose approved in the Water Carters Permit;**
 - Avoid wastage of water on site; and**
 - Comply with any water restrictions imposed by Western Water at the time water is used.**

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

Goulburn-Murray Water Conditions

- 43. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.**
- 44. All works within the subdivision must be done in accordance with EPA Publication 960 “Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”, September 2004.**

45. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
46. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Powercor Conditions

47. This letter shall be supplied to the applicant in its entirety.
48. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
49. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

50. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

51. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- **RESERVES** established by the applicant in favour of the Distributor.
- **SUBSTATION LEASE** at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

52. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been

otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

Downer (AusNet) Condition

53. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

Department of Environment, Land, Water and Planning Conditions

Notification of permit conditions

54. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

55. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- (a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - (b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar, to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

56. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- (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.

Native vegetation offsets

The total area of native vegetation permitted to be removed is 0.214 hectares, comprised of 3 patches of native vegetation and 7 large trees.

57. To offset the removal of 0.214 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
- A general offset of 0.080 general habitat units located within the North Central Catchment Management Authority boundary or Macedon Ranges Shire Council municipal district;
 - have a Strategic Biodiversity Value score of at least 0.387;
 - provide protection for at least 7 large trees;
 - must be in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).

Offset evidence

58. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
- (a) a security agreement signed by both parties, and
 - (b) a management plan detailing the 10-year management actions and ongoing management of the site
- to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- (d) credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

59. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at loddonmallee.planning@delwp.vic.gov.au

Expiry of Permit – Subdivision of Land

60. This permit will expire if one of the following circumstances applies:
- (a) The plan of subdivision is not certified within two years of the date of this permit.
 - (b) The plan of subdivision is not registered at Land Registry within five years of the certification of the subdivision.

In accordance with Section 69 of the *Planning and Environment Act 1987* an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

**** END OF PERMIT CONDITIONS ****

PERMIT NOTES

- Future owners of the land must be made aware of the existence of this permit.
- It is recommended that the developer make communication with the owner of the land to the north side of Sullivans Road to negotiate a mutually agreeable outcome for the provision of sewerage connection through that property to service the subdivision approved by this permit.

MRSC Open Space Team Notes

- Information regarding Councils preferred street trees, fencing, furniture style and materials can be requested from the Parks and Gardens Unit.
- In addition to the Landscape Plans, applicants must submit for approval a proposed maintenance schedule and projected costs. This schedule will also be used to ensure the proposed maintenance program is consistent with Council standards and to calculate a 35% Landscape Maintenance Liability bond. It will also be useful for the developer in preparing budget projections for the 2 year maintenance requirement.
- Council must be notified in writing 2 weeks before landscape construction is planned to commence to arrange a pre-construction site meeting/inspection. This is to ensure the areas set aside for open space and tree planting are consistent with those on approved plans, that the site is adequately prepared to protect significant features, and to establish a schedule of inspections during the development phase.
- An additional site inspection will occur when construction is completed, to establish Practical Completion of the works and mark the commencement of the two (2) years maintenance period. This inspection will ensure that the site was developed according to the approved plan. Council must be notified of, and approve any changes to the approved works which are identified as necessary during the construction period. As constructed drawings will be required if any changes are made to the approved works.

- Council will inspect the works thereafter at intervals throughout the maintenance period however must be notified in writing 3 months prior to the end of the maintenance period to schedule a final site inspection. Any defects identified during the final inspection will be detailed and forwarded to the applicant for rectification. The developer must undertake rectification works if the site has not been maintained to Council's satisfaction.
- Final hand over will occur with the developer providing Council with, the maintenance history of the site.

MRSC Engineering & Projects Team Notes

- In accordance with section 17 of the Subdivision Act, works required to be undertaken as part of the subdivision hereby permitted, must not commence until the Plan of Subdivision has been certified and the engineering plans for the subdivision have been approved.
- The Defect Liability Period commences from the date of Acceptance of Works (Maintenance work time completion) and extend for a minimum period of 24 months, including 2 summers, or other agreed period.

Powercor Notes

- It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:
<https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>

Downer (AusNet) Note

- The applicant should be made aware that this letter does not serve as a confirmation of gas supply availability. The owner/developer of the land may need to enter into an agreement or request a quote from AusNet Services for provision of gas reticulation to service the proposed development.

Department of Land, Environment, Water and Planning Notes

- The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the *Flora and Fauna Guarantee Act 1988* (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the regional DELWP office (loddonmallee.environment@delwp.vic.gov.au).
- Offset requirements are determined in accordance with DELWP (2017) *Guidelines for the removal, destruction or lopping of native vegetation*. Proposed offset sites must meet eligibility requirements including land

use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information. In accordance with Section 66 of the *Planning and Environment Act 1987*, would you please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.

Existing conditions and relevant history

Subject land

The subject land comprises 3.5 hectares of residentially zoned land. It is located 1.3 kilometres south-east of the Woodend town centre and directly adjacent to the township boundary. The land comprises 16 existing lots and a road reserve being the eastern portion of an earlier subdivision undertaken in the 1920s. The existing lots are around 1750m² in area being around 30.5m wide and 58m deep, and align either side of an unconstructed road reserve running centrally through these lots.

Sullivans Road and Bawden Road align the north and south ends of the subject land, with the Melbourne to Bendigo railway line running just south of Bawden Road.

The land is relatively level in its topography and generally clear of vegetation other than two stands of native trees on the east and west sides of the road reserve, a row of large old pine trees along the eastern boundary of the site, and third party vegetation encroaching from the adjacent Sullivans Road reserve at the north and from the rear of neighbouring properties to the west.

Surrounds

Surrounding properties to the west and south are similarly spacious lots having been created as part of the same subdivision, as referred to above. They typically comprise one dwelling per lot.

Residential development to the north of the site is a mix of older established dwellings typically on slightly smaller lot sizes, other than two large vacant parcels owned by GemLife which is currently developing land further to the east. To the east of the site are rural properties located just outside the Woodend township boundary and which remain in larger holdings including the homestead and large property holding of which the application site has been part for many years.

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

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

Previous planning permit history

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

Permit No.	Description
PLN/2016/588	Development of a building used for agriculture

Proposal

The proposal involves the re-subdivision of the existing 16 lots into 22 new lots, the creation of a new easement, and the removal of native and exotic vegetation.

The re-subdivision would create new lots varying between 1207m² and 1363m² in size. These would be narrower than the original 1750m² lots, but retain the same depth. The existing road reserve (20.1 metres width) traversing through the centre of the subject land would be constructed to provide road access to all lots and would connect to Sullivans Road at its northern end. It would conclude with a court bowl at its southern end. Vegetation within the southern extent of this road reserve would be retained with a footpath to be constructed between the court bowl and Bawden Road to the south.

A stormwater retarding basin would be constructed to the east side of the dwelling at 36 Sullivans Road and would be included within a proposed Council reserve. Stormwater pipelines would connect between the subdivision and the retarding basin and would be located within a proposed drainage easement.

A total of twelve native trees ranging from small to large would be removed due to a combination of their central location within the existing and proposed lot layout and the poor structural condition of the larger old trees, as well as for the formalisation of the new road connection to Sullivans Road. In addition, a row of large old pine trees along the eastern boundary of the site would also be removed given their deteriorating condition. Native vegetation offsets are proposed to compensate for the native trees to be removed.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

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

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.05	Environment and Landscape Values
21.06	Environmental Risks
21.07	Natural Resource Management
21.08	Built Environment and Heritage
21.11	Transport
21.12	Community Development and Infrastructure
21.13-3	Local Areas and Small Settlements - Woodend
22.01	Macedon Ranges and Surrounds

Section 46AZK of the Planning and Environment Act 1987

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

Zoning

Clause No.	Clause name
32.09	Neighbourhood Residential Zone (NRZ6)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (ESO4)

Particular Provisions

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

General Provisions

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

Cultural Heritage Management Plan assessment

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

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

The process to date

Referral

Authority (Section 55)	Response
Western Water	No objections, subject to conditions.
Goulburn Murray Water	No objections, subject to conditions.
Powercor	No objections, subject to conditions.
Downer	No objections, subject to one condition.
Department of Environment, Land, Water and Planning	No objections, subject to conditions.

Authority (Section 52)	Response
Country Fire Authority	No objections, no conditions.
MRSC Engineering	No objections, subject to conditions.
MRSC Environment	No objections, subject to conditions.
MRSC Strategic Planning	No objections.

Advertising

The application was advertised and seven objections received. Two of these objections have since been withdrawn. The grounds of objection (of the remaining five objections) are as follows:

- Overdevelopment and urbanisation of locality by proliferation of subdivisions and higher density residential development.
- Lots too small in context of existing lot sizes of site and surrounds and preferred neighbourhood character.
- Increased traffic volume and road safety issues, also preference for access via Bawden Road rather than Sullivans Road.
- Bushfire safety for new dwellings compromised by single access by cul de sac road.
- Detrimental amenity impacts from increased traffic noise as well as subdivision development works and subsequent construction of dwellings.
- Loss of privacy by overlooking from new dwellings on re-subdivided lots.
- Loss of native vegetation and detrimental habitat impact, as well as detrimental neighbourhood character impact.
- Consent not provided by Gemlife for sewerage easement to be provided through its adjacent property to connect sewer to the application site. Preference for permit condition requiring negotiation to be undertaken for sewerage works within Gemlife land.

Officer assessment

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

Planning Policy Framework and Local Planning Policy Framework

Relevant Planning and Local Policies relate to settlement, environment and landscape values, environmental risks, amenity, housing supply and diversity, transport and infrastructure provision.

Clause 21.04 relates to Settlement and requires infill residential development in sensitive locations such as Woodend to respond to the character and constraints of the locality, whilst Clause 21.08 relates to built environment including specifications for subdivision of land and defining subsequent development that is respectful of character and context. Clause 21.13-3 provides policy specific to Woodend in respect to development within the township including residential precincts with specified values that are to be protected and enhanced. This policy implements the Woodend Town Structure Plan and Neighbourhood Character Study 2014.

Environmental considerations including the protection and enhancement of native vegetation and biodiversity are specified by Clause 21.05. Clauses 13.02-1S and 21.06 relate to bushfire risk as an environmental risk and prioritises the protection of life and property for applications for use and development of land. Clause 21.07 includes policy relating to the protection of potable water catchment areas as a natural resource. Policy relating to the servicing of development including roads and infrastructure is provided within Clauses 21.11 and 21.12.

Clause 22.01 (Macedon Ranges and Surrounds) implements the Statement of Planning Policy No. 8 (1975) and includes policy relating to natural resources, conservation, leisure and economy of the area surrounding Mt Macedon.

The proposed re-subdivision involves land that has long been zoned for residential development. It was zoned to Neighbourhood Residential Zone in 2017 to implement the neighbourhood character objectives of the Woodend Town Structure Plan and Neighbourhood Character Study 2014. The site is located within the Woodend Large Lot Township Precinct (discussed in detail below in respect to the zone provisions) which encourages varying architectural form on larger lots with spacious gardens and setbacks between dwellings.

The proposed lots at greater than 1200 square metres in size are adequately dimensioned and regular in shape. This lot layout would facilitate development in a manner that would be compliant with the preferred character for this neighbourhood character precinct in providing for deep setbacks, separation between buildings and spacious areas for establishment of gardens including canopy trees. The re-subdivided lots would sit comfortably in context of the slightly larger lots to the west side as well as providing for an appropriate transition to the adjacent rural zone to the east.

In regard to policies relating to environmental impacts of development, in addition to the protection of a number of trees within lots and the provision of offsets for trees to be removed; the proposal would result in an increase of vegetation by the establishment of new landscaping along the road to be constructed and within the stormwater retarding basin even before new gardens are established.

The proposal would not be detrimental within the Eppalock Proclaimed Catchment as all lots would be serviced with reticulated sewerage rather than onsite effluent disposal. Stormwater drainage requirements specified by Council's Engineers and Goulburn Murray Water would ensure adequate quality treatment of stormwater. Other reticulated infrastructure services are available to the site and would be required to be connected to the re-subdivided lots as would fully constructed road access.

Although the site is not subject to Bushfire Management Overlay, it is located within a bushfire prone area. The application was referred to the CFA who had no objection to the proposal on grounds that fire hydrants would be provided. The road layout proposed would provide adequate access for fire fighting vehicles and therefore the proposal incorporates appropriate bushfire protection measures.

The proposal is appropriately compliant with the Planning and Local Planning Policy Framework.

Neighbourhood Residential Zone Schedule 6 (NRZ6 – Woodend Large Lot Township Precinct) and Clause 56 (Residential Subdivision)

The purpose of the Neighbourhood Residential Zone (NRZ6) is to ensure that development is appropriately responsive to specific neighbourhood character elements within defined locations, and to provide for other use and development suitable to serve local need within that residential area. The specific Neighbourhood Character Objectives of Schedule 6 of the NRZ (being the Woodend Large Lot Township Precinct) are as follows:

- *To encourage dwellings of varying architectural styles and form enhanced through landscaped gardens and street tree planting and sited, where applicable, to retain views to Mount Macedon.*
- *To maintain a spacious housing pattern through generous front and side setbacks.*
- *To support absent or low rural style front fences that allow views of front gardens.*

The provisions of the NRZ6 further specify a minimum subdivision lot size of 1200m² whilst residential development of lots are subject to specified requirements relating to front setbacks, site coverage, permeability, landscaping, side and rear setbacks, walls on boundaries, private open space and front fencing. Each lot within the subdivision exceeds the minimum 1200m² lot size as required by this zone provision and as appropriate within the context of the preferred character for this locality. Title restrictions would be applied in respect to the setbacks, site coverage and permeability to ensure that the integrity of the varied requirements of this zone schedule will be achieved for the future development of each lot.

Applications for subdivision must be considered against the provisions of Clause 56. The proposal is considered to be suitably compliant with all relevant objectives and standards of this Particular Provision. Permit conditions are recommended to ensure compliance with Clause 56 provisions relating to neighbourhood character (retention of native vegetation and provision of new landscaping within road and drainage reserves), lot area and building envelopes (building exclusion zones), access and transport (road and footpath construction), and infrastructure service provision (supply of reticulated water, sewerage, gas, electricity and drainage – including the proposed retarding basin).

The proposed lots are of suitable dimension to facilitate spacious residential development in keeping with the existing and preferred character of the locality within which the site is located. The lot layout has been carefully considered to ensure that new dwellings and outbuildings can comfortably comply with the generous setbacks specified by the NRZ6 provisions in addition to the low site coverage and higher permeability requirements specified to ensure that the character outcome can be achieved. The site layout would also provide for the protection of retained trees within the site as well as third party vegetation encroaching into the subject land, as well as providing adequate space within the lots for new gardens to be established. Each new lot would have appropriate frontage to existing and proposed roads.

Council's Engineers have requested conditions to be applied requiring construction of the road within the subdivision as well as upgrading of Sullivans Road in proximity of the site, the provision of new footpaths, and a stormwater drainage system including a retarding basin. Full servicing of each lot would be provided with all reticulated infrastructure services available to the site. The relevant service authorities for water, sewerage, gas and electricity have specified conditions to be placed on the issued permit to ensure appropriate service infrastructure is provided to the subdivision. The CFA is satisfied with the provision of fire hydrants, whilst the new road network would provide adequate access to the proposed lots for fire fighting vehicles.

It is considered that the proposal is appropriately compliant with the Neighbourhood Residential Zone (NRZ6) provisions and would result in a subdivision that would be appropriately responsive to the existing and preferred neighbourhood character for this locality.

Environmental Significance Overlay Schedule 4 (ESO4)

The purpose of the Environmental Significance Overlay (ESO) is to provide for the identification of environmental constraints and to ensure that development is compatible with identified environmental values. Schedule 4 to this overlay relates specifically to the Eppalock Proclaimed Catchment area and includes the following Environmental Objective:

- *To ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.*

A planning permit is required by this overlay for the subdivision of land, as well as for vegetation removal (including exotic vegetation). Clause 66.02-5 requires referral of an application to subdivide land within a Special Water Supply Catchment Area to the relevant water board or water supply authorities – in this case being Goulburn Murray Water and Western Water.

Both authorities did not object to the proposed subdivision subject to conditions relating to reticulated sewerage and water provision to the subdivided lots, the provision of easements for those services, the provision of water tanks for each new dwelling on subdivided lots providing for use in toilet flushing and garden watering, licensed water use for subdivision works, and for compliance with sediment control and stormwater regulations.

Further consideration of the removal of native vegetation is detailed below in respect to Clause 52.17 (Native Vegetation), however the ESO4 requires approval for removal of vegetation. Trees to be removed including both native and exotic trees have been demonstrated by the submitted arborist report to be unsound in structure and health and would therefore have little viability in context of a new residential subdivision. Two trees are proposed to be retained within the site whilst third party trees encroaching from neighbouring properties as well as the Sullivans Road reserve would be required to be protected by title restrictions included in the recommended permit conditions for this application.

The protection of retained and third party trees along with new landscape planting and offsets required for native vegetation removal would provide for a beneficial environmental outcome compensating for the proposed removal of vegetation.

It is considered that the proposed subdivision and removal of vegetation would avoid detrimental impacts to the Eppalock Catchment and is therefore compliant with the ESO4 provisions.

Other Provisions

Clause 52.17 (Native Vegetation)

The purpose of this Particular Provision is:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

A permit is required for the removal of native vegetation. An arborist report has been submitted with the application and provides details of each of the trees surveyed within the subject site relating to species, size, health, structure, remaining life expectancy and assessed retention value. The proposal seeks to remove 12 native trees within the site that are either in poor health or poor structure for retention within a residential subdivision, as well as impacts to a native street tree in the Sullivans Road reserve that is required to be offset due to the impact of services and footpath construction proposed to encroach close to this tree.

The applicant has also submitted details of native vegetation offsets that are proposed to compensate for the proposed removal of native vegetation which would be provided on a third party site. The application was referred to the Department of Environment, Land, Water and Planning who have not objected to the proposal subject to permit conditions requiring the native vegetation offsets to be secured along with requirements for retained trees to be protected during development works. Council's Environmental Planner is also supportive of the proposal.

Two large native trees are proposed to be retained within the western side of the subject land in addition to third party native vegetation encroaching into the site from the Sullivans Road reserve on the north of the site. These trees along with other exotic third party trees would be required to be protected within Building Exclusion Zones included within title restrictions to restrict development close to the trees as well as provide for the specific protection of the trees.

In addition, the planting of new landscaping within the road reserve, the adjacent property (replacing the large cypresses to be removed) and the drainage retarding basin with indigenous plant species would result in a net positive outcome for the removal of a few trees to support the proposed re-subdivision.

The removal of vegetation proposed is appropriately compliant with the provisions of Clause 52.17 and is justified by the combination of retained trees to be protected, native vegetation offsets to be secured, and the planting of native vegetation for landscaping works required for the subdivision of the land.

Clause 53.01 (Public Open Space Contribution and Subdivision)

This Particular Provision requires that *'a person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential' ... 'purposes, or a percentage of the site value of such land, or a combination of both)'*.

The standard permit condition requiring a public open space contribution will be applied to an issued permit in accordance with the requirements of this provision.

Consideration of Objections

In respect to the objections received:

- Overdevelopment with lots too small for neighbourhood character. Although the proposal would increase the number of lots in this locality, the proposed lots would each exceed the minimum lot size for the area, being 1200m². The proposed lots would retain deeper than standard setbacks and low maximum site coverage specifications that would ensure that new development would maintain the spacious development layout character of this part of Woodend and would provide space for new gardens to be established in keeping with the Woodend garden character.
- Increased traffic volume and road safety issues. Council's Engineers are supportive of the proposal and have not identified any road safety issues that would result from the proposal. Although traffic would increase along adjacent roads, the existing lots could be developed for dwellings without planning permit requirement and the proportion of traffic that the additional lots would create is not significant by comparison.
- Bushfire safety/road preferred to connect to Bawden Road. Access via Sullivans Road and other local roads to the north of the subdivision would avoid further vegetation loss of numerous large trees that would result from the new road being connected to Bawden Road by comparison to two small trees that would be removed for the proposed access. The CFA has not raised any concerns about bushfire safety from the proposed subdivision layout with single road access.
- Amenity impacts. The amenity impacts resulting from additional traffic to adjacent roads is within reason and would mainly be limited to morning and afternoon movements on weekdays with more sparse traffic at other times such as night time and weekends. Subdivision and dwelling construction activity is subject to regulation to limit amenity impacts.

- Overlooking/loss of privacy. Overlooking would be limited by building regulation requirements for obscuring of upper floor windows and balconies, whilst new solid fencing would likely be provided along boundaries with existing neighbouring properties for improved privacy.
- Environmental impacts/loss of vegetation. An extent of vegetation removal including native vegetation is necessary for this application with the larger trees inappropriate to be retained in proximity of dwellings given their deteriorating condition. The native vegetation to be removed will be compensated by offset replanting and protection whilst gardens established for the new dwellings will introduce new canopy trees along with street trees to be planted for the subdivision that would be in keeping with the garden character of Woodend.
- Sewerage easement alignment. A condition requiring negotiation between the applicant and GemLife for sewerage connection through the adjacent land is not reasonable to include in an issued permit, but will be included as a permit note.

Summary

It is considered that the proposed re-subdivision of existing lots, creation of an easement, and removal of native vegetation are consistent with the policies and provisions of the Macedon Ranges Planning Scheme and, in light of the objections received relating to this application, that a Notice of Decision to Grant a Planning Permit should be issued, subject to appropriate conditions.

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 appropriately compliant with the relevant policies and provisions of the Macedon Ranges Planning Scheme. The proposal is suitably responsive to planning scheme policies and provisions relating to settlement, housing supply, neighbourhood character, environment, natural resource management, environmental risk, transport, infrastructure, amenity and otherwise.

It is recommended that the proposal be supported and that Council resolve to issue a Notice of Decision to Grant a Planning Permit.

PE.2	APPLICATION FOR PLANNING PERMIT PLN/2020/141 – USE AND DEVELOPMENT OF A CHILD CARE CENTRE, AND REMOVAL OF VEGETATION (NON-NATIVE) – 67 SIMPSON STREET, KYNETON
Officer	Damien Hodgkins – Senior Statutory Planning Officer
Council Plan Relationship	Improve the built environment
Attachments	1. Locality – Aerial Photo 2. Planning Report 3. Development Plans and Landscape Plans 4. Arborist Report 5. Statement of Planning Policy Assessment
Applicant	Embracia Victoria Pty Ltd
Date of Receipt of Application	27 April 2020
Trigger for Report to Council	Councillor call In

Purpose and Overview

This application proposes the development of a child care centre providing for the care of 120 children, along with the removal of non-native vegetation.

The application was advertised with six objections and two letters of support being received.

Key issues to be considered relate to the format of the development in context of policies and provisions relating to design and built form, neighbourhood character and heritage, environmental impacts including vegetation, public access, increased traffic and road safety, amenity impacts, community infrastructure and economic development.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and the objections and letters of support received. On balance it is considered that the proposal is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions.

It is recommended that the proposal be supported and that a Notice of Decision to Grant a Planning Permit be issued.

Recommendation

That Council resolve to Issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

- 1. Before the commencement of the development, 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 plans submitted with the application, but modified to show:**
 - (a) Amendments to the driveway crossing locations for the proposal with the northern driveway (exit) location retained close to the northern boundary of the site and the southern driveway (entry) relocated further south to access the site via the Wedge Street and Simpson Street intersection, along with internal driveways realigned to provide access in accordance with the modified driveway locations. Modified internal driveways should be aligned to avoid removal or detrimental impacts to retained vegetation.**
 - (b) Amendments to reduce encroachment of footpaths and other development into the Tree Protection Zones of Ash trees (in particular trees #22, 36, 39, 40 and 42 as identified in the submitted arborist report) along southern side of childcare centre to a proportion less than or as close to 10% as is reasonable, including arborist recommendations where TPZ encroachment remains greater than 10%, in addition to the planting of one new Ash tree to be provided to replace the tree of the same species to be removed from the south side of the proposed building entrance.**
 - (c) Amended Arborist report for the recalculations of TPZ encroachments. The relocation of footpaths is recommended or alternatively permeable surfacing for footpaths may be utilised to reduce the pavement encroachment into the TPZs of trees to be retained.**
 - (d) Details for the provision of a footpath accessing between the child care centre and the car park located adjacent to Mill Street (whether temporary or permanent) to ensure adequate pedestrian access between these areas of the site.**
 - (e) The Landscape Plan required by Condition 3 of this permit.**
 - (f) The Environmental Audit/Statement required by Condition 5 of this permit.**
 - (g) The MRSC Open Space & Recreation Unit, and Engineering Unit requirements of Conditions 17, 18 and 19 of this permit.**
- 2. The development and use allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason, unless with the prior written consent of the Responsible Authority.**
- 3. Before the development commences a landscape plan must be submitted to and approved by the Responsible Authority. When**

approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with the submitted landscape concept plan but modified to incorporate revisions required by other conditions of this permit in addition to the following:

- (a) A schedule of all proposed trees, shrubs/small trees and ground cover including the use of locally indigenous plant species where appropriate.
 - (b) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - (c) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - (d) Appropriate irrigation systems.
4. Landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance.
 5. Prior to the commencement of the approved development, a certificate of Environmental Audit must be issued for the land in accordance with Part IXD of the Environmental Protection Act 1970, or alternatively an environmental auditor appointed under the Environmental Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the use of the land for a child care centre.
 6. Prior to the commencement of the approved use, the titles for the subject land (being Lot 2 LP 112815 and CA 2002 TP 812 313N Parish of Lauriston) must be consolidated (or resubdivided) to the satisfaction of the Responsible Authority, to ensure that all approved development including driveways and crossings accessing the childcare centre are contained within one lot.
 7. Unless with the prior written consent from the Responsible Authority, the use hereby permitted may only operate between 6:30am and 6:30pm between Monday and Friday. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the hours of 7:00am to 6:00pm between Monday and Friday.
 8. Unless with the prior written consent from the Responsible Authority, the number of children present on the property at any one time for the operation of the child care centre must not exceed 120 children, to the satisfaction of the Responsible Authority.
 9. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, good or commodities to or from the land;

- (b) Appearance of any building, works or materials;**
 - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - (d) Presence of vermin.**
- 10. External broadcast of amplified sound or music is not permitted.**
- 11. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**
- 12. No exterior plant or equipment shall be placed on the roof of the development so as to be visible from surrounding properties, unless otherwise approved by the Responsible Authority.**
- 13. The operator must endeavor to ensure that staff parking is generally maintained within the western car park adjacent to Mill Street to retain parking within the main eastern car park access from Wedge Street for visitor parking. Signage must be provided for the parking immediately on the eastern side of the child care centre limiting the use of those parking spaces for short term parking during peak morning and afternoon drop off and pick up times. The operator must ensure that the use of the short term parking spaces is monitored and enforced when necessary to avoid overflow parking to nearby roads to the satisfaction of the Responsible Authority.**
- 14. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked “Tree Protection Zone – No Entry” on all sides.**
- 15. Once erected and approved by the Responsible Authority, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority. Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection such as bridging over with timber).**
- 16. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any tree protection zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:**
 - (a) Materials or equipment stored within the zone;**

- (b) Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
- (c) Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
- (d) Changes to the soil grade level within the zone.

MRSC Open Space and Recreation Unit Conditions

17. Prior to the commencement of development, amended plans 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 plans submitted with this application but modified to show the southern driveway crossing relocated to access the subject land via the Simpson Street/Wedge Street intersection and the northern driveway aligned between street trees on Wedge Street ensuring minimised encroachment into the Tree Protection Zones of adjacent street trees in accordance with recommendations in the submitted arborist report.
18. Prior to the commencement of development, a Tree Protection Management Plan (TPMP) for the road reserve trees on Wedge Street demonstrating how impact to the trees will be avoided and protected during development must be submitted to and approved by the Responsible Authority. The TPMP must be prepared in accordance with *AS 4970-2009 Protection of Trees on Development Sites* and must be prepared by a certified project suitably qualified arborist (minimum AQF Level 5 with a minimum of five years demonstrated tree assessment experience) to the satisfaction of the Responsible Authority. When approved, the TPMP will be endorsed and will form part of this permit. Other planning and engineering plans and documents submitted for endorsement or approval must be consistent with any recommendations of the TPMP. The TPMP must include:
 - (a) A clear photograph of each tree.
 - (b) The general condition and overview of each tree (e.g. Species, Health, Structure, Useful Life Expectancy (ULE), Height, Width (north-south & east-west) Diameter at Breast Height (DBH)).
 - (c) Any specific damage/faults evident within the trees prior to demolition or construction. These photographs must be supplied within the TPMP as a preliminary condition report.
 - (d) An assessment of the potential impact to the trees, including diagrams of extent of encroachment and pruning required.
 - (e) A statement that canopy pruning shall only be undertaken by Macedon Ranges Shire Council approved contractors or Macedon Ranges Shire Council, if deemed appropriate, and approved by Council's Parks and Gardens Unit.
 - (f) Details of construction staging and how this will be undertaken to minimise potential impact to the trees.
 - (g) Construction details for any parts of the development within the TPZ of the trees

- (h) A statement that the property owner/developer will be liable for any damage caused to Council trees during the development process, including damage by privately engaged contractors.

An inspection timeframe (minimum frequency of every 2 months), with a compliance check list to be signed and dated by the developer's project arborist and project manager/foreman. Inspections must be scheduled at all phases during of construction determined to be critical to ensure the retention and ongoing protection of the street trees and are to be undertaken before, during and after the completion of the works.

MRSC Engineering & Projects Unit Conditions

19. Prior to the commencement of works, amended plans 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 submitted plans but modified to show:
- (a) Extension of pedestrian path from the centre to Wedge Street with a pram crossing;
 - (b) Relocation of entry crossover to the south to the Simpson Street intersection; and
 - (c) A waste collection truck can enter and exit the site in a forward direction.
20. 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.
21. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - (b) Dust control;
 - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - (d) Where access to the site for construction vehicle traffic including parking will occur;
 - (e) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

22. Prior to the occupation, the development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- (a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - (b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
 - (c) All stormwater drains required to the legal point of discharge and which passes through lands other than those within the boundaries of the development must be constructed at no cost to the Responsible Authority.
 - (d) Post development flows are restricted to pre-development level unless discharging directly into the Campaspe River.
 - (e) Stormwater quality treatment system that meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.

23. Prior to the commencement of use, the following works must be constructed or carried out to the satisfaction of the Responsible Authority:
- (a) New sealed crossovers in Wedge Street frontage of the site. Crossovers are to be a minimum 1.0m from any power pole, sign or service pit and an absolute minimum of 3.0m from any street tree.
24. Prior to the commencement of use, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:
- (a) Constructed in concrete or asphalt to the satisfaction of the Responsible Authority.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Drained and maintained.
 - (d) Marked to indicate each car space and all access lanes.
 - (e) Clearly marked to show the direction of traffic along access lanes and driveways.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

25. 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) Responsible Authority.

MRSC Health Unit Conditions

- 26. The kitchen structure & fit-out and all food handling activities must be in accordance with the requirements of the Food Act 1984 and the national Food Standards Code.**
- 27. Prior to operation, the premises must be registered with Council's Environmental Health Unit as per the Food Act 1984. Registration forms are available on Council's website.**
- 28. Prior to the commencement of the use of the childcare centre, a documented and audited independent food safety program must be prepared to the satisfaction of the Responsible Authority, with a strong focus on allergen management from the preparation and service of potentially hazardous food to vulnerable persons.**
- 29. The applicant must contact Coliban Water to determine whether a Food and Oil Interceptor (grease trap) is required to be installed.**

Goulburn Murray Water Conditions

- 30. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**
- 31. All wastewater from the development must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.**
- 32. Stormwater must be directed to the legal point of discharge as nominated by the Responsible Authority.**

Coliban Water Conditions

- 33. The owner is required to provide reticulated water supply and sewerage services to the proposed child care centre within the development site and comply with any requirements arising from any effect of the proposed development on Coliban Water assets.**

Services are to be provided and where necessary, amendments may be required to existing service pipes in accordance with our specifications.

- 34. The sewer mains extension required to service the proposed Child Care Centre site, must be finalised in accordance with Coliban Water's Developer Installed Works process.**
- 35. All connections for either potable water supply and/or fire services must be connected to the water main located on the East side of Wedge Street.**

Coliban Water will not grant our consent for connections to the existing water main located within Simpson Street, which is proposed to be decommissioned and removed.

- 36. All Coliban Water assets within the development site, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.**
- 37. Applications through our Consent to Connect Process are required prior to any drain or water supply service being amended and/or connected to Coliban Water assets.**

Trade waste and backflow requirements may apply to this development.

A copy of the building plans, along with a copy of the title will need to be submitted with the application. All private plumbing works must be carried out in accordance with the AS3500 National Plumbing and Drainage Code of Australia including any specific requirements of Coliban Water.

- 38. No structure shall be constructed closer than 1 metre from the nearest edge of an existing or proposed Coliban Water sewerage asset. The owner is therefore required to comply with the clearance requirements detailed within our Buildover Consent Guidelines located on the Coliban Water website.**

Please note under section 165(5) of the Water Act (1989), Coliban Water is not required to ensure that the water pressure is adequate for firefighting.

It is important to note that Coliban Water does not guarantee fire flows. If an in-line booster pump is proposed to be used for fire services, a flow restrictor would be expected and Coliban Water would need to be provided with additional information regarding a proposed maximum flow rate and configuration. The Alternative to this is that tanks are used on-site which will not have a detrimental impact on the rest of the water network.

Expiry of Permit – Development and Use of Land

- 39. 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.**
 - (c) The use is not commenced within two years from the completion of the development.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

****** END OF PERMIT CONDITIONS ******

PERMIT NOTES

- **Future owners of the land must be made aware of the existence of this permit.**

Goulburn Murray Water Note

- **The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.**

Coliban Water Note

- **Specific requirements for the servicing of the proposal will be provided to the applicant after Coliban Water receives a formal application for connection to services via our Consent to Connect process.**

Existing conditions and relevant history

Subject land

The subject land is the former Kyneton Hospital property. It is located approximately 600m to the east of the Kyneton town centre, between Wedge Street and Mill Street, near the south-western corner of the Kyneton township.

The Victoria Heritage Listed former hospital buildings occupy the south-eastern part of the site, whilst the remainder of the land contains no buildings. The former alignment of Simpson Street continuing west of its current alignment through the centre of the site to Mill Street was discontinued as a road reserve many years ago. The former road reserve was consolidated into the hospital land title that is now entirely within private ownership. It is not a right of way or other formal public accessway.

The site is undulating in its topography rising uphill from its southern and western sides with the location of the former hospital buildings sitting on the highest point of the site before falling away to the north-eastern corner of the site. Vegetation throughout the site comprises oak trees along the Wedge Street frontage, ash trees along the former road reserve within the centre of the site, with other scattered trees throughout the remainder of the land including some large old native trees.

Surrounds

The Campaspe River aligns the southern boundary of the site along its course on the south and western sides of the Kyneton Township. To the east and west sides of the site are residential properties whilst to the north side is the Windarring facility.

This facility comprises a building used for their community services operation, six dwelling units to its west side and eight social housing units to its east side. The broader area of the south-western corner of Kyneton is a predominantly residential precinct.

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

No covenants or restrictions are registered on the titles comprising the subject land.

Previous planning permit history

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

Permit No.	Description
PLN/1998/714	Hospital extension
PLN/2007/216	Seventeen (17) Lot Subdivision and Demolition of buildings
PLN/2007/216/A	Seventeen (17) Lot Subdivision and Demolition of buildings (Request to Amend Planning Permit)
PLN/2007/216/B	Seventeen (17) Lot Subdivision and Demolition of buildings (Request to Amend Planning Permit)
PLN/2012/184	30 Lot Subdivision
PLN/2015/86	Development of 66 Dwellings (staged), 66 Lot Subdivision (staged) and Removal of Non-Native Vegetation
PLN/2021/85	Use and development of a residential aged care facility, place of assembly, office, and food and drink premises (cafe) – this is a new planning permit application for the development of the remainder of the subject land. Assessment, referral and public notice processes will be undertaken before it proceeds to being decided.

Proposal

The proposal comprises the development and use of a childcare centre and the removal of four non-native trees. The childcare centre would occupy the very north-eastern corner of the site and would be set back 16m from the Wedge Street frontage to the east and 12m from the northern side boundary. The double storey building would rise to maximum height of 10.5m at roof apex due to the fall of the land from south to north in this area of the site. The building would include five childcare rooms, an infant care room, and a central area of the building containing the reception area, kitchen, and staff/meeting room at the upper floor area, with the lower floor area providing for services including water tanks, maintenance/store rooms and bin storage.

The upper floor area would be at ground level on its eastern and southern sides whilst the slope of the site results in the lower floor level being cut into the slope below the upper floor but opening at ground level to the northern side of the building. The building is oriented with its long axis from east to west to present a narrow frontage to Wedge Street.

It would utilise weatherboard and brick wall cladding with corrugated metal roof cladding in muted shades of grey, along with pitched roofing with gable ends, eaves and verandahs. It has been designed in conjunction with advice from Council's Heritage Advisor. Outdoor play areas would be located to the south side of the building, accessed from the adjacent childcare rooms.

The childcare centre would provide 120 places for children between 6 months and five years with staffing totaling 24 including 16 educators. The childcare centre would operate between 6:30am and 6:30pm on weekdays.

Driveway access from Wedge Street is proposed with eight parking spaces located at the front of the building providing for short term pick up and drop off parking. Another thirteen spaces located along the north side of the building providing for overflow visitor parking and staff parking. The applicant has indicated an intention to vary the access location to directly align the Wedge Street/Simpson Street intersection in order to overcome the objector's concerns about traffic safety with the current location just to the south side of Simpson Street.

Landscaping and footpaths are proposed around the building, with one dead ash tree proposed for removal to provide access to the main footpath entry into the site within the former Simpson Street road reserve area of the site. Three other ash trees at the western end of this row would also be removed but the main row of mature ash trees would be retained along this alignment to provide a landscaped buffer to the north side of the heritage hospital buildings. A secondary parking area for staff providing nineteen spaces is proposed within the north-western area of the site along with footpath access to the childcare centre. The area in between the childcare centre and secondary car park has been identified with indigenous heritage values and is to be protected and enhanced as part of the overall development of this site in conjunction with the local Taungurung Clans Aboriginal Corporation.

As shown above in the table of planning permit history for the subject land, new planning permit application PLN/2021/85 has recently been submitted for the development and use of the remainder of the former Kyneton Hospital site. The submitted proposal for that permit application is for the use and development of a residential aged care facility, place of assembly, office, and food and drink premises (cafe). This application is in its initial assessment stage (as at 30 March 2021) before subsequent processes including referrals to relevant authorities and public notices commence.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11	Settlement
12	Environmental and Landscape Values
13	Environmental Risks and Amenity
14	Natural Resource Management
15	Built Environment and Heritage
17	Economic Development

18	Transport
19	Infrastructure

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.05	Environment and Landscape Values
21.06	Environmental Risks
21.07	Natural Resource Management
21.08	Built Environment and Heritage
21.10	Economic Development and Tourism
21.11	Transport
21.12	Community Development and Infrastructure
21.13-2	Local Areas and Small Settlements - Kyneton

Section 46AZK of the Planning and Environment Act 1987

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

Zoning

Clause No.	Clause name
32.09	Neighbourhood Residential Zone (NRZ10)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (ESO4)
43.01	Heritage Overlay (HO220 & HO235)
45.03	Environmental Audit Overlay (EAO)

Particular Provisions

Clause No.	Clause name
52.05	Signs
52.06	Car Parking

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> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Part 1 Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
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> ?	Yes

Based on the above assessment, a Cultural Heritage Management Plan is required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*. A Cultural Heritage Management Plan approved under Part 4 of the *Aboriginal Heritage Act 2006* has been submitted and has formed part of the overall assessment of this application.

The process to date

Referral

Authority (Section 55)	Response
Coliban Water	No objection, subject to conditions.
Goulburn Murray Water	No objection, subject to conditions.

Authority (Section 52)	Response
Country Fire Authority	No objection, no conditions.
Environment Protection Authority	No objection, no conditions.
Heritage Victoria	No objection, no conditions.
MRSC Heritage Advisor	No objection, no conditions.
MRSC Engineering	No objection, subject to conditions.
MRSC Open Space & Recreation	No objection, subject to conditions.
MRSC Strategic Planning	No objection, no conditions.
MRSC Health	No objection, subject to conditions.
MRSC Environment	No objection, subject to conditions.
MRSC Economic Development	No objection, no conditions.

Advertising

The application was advertised and six objections and two letters of support were received. The grounds of objection are as follows:

- Amenity impacts from traffic noise and movement including at morning and evening collection/drop off times, and from external amplification of music and noise of children playing outside. Visual amenity impacts from large building and likely signage (lack of signage details noted). Proposed grey external cladding colours inappropriate, preference for light colours.
- Traffic safety impacts to local residents and other pedestrians from increased traffic and location of driveways in blind spot on Wedge Street. Preference for alternative driveway location directly opposite Simpson Street and for new footpaths to be provided along streets nearby.
- Loss of public right of way, preference to maintain direct pedestrian connection to Campaspe River through site.
- Amenity impacts from development activity to sensitive nearby occupier.
- Plans do not show pedestrian link between childcare building and western car park area adjacent to Mill Street.
- Loss of views.

The grounds of the two supportive submissions are as follows:

- The proposal will be in keeping with the neighbourhood character of the area and meets the requirement of Macedon Ranges Planning Scheme.
- The proposal addresses the design response, siting and landscaping.
- The development will provide for much-needed child care centre as the Kyneton is growing.
- The proposal will generate employment opportunities.

Officer assessment

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

Planning Policy Framework and Local Planning Policy Framework

Various Planning and Local Policies relate to this proposal in respect to settlement, neighbourhood character, built environment and heritage, environment, landscape, natural resource management, environmental risk, amenity, economic development, transport and infrastructure.

The proposal is consistent with the Planning Policy Framework and Local Planning Policy Framework including Clauses 21.05 (Environment and Landscape Values), 21.06 (Environmental Risks), 21.07 (Natural Resource Management), 21.08 (Built Environment and Heritage), 21.10 (Economic Development), 21.12 (Community Development and Infrastructure) and 21.13 (Local Areas and Small Settlements).

Clause 21.05 (Environment and Landscape Values) requires consideration of matters including protection of vegetation as well as natural and rural landscape.

Clause 21.06 (Environmental Risks) incorporates policy relating to amenity impacts from development and use. Clause 21.07 (Natural Resource Management) aims to protect natural resources including the potable water catchment area within which the site is located.

Clause 21.08 (Built Environment and Heritage) aims to ensure that development is appropriately responsive to the neighbourhood character and heritage values of the townships within the Shire.

Clause 21.10 (Economic Development) aims to support new business and employment opportunities in appropriate locations. Clause 21.12 (Community Development and Infrastructure) includes policy aimed at providing community infrastructure which includes education and community facilities.

Clause 21.13-2 (Local Areas and Small Settlements – Kyneton) is drawn from the Kyneton Structure Plan 2013 identifies the former Kyneton Hospital Site as having strategic importance as a key infill development site within the township. The neighbourhood character and heritage values of the township are identified with specific objectives outlined to ensure that new development protects and responds to those values. The provision of education facilities within the town is also promoted by this policy. The Kyneton Township Residential Village West Precinct includes strategies that aim to ensure that development responds to the character of this area of the township by providing for deeper setbacks, separated building footprints, mature gardens including canopy trees, along with the protection of mature street trees and bluestone gutters.

The proposal would provide for a childcare centre resulting in employment benefits for the Kyneton community. The development is suitably designed for the context of the heritage values of the former Kyneton Hospital site and the surrounding residential area, with this site identified as a key redevelopment opportunity in Kyneton.

The proposal would avoid detrimental environmental impacts, with the removal of a small number of trees to be offset with new landscape planting. Amenity impacts would be reasonable given the setback of the development and the location of external play areas for the child care centre.

Traffic movements would increase in this locality as a result of the proposal however this outcome is likely whether this site is redeveloped for this purpose or purely residential development. Road safety is appropriately addressed including the relocation of a driveway to a more appropriate location.

The proposal is considered to be appropriately supported by both Planning and Local Policy.

Clause 32.09 – Neighbourhood Residential Zone (NRZ10)

The purpose of the Neighbourhood Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A planning permit is required under this zone provision for the use and development of a child care centre under the NRZ provisions.

Schedule 10 to the Neighbourhood Residential Zone applies to the Kyneton Township Residential Village East and West Precincts. The Neighbourhood Character Objectives included in this NRZ schedule are:

- *To facilitate incremental infill development.*
- *To encourage landscaped front and rear gardens with mature vegetation, including canopy trees.*
- *To encourage a consistent pattern of detached dwellings that maintains the area's single storey scale.*
- *To support absent or low front fences that allow views of front gardens.*
- *To retain historic bluestone gutters and mature street trees.*

The use of the land for a child care centre is a Section 2, permit required land use in the Neighbourhood Residential Zone. The purpose of the zone includes the allowance of educational and community land uses to serve local community needs in appropriate locations. The provision of a new child care centre within the urban area of Kyneton on a property of adequate dimensions to provide for the facility including adequate onsite car parking (a perennial issue for child care centres on smaller properties) would avoid overflow parking to the surrounding streets. The provision of reasonable setbacks from surrounding residential properties would be an excellent outcome.

Amenity impacts such as noise from the outdoor play areas would be limited by the location of those areas on the opposing side of the facility from the building which would act to screen noise impacts to neighbours. Although traffic movements would increase in this locality compared to its quiet ambience at present, this locality has previously been busy when the hospital was operating. It is noted that this site has been specifically identified by local policy as a key development site within Kyneton. Wedge and Simpson Streets are capable of providing for the additional traffic movements. Secondary parking for staff would be provided on Mill Street at the western side of the site, meaning that the main car park area would provide for parents dropping off and picking up children from the facility. The location within

Kyneton is also easily accessible on foot which would reduce the numbers of vehicles accessing the facility.

The proposed building was designed taken into consideration advice from Council's Heritage Advisor, given its proximity to the heritage buildings. The building is relatively large in its footprint, and would be double storey, having a lower floor providing for storage and services beneath the main child care floor area. Nonetheless, the more than adequate setbacks of the building as proposed would mean that it would sit comfortably within the surrounding character of the locality and would avoid visual dominance.

The use of traditional built form with pitched roofing as well as building materials and colours in keeping with the surrounding heritage and neighbourhood character. It would also act to minimise any visual obtrusiveness of the development. The setbacks and other requirements of Schedule 10 to the NRZ are achieved and exceeded. New landscaping in addition to the retention of mature trees along the road frontage and within the site would be appropriate in context of the preferred neighbourhood character for this area of Kyneton.

The proposal is suitably compliant with the purpose and provisions of the Neighbourhood Residential Zone (NRZ10).

Clause 42.01 – Environmental Significance Overlay (ESO4) & Clause 66.02-5 (Use and Development Referrals)

The purpose of the Environmental Significance Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

A planning permit is required under this overlay provision for the removal of vegetation (including non-native vegetation). Buildings and works are not subject to permit requirement under this overlay provision.

Schedule 4 to the Environmental Significance Overlay applies to land within the Eppalock Proclaimed Catchment and includes as its Environmental Objective – *“To ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994”.*

Clause 66.02-5 (Use and Development Referrals) specifies referral requirements for use and development within a Special Water Supply Catchment Area to the local water board and water supply authority as determining referral authorities. Goulburn Murray Water and Coliban Water are the respective referral authorities for the locality including the subject land.

The application was referred to those authorities who did not object subject to conditions relating to reticulated water and sewerage service connection, firefighting water supply, and sediment control during development.

The development would be serviced with reticulated water and sewerage. The trees proposed to be removed are not significant from a water catchment perspective, comprising one larger dead Ash tree and three smaller Ash trees within the site. The provision of new landscaping for the childcare centre would more than compensate for the removal of trees from an environmental and natural resource management perspective.

The development includes an extent of encroachment of pavement and other development within the tree protection zones of other Ash trees along the southern side of the child care centre development area. This exceeds the standard 10% encroachment margin considered to be acceptable in ensuring that the trees remain viable. It is considered that these trees would not be viable in the context of the development format as proposed, however with modifications to alignments of footpaths either side of these trees or by the use of permeable paving or other surface treatment, this issue could be overcome and the trees retained in a viable manner.

A permit condition would require modifications to the plans in this respect to be made in conjunction with arborist recommendations to ensure that the development ensures the viable retention of these trees which are important to the neighbourhood character and would provide visual softening of the proposed development as well as a buffer between the new building and the heritage buildings to the south.

Subject to the modifications to the proposal to ensure the viable retention of trees to the south side of the development, the proposal would avoid detrimental impacts to the proclaimed water catchment and is therefore compliant with the purpose and provisions of the Environmental Significance Overlay (ESO4).

Clause 43.01 – Heritage Overlay (HO220 & HO235)

The purpose of the Heritage Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The proposal is exempt from permit requirement under the Heritage Overlay provisions. Development and removal of vegetation within the subject land as proposed is not within the area of the site subject to Heritage Overlay HO220 (Kyneton District Hospital) which is also included in the Victorian Heritage Register

(H1684). In addition the creation of driveway access to and from Wedge Street subject to Heritage Overlay HO235 is exempt from permit requirement as the removal of street trees protected by this overlay is avoided.

Despite the proposal being exempt from permit requirement, heritage is a significant consideration for this application given the proximity of the proposed childcare centre building to the former Kyneton Hospital buildings within the southern part of the subject land, in addition to the street trees along Wedge Street subject to heritage overlay

Council's Heritage Advisor has advised that the modification to the proposal to relocate the southernmost driveway access to the childcare centre further south to the intersection of Simpson Street and Wedge Street in response to road safety concerns is acceptable from a heritage perspective. This driveway would not be within the heritage overlay area of the subject land and would only include a very short section of its alignment in this area of the site before connecting northwards to the main car park area. Council's Heritage Advisor has provided feedback in respect to the design for the development and is satisfied that the proposed building is appropriate in context of the heritage values of the site and surrounds. The proposed building would achieve a restrained visual presence that incorporates traditional built form including pitched roofing and eaves, as well as building materials and colours that respond to the broad heritage and neighbourhood character values of this locality.

Heritage Victoria is also comfortable with the proposed development format and has specified no permit conditions, but has requested that Council consider the planting of a replacement Ash tree in the same location as the dead tree proposed for removal. This outcome would maintain the continuous visual screen between the existing State Heritage listed hospital buildings and the proposed new child care centre building. A permit condition will require this as part of the landscaping for the child care centre development.

The oak trees within the Wedge Street road reserve adjacent to the subject land are subject to protection under the provisions of Heritage Overlay HO235. The arborist report submitted with the application demonstrates adequate management of encroachment of works for the proposed driveway crossings (noting that one driveway is to be relocated south away from street trees) into the Tree Protection Zones for the street trees so as to ensure the viability of those trees and avoid any removal. Council's Open Space and Recreation Unit has recommended permit conditions be applied in respect to details for works within this road reserve for approval prior to development commencing to ensure an appropriate outcome that protects the street trees.

The proposal is compliant with the purpose and provisions of the respective Heritage Overlays applying to the subject land and the adjacent road reserve.

Clause 45.03 – Environmental Audit Overlay (EAO)

The purpose of the Environmental Audit Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

This overlay requires that “before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use”.*

The area of the subject land subject to the Environmental Audit Overlay does not include the development area for the proposed childcare centre. As such, no compulsory requirements are specified for environmental auditing in this instance. Nonetheless, the proposal is for a sensitive land use as a child care centre in close proximity to an area of the site that has been identified as having potential contamination issues.

The referral response by the Environment Protection Authority (EPA) offered no objection to the proposal but provided careful advice in respect to Council as the Responsible Authority should carefully consider the need to confirm the site is not subject to contamination before the use and development of the land for a child care centre proceeds. The EPA’s advice is sound and as such, a condition of approval would require that either certification of environmental auditing or a statement by an environmental auditor that the site is safe for this purpose is issued and submitted prior to the commencement of development.

Although it is less likely that this area of the land would be subject to contamination, there remains a level of risk that needs to be managed and a requirement for environmental audit or certification is reasonable in this context. The application of the Environmental Audit Overlay to the southern area of the site means that this certification will be required for the development of the aged care centre subject to concurrent planning permit application PLN/2021/85 in any case. The environmental auditor engaged to complete the work for that area of the site will be able to undertake the assessment of the child care centre development area also.

Subject to the application of a permit condition ensuring that the child care centre development area is safe for that use of the land by the issuing of an environmental audit or statement to that effect, the proposal would be adequately compliant with the requirements of the Environmental Audit Overlay.

Clause 52.06 – Car Parking

The purpose of this Particular Provision is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

This provision specifies that car parking is to be provided in conjunction with the commencement of a new use of land and that a permit is required to reduce or waive car parking requirements where proposed.

A rate of 0.22 car parking spaces per child is specified for the use of land for a child care centre by this provision. With 120 children proposed to be accommodated within the childcare centre, a standard requirement of 26 spaces applies for this application. Between the 22 parking proposed directly adjacent to the childcare centre and the 19 spaces proposed to be located in a separate parking area adjacent to Mill Street, a total of 41 spaces are to be provided.

The format of the parking and access areas would provide for customers to access the site by vehicle from Wedge Street for drop off and pick up of children with short term parking along the front of the building for that purpose. Parking along the side of the building and in the secondary parking area adjacent to Mill Street would facilitate longer term parking by visitors as well as staff. An indicative footpath is shown on plans between the secondary parking area and the main childcare development area of the site. It is reasonable that this footpath be formalised to facilitate adequate access between these areas. This would be required by permit condition. The proposed parking spaces and driveways accord with the specified dimensions of this provision including turning areas.

In respect to the proposed driveway crossings to Wedge Street, these have been demonstrated to achieve appropriate alignment between Oak trees in the road reserve that are subject to Heritage Overlay to avoid their removal or any detrimental impacts. The southern crossing of the two is however proposed to be relocated further south to access the site directly from the nearby intersection of Wedge Street and Simpson Street.

Although Council's Engineers are comfortable with the original location of this access to the site from a traffic engineering perspective, the applicant has offered this outcome in response to concerns raised by objectors in respect to traffic safety issues and has forwarded a draft plan demonstrating this access arrangement. Council's Engineers are also satisfied with this option and have provided permit conditions to facilitate that outcome.

The proposal is appropriately compliant with the purpose and provisions of this Particular Provision.

Consideration of Objections

In respect to the objections received:

- The existing locality is generally quiet at present after the cessation of the hospital operation many years ago. The redevelopment of this property either for purely residential purposes or for alternative uses such as this childcare centre proposal will increase traffic movements in this locality, with the slightly earlier and later start and finish times for the childcare centre would allow for drop off and pick up times to be dispersed rather than concentrated. Some noise from children using the outdoor play areas would occur but these spaces have been located away from direct residential interfaces with the childcare centre building and the distance from nearby residences meaning that significant amenity impacts are unlikely from this source. External amplification of music or otherwise is unlikely to occur and would be subject to a permit condition regulating amenity impacts that could be enforced if necessary. Development of the land will be for a finite period and would be subject to permit requirements and other relevant regulations relating to amenity impacts from construction activity.
- The building has been designed in respect the heritage and neighbourhood character values of the site and surrounds with the use of muted colours and materials being appropriate in context of the Victorian Heritage listed former hospital buildings as well as to reduce its visual impact as a double storey building in this location where less recessive colour finishes would increase its visual presence. Visual amenity impacts are expected to be negligible in respect to the building design, proposed landscaping, and significant setbacks to surrounding residential properties.
- The proponent intends to modify the proposal to provide alternative access to Wedge Street at the intersection with Simpson Street rather than by the driveways to the north of that location as shown on the current plans. This is in response to concerns raised by objectors. Council's Engineers are comfortable with this outcome and this change would be subject to permit conditions requiring amended plans. Footpaths are proposed to connect through the site between Wedge Street and Mill Street, which would improve pedestrian access in this locality as well as providing for access to the childcare centre. Council's Engineers have not required footpaths to be provided along the Wedge Street frontage of the site or otherwise.
- The former Simpson Street alignment through the centre of the subject land is no longer a road, right of way or other publicly owned or accessible route. This former road reserve was incorporated into the hospital land title many years ago with public access rights being expunged at that time. Although the current land owner is happy for locals to continue accessing through the site at present with

an intention that the ultimate redevelopment of this site will incorporate pedestrian routes through the land as a public benefit as well as providing access to the various activities operating within the site. The footpath route from the western car park to the childcare centre building is not included in current plans but would be required by permit condition.

- Loss of views are not relevant grounds for objection.

Summary

It is considered that the proposed development and use of a child care centre, and removal of non-native vegetation is consistent with the policies and provisions of the Macedon Ranges Planning Scheme and, that a Notice of Decision to Grant a Planning Permit should be issued subject to conditions.

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 appropriately compliant with the relevant policies and provisions of the Macedon Ranges Planning Scheme. The proposal is suitably responsive to planning scheme policies and provisions relating to settlement, neighbourhood character, built environment and heritage, environment, landscape, natural resource management, environmental risk, amenity, economic development, transport and infrastructure.

It is recommended that the proposal be supported and that Council resolve to issue a Notice of Decision to Grant a Planning Permit.

PE.3	SMALL PROJECT GRANTS—CONSIDERATION OF GRANT APPLICATIONS
Officer	Bob Elkington – Coordinator Community and Economic Development
Council Plan Relationship	Enhancing the social and economic environment Promoting health and wellbeing Deliver strong and reliable government
Attachment	Small Project Grants Guidelines

Purpose and Overview

The Small Project Grants (SPG) program supports projects and initiatives that:

- support local needs
- are unlikely to be funded by other Council funding programs
- align with Council Plan priorities.

Council's Small Project Grants budget for 2020/21 is \$36,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

Applications are assessed against set criteria outlined in the Small Project Grants guidelines. Funding recommendations are presented at a Scheduled Council meeting for review and/or approval.

This report details the process of evaluation and lists any recent applications received.

Three applications have been received seeking a total of \$4,400 in funding. The applications have been evaluated against eligibility criteria and all were deemed to be eligible.

Recommendation

That Council:

- 1. Approve an application from Kyneton Football Netball Club: Pride Cup \$1,500.**
- 2. Approve an application from Romsey Basketball Association: All abilities junior basketball competition \$1,400.**
- 3. Approve an application from Hanging Rock Cricket Association: Replacement Fridge and Barbeque \$1,500.**

Background

The SPG program (previously known as the Community Grants program) has been operating since 2018. The SPG program, unlike other funding schemes, is open for applications year round, except during the Local Government Election period leading up to a Council election.

Context

Eligibility criteria

The SPG program enables incorporated, community-based not-for-profit groups operating or being established within the shire the opportunity to submit one application per year for funding. The program is also available to non-government and government schools for projects that are outside of the accepted responsibilities of the school and the Victorian Government.

The SPG guidelines are attached and available on Council's website, outline the eligibility requirements of applicants and the assessment methodology. The document also provides guidance on the projects or activities that will/will not be funded through the program.

Assessment Process

Applications are initially reviewed to determine eligibility. Eligible applications are assessed and scored against the program criteria based on the responses provided in the online application form, however eligibility does not guarantee funding.

Where applications are deemed ineligible, they are not assessed and scored.

The assessment criteria and scoring matrix are outlined in the guidelines to assist applicants with the preparation of their applications. Eligible applications are assessed according to six criteria, as detailed below.

Score	Criteria	What to include
Pass/Fail	Demonstrating eligibility	Compliance with section 6 of the guidelines
20%	Describing your project	A brief description of the project aim
10%	Unlikely to be funded by other funding programs	The project timing/scale/amount of funding sought is not compatible with other funding programs
30%	Demonstrating community need and benefit	Why the group needs to do the project How will the community benefit from the project/activity
20%	Supporting Council Plan priorities	Promotes or contributes to the achievement of one or more Council Plan priorities
20%	Demonstrating good project planning	The project group practices good governance, considers risks, complies with regulations or similar and has an appropriate budget.

Application summaries and funding recommendations are presented to Council at an Scheduled Meeting.

Applications received

Applicant	Project description	Amount requested	Recommendation
Kyneton Football Netball Club	Pride Cup. The project aims to promote, educate and support the community around LGBTQI awareness and acceptance. The club is hosting the Pride Cup round at the Kyneton Football Netball Club against Eaglehawk. The broader aim is to provide education sessions, raise awareness and to create a safe, inclusive, diverse and welcoming community.	\$1,500	Yes
Romsey Basketball Association	Re-launch of an all abilities, all-inclusive junior basketball competition based at the Romsey Recreation Centre. To kick start this competition Romsey Basketball Association need to purchase equipment (eg. basketballs), cover court hire and umpires costs. This initial funding is to help get the competition established until viable through player fees and other fund raising efforts.	\$1,400	Yes
Hanging Rock Cricket Club	The Hanging Rock Cricket Club premises were badly vandalised recently. Their main means of fund raising and bringing players and families together for social events was via regular barbeques and the like. This application is to replace the club fridge and barbeque that were destroyed during the break in/vandalism.	\$1,500	Yes

Consultation and Engagement

Information regarding the Small Project Grants program is publicly accessible on Council’s website. Officers consult with applicants regarding their applications as necessary and seek internal advice regarding the applications.

Strategic Alignment

The Small Project Grants program supports Council’s priorities of enhancing the social and economic environment, promoting health and wellbeing and strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Council’s Small Project Grants budget for 2020/21 is \$36,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report, \$5,863.64 of funds have been committed to applicants to the Small Project Grants in 2020/21. This leaves \$30,136.36 remaining for allocation in the 2020/21 financial year, prior to review of the applications contained within this report.

Policy and Legislative Implications and Risks

Nil

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The proposal does not limit 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 conflict of interest in this matter.

Conclusion

Officers have deemed the applications eligible and consistent with Council Plan priorities and the program guidelines.

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

Purpose and Overview

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

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

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

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

Recommendation

That Council:

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

Background

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

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

At the Scheduled Council Meeting on 24 February 2021, Council resolved ***“that this item be deferred to a future scheduled Council Meeting.”***

Context

Delegations Framework, Policy and Procedures

Council’s “Delegations Framework, Policy and Procedures” (Section 7) sets down the circumstances in which:

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

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

Submitters Delegated Committee (formerly Submitters Committee)

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

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

This Committee has no decision making powers.

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

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

This name change is reflected in Council's meeting minutes from 2 December 2020, which refer to the "Submitters Delegated Committee" having met on this date and on 13 January, 10 February, 10 March and 14 April 2021.

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

Councillor Call-ins

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

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

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

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

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

Planning matters (statutory and strategic) where officers do not have delegated authority do not appear on this fortnightly list. Rather, officers list these for Councillor Briefings and Scheduled Council Meetings as and when a decision is

required (regardless of whether it is a milestone decision or final decision), when an update is considered necessary and/or at the direction of Council via a resolution.

Assessment

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

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

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

Specifically, under this option, the PDC would have a dual purpose in hearing from submitters to a planning application/matter and deciding planning applications. Operationally it is intended, under this option, that the PDC would hear from submitters one month and then decide the planning matter to which submitters have been heard in the following month/s.

As with the current Submitters Delegated Committee, the PDC will hear from the permit applicant/land owner and any objectors/submitters who wish to speak on planning matters where they have formally made a submission to Council. Unlike the current Submitters Delegated Committee, the PDC would have the power to determine all planning applications and other planning (statutory and strategic) matters referred to it.

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

The PDC could meet on the second Wednesday of the month. This day is currently set aside for the Submitters Delegated Committee. If this option was taken up by Council, then an alternate day would need to be arranged for Submitters Delegated Committee/s – to hear from submitters on non-planning matters – as and when required. It is anticipated that the Submitters Delegated Committee would meet less frequently if the scope of this Committee was reduced to remove planning matters from it.

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

Maintain the Submitters Delegated Committee as is, with no decision making powers. All planning matters heard at this Committee meeting would be referred to the PDC for determination. All other matters heard by the Submitters Delegated Committee that do not relating to planning would be referred to a Council Meeting for a decision.

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

The PDC could meet on the first or third Wednesday of the month.

Option 3: Maintain current arrangements

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

Option Analysis

These options are considered in further detail below:

Option	Detail	Benefit	Cost to Council
<p>1. Establish a PDC to hear from submitters and decide on planning matters</p>	<p>Planning Committee could:</p> <ul style="list-style-type: none"> • Hear from the Applicant/owner and any objector/submitter/s and then decide on the planning matter at a separate, subsequent meeting of the PDC. Submitters could not speak at the PDC where their planning matter was being decided. • Determine statutory and strategic planning matters including planning applications referred to the committee. • Monthly meetings as required, except potentially in December/January. 	<ul style="list-style-type: none"> • Would allow Council to hear from any parties wishing to speak to an item being considered by the PDC. • Matters could be heard and decided on separate nights (likely to be at least a month apart) to allow any follow-up required after hearing from submitters. • Would devote a single monthly meeting to considering planning matters. • Would remove planning applications from Scheduled Council meetings, and free up time within this meeting. 	<ul style="list-style-type: none"> • Would result in additional officer time being required to prepare agenda, minutes and providing information to Council regarding planning matters. Noting that, the PDC would replace the Submitters Delegated Committee as it relates to planning matters. It is anticipated that there would be fewer Submitters Delegated Committees.

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

Officers consider Option 1 to be the preferable option

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

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

Consultation and Engagement

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

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

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

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

Through Option 1, it is likely that a number of Submitters Delegated Committees would not be held, as any planning matters would be heard and decided by the Planning Delegated Committee without the need to hold a Submitters Committee. Therefore, it is considered that there would be few additional meetings across the year, when considering that Submitters Delegated Committees would likely not be held monthly.

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

Strategic Alignment

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

Policy and Legislative Implications and Risks

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

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

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

Sustainability Implications and Risks (Social and Environmental)

This report does not pose any sustainability implications or risks.

Charter of Human Rights Implications and Risks

This report accords with the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

Council currently hears from submitters on planning applications. Since May 2020, the Submitters Delegated Committee has met monthly, with the exception of October and November 2020. It is not a decision-making meeting which means that any applications heard at this Committee must be referred to a Scheduled Council Meeting for a decision. Planning matters heard at a Submitters Committee are oftentimes referred to a Scheduled Council Meeting in the coming month/s for a decision.

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

PE.5	MACEDON RANGES RESIDENTIAL LAND DEMAND AND SUPPLY ASSESSMENT – RESPONSE TO NOTICE OF MOTION 14/2021
Officer	Angela Hughes, Director Planning and Environment
Council Plan Relationship	Priority Areas 5: Deliver strong and reliable government
Attachments	1. Macedon Ranges Residential Land Demand and Supply Assessment (January 2020) 2. Correspondence from Urban Enterprise

Purpose and Overview

This report responds to Council’s resolution at the Scheduled Council Meeting on 24 March 2021 in relation to the Macedon Ranges Residential Land Demand and Supply Assessment (January 2020) (RLDSA).

The report recommends that no further action in relation to the MRLDSA be undertaken.

Recommendation

That Council:

- 1. Notes the Options outlined in this report**
- 2. Adopts Option One as outlined in this report that no further action be undertaken in relation to Macedon Ranges Residential Land Demand and Supply Assessment (January 2020)**

Background

At the Scheduled 24 March 2021 Council Meeting, it was resolved:

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.

Context

Macedon Ranges Residential Land Demand and Supply Assessment

As part of the preparation of the Gisborne Futures project Council engaged a number of consultants to prepare a range of technical reports. As part of this process Council engaged Urban Enterprise to prepare a residential land demand and supply assessment report. The scope for this work included preparing a residential land demand and supply assessment for the towns of Gisborne, Romsey, Riddells Creek, Lancefield, Woodend and Kyneton. Any community consultation outcomes regarding the RDSLAs cannot influence the residential outcomes in Riddells Creek, Lancefield, Woodend and Kyneton as these towns have already been through a structure plan process, independent planning panel and gazetted as part of the Macedon Ranges Planning Scheme.

In regards to Gisborne and Romsey, the MRSP identifies that structure plans are required to set a permanent settlement boundary. The suitable planning horizon has been identified as 2050.

The focus of the work Urban Enterprise was commissioned to do was to provide baseline data on the existing residential land demand and supply to inform the Gisborne Futures and Romsey Structure Plan projects. However it was seen as opportune to expand this work to cover the other four major towns. Adopting this approach ensured that officers had up to date and consistent data for all of the shire's major towns. This technical data analysis is used to inform officers' independent and objective advice to Council. Council can then accept, modify or reject this advice via its formalised decision making process.

The RLDSA was finalised by Urban Enterprise and submitted to Council in January 2020. A copy of the report is found at **Attachment 1**. The RLDSA is a technical report that has been prepared on the basis of a range of data with various assumptions adopted by the consultants. It is used by officers as a technical document, upon which officers make recommendations to Council.

The RLDSA is structured as follows:

- Chapter 1. Introduction
 - 1.1 Engagement
 - 1.2 Study Area
 - 1.3 Approach
- Chapter 2. Regional Context
 - 2.1. Introduction
 - 2.2. Location and Characteristics
 - 2.3. Policy
 - 2.4. Key Findings
- Chapter 3. Gisborne
 - 3.1. Introduction
 - 3.2. Residential Supply
 - 3.3. Residential Demand
 - 3.4. Adequacy of Supply

The RLDSA replicates the structure as per chapter 3 for each of the five other towns and then includes an appendix with an outline of method and assumption.

Using the Gisborne chapter as an example, the RLDSA provides the following assessment for each town's residential land demand and supply.

- 3.1. Introduction
- 3.2. Residential Supply
 - 3.2.1. Dwelling Stock – This is based on ABS data and provides overall dwelling numbers and type.
 - 3.2.2. Zoned Land – This is based on Council's property database and provides a breakdown of the number of lots and land area under each planning zone.
 - 3.2.3. Vacant Lots – This is based on Council's property database and verified using aerial images.
 - 3.2.4. Zoned Land Capacity – This is determined based on minimum lot sizes specified under the specific planning zones and on lot yields from various development approvals over a period of time. There are a range of assumptions and methods utilised to determine these figures and these are outlined in the report.
 - 3.2.4. Supply Assessment Results – This section outlines the consultants assessment of the total number of lots estimated to be able to be delivered within existing zoned land.
- 3.3. Residential Demand
 - 3.3.1. Population Growth – This is based on ABS data from 2008 to 2018
 - 3.3.2. Dwelling Approvals – This is based on ABS data and shows the total number of approved dwellings from 2011-12 to 2018-19 per year.
 - 3.3.3. New Residential Supply – This is based on work prepared by Charter Keck Cramer on subdivisions for each town from 2005 to 2018 and broken down into lot sizes.
 - 3.3.4. Future Residential Subdivision Activity – This is based on data provided by Charter Keck Cramer and planning permit approvals from 2016 to 2018.
 - 3.3.5. Demographic Profile – Based on ABS data and work undertaken by Charter Keck Cramer
 - 3.3.6. Property Values – Looks at median residential property values and trends between 2007 – 2017 as published by the Valuer General
 - 3.3.7. Current Market Conditions and Market Segments – Based on discussions with local real estate agents.
 - 3.3.8. Population and Dwelling Projections – Based on Victoria in Future 2019 data and Forecast ID projections prepared for the Macedon Ranges Shire.
 - 3.3.9. Adopting a Dwelling Demand Rate – Based on a combination of historical dwelling approvals since 2011, Victoria in Future projections and Forecast ID projections. The RLDSA provides a range of scenarios for dwelling demand rates, usually high, medium and low.
- 3.4. Adequacy of supply.

Based on the dwelling demand rates established in 3.3.9 above and identifies the level of current supply of land within each town based on the number of existing lot capacity and creating a supply figure in years.

In summary the RLSDA is based on a combination of available and recognised data sources with a combination of assumptions and methodologies adopted by Urban Enterprise based on their expertise and experience in preparing residential land demand and supply assessments, to derive their assessment of the current land supply available in each town.

Community Engagement Policy (2021)

The Community Engagement Policy was adopted by Council at the Scheduled Council Meeting on 27 January 2021. The policy outlines Council's principles when consulting with the community:

- A community engagement process must have a clearly defined objective and scope
- Participants in community engagement must have access to objective, relevant and timely information to inform their participation
- Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement
- Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement
- Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making

Community engagement is conducted for a specific purpose that has been identified by Council when it is required to make a decision, or to advocate on behalf of the community. Community engagement between Council and its community can also build resilience, trust and a sense of united purpose.

In determining the need for engagement, Council considers the intended outcomes and benefits that will be derived from the engagement, what resources will be required and how the information gathered will support and influence Council's decision making. The policy also outlines when Council may choose not to consult, identifying that when there is no genuine opportunity for the community to influence particular decisions, it may not be appropriate to conduct community engagement.

Options for Consideration

Option One – No Consultation required (recommended)

When considering whether to undertake community consultation for the RLSDA, Council must determine how the outcome will influence decision making. Riddells Creek, Lancefield, Woodend and Kyneton have existing Structure Plans guiding the availability of land into the future. These towns have existing permanent settlement boundaries put in place by the Macedon Ranges Statement of Planning Policy (MRSPP) gazetted in 2019 which also reiterate the role these towns play in the overall settlement hierarchy. The RLSDA identified that residential land is currently available in these towns. The role of Gisborne as a regional centre and Romsey as

a large district town has been identified through the settlement hierarchy. It is considered that the structure planning work currently under preparation is the appropriate framework for strategic decisions on the future growth and development of these towns.

The RDSLAs formed part of the technical documents released as part of the third round of community consultation for Gisborne Futures. It is publically available on Council's website through the Gisborne Futures project. Survey results for Gisborne Futures showed general support for the housing framework and striking the right balance for planning for the future.

The Romsey Structure Plan is expected to progress through 2021 and will continue the conversation with the Romsey community about how Romsey develops over the next 30 years.

The role of the RDSLAs for both of these structure plan processes is to provide a baseline assessment of current land supply for Gisborne and Romsey. This enables Council to make an informed decision about how much additional land needs to be identified to enable sufficient residential land supply until 2050 and define the permanent settlement boundaries around each town. The ability for Council to make decisions on how the data within the RDSLAs is used (or is recommended to be used by officers) are the different milestone decisions of a planning project and/or Planning Scheme Amendment. Thus Option One does not recommend that specific consultation on the RDSLAs is required.

Option Two – Consultation on Low, Medium, High growth scenarios

The RDSLAs are predominately a collection of data from different sources to identify supply and demand. The RDSLAs based on the data recommends a growth scenario for each town based on the demand generated over a number of years. Whilst it is not the preferred option it is considered consultation on the recommended growth scenarios could form the basis for some type of community engagement.

Given the technical papers for Gisborne Futures have been finalised with officer input including the RDSLAs, it is considered that any community engagement undertaken should be undertaken independently of Council. Further discussion with Councillors would need to be undertaken to clearly define the scope and purpose of the consultation. Consultation material would have to clearly articulate the purpose and how the outcomes may be considered by Council in the future.

It is estimated that the cost to engage an independent firm would be approximately \$50,000. The tasks involved would be:

- Facilitated series of meetings/workshops in each location (Gisborne, Romsey, Riddells Creek, Lancefield, Woodend and Kyneton estimated to cost \$2000 for each session) to deliver Face to Face consultation as specified by the scope.
- The preparation and delivery of collateral, including printing, adverts, paid socials and consultant time to prepare.

- Project management and coordination of teams within Council to deliver consultation material and outcomes.
- Specialist expertise to assist with the technical nature of the RDSLAs.
- Collation of submissions and consultation material.
- Presentation material back to Council and preparation of final report.

If Option Two is considered there would be considerable delays associated with the delivery of Gisborne Futures and Romsey Structure Plan projects as it is assumed that the consultation outcomes would be required to feed into these strategic projects. Council would be at risk of losing grant funding (\$100,000) associated with the delivery of the Romsey Structure Plan provided by the Victorian Planning Authority in 2018.

However officers, in preparing their professional advice to Council, would only have regard for the RDSLAs technical report prepared on the basis of the data contained in Attachment One, which was prepared by independent consultants.

Any direction by Council to provide other advice based on community feedback on the RDSLAs may be contrary to officers professional, independent and objective advice. Officers can provide commentary on community feedback within their reports, but the officers' professional opinion may not align with community feedback. This is where it is the role of Council's to determine the best way forward via a Council resolution.

Option Three – Consultation on the Macedon Ranges Residential Land Demand and Supply Assessment

Option Three broadens the scope of community consultation to include all of the data and findings located in the RDSLAs. Once again the scope of consultation would need to be considered with Councillors. It is envisaged that in addition to the tasks above in Option Two, Council and the consultancy firm would need to make public the data inputs. Expertise may be required from a suitably qualified person who can be available at engagement sessions for public interaction and independent scrutiny of the data inputs. Funds could also be allocated to undertake a peer review of the RDSLAs.

It is estimated that Option Three could cost approximately \$100,000 noting the scope and purpose would need to be determined. The preparation of the consultation material and undertaking of the consultation would be carried out independent of officers.

Like Option Two, it is considered for Option Three there would be considerable delays associated with the delivery of Gisborne Futures and Romsey Structure Plan projects as it is assumed that the consultation outcomes would be required to feed into these strategic projects. Council would be at risk of losing grant funding (\$100,000) associated with the delivery of the Romsey Structure Plan provided by the Victorian Planning Authority in 2018.

However – as with Option 2 - officers, in preparing their professional advice to Council, would only have regard for the RLDSA technical report prepared on the basis of the data contained in Attachment One, which was prepared by independent consultants.

Any direction by Council to provide other advice based on community feedback on the RDSLAs may be contrary to officers professional, independent and objective advice. Officers can provide commentary on community feedback within their reports, but the officers' professional opinion may not align with community feedback. This is where it is the role of Council's to determine the best way forward via a Council resolution.

Consultation and Engagement

Urban Enterprise as the author of the RDSLAs has been consulted on the possible options for community consultation and whether or not consultation on a land supply and demand analysis has occurred anywhere in Victoria. Urban Enterprise has provided Council with correspondence in response (**Attachment Two**).

The summary of their advice is that the methods, techniques and data adopted for the RDSLAs are consistent with standard and best practice across the industry. These methods and techniques have been tested through the Victorian planning system processes, including at Planning Panel hearings for Planning Scheme Amendments. They note that whilst it is common for land supply and demand analysis's to be made public through consultation, it is very unusual for community 'feedback' or 'input' to be sought on this type of assessment. This is because the Assessment is a detailed technical study undertaken by qualified, experienced and specialised experts – this type of expertise is necessary to undertake a reliable assessment which satisfies the requirements of the Victorian Planning system.

Urban Enterprise states that maintaining a suitable, long term and unconstrained supply of residential land is an important factor in maintaining relative housing affordability and meeting the varied housing needs of the community.

Strategic Alignment

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

If Council resolves to adopt either option two or three outlined in this report, funds would need to be approved as a part of Council's 2021/22 budget process.

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

The report outlines three options to undertake community consultation on the RDSLAs including the costs and resources required. The report outlines that Option One – no consultation required is the preferred option as the RDSLAs are technical reports and there would be very limited opportunity for the community to influence elements of the report. In addition the Gisborne and Romsey Structure Plans are underway providing for the appropriate avenue for community consultation on the

CX.1	CONTRACTS TO BE AWARDED AS AT 28 APRIL 2021
Officer	Corinne Farley, Coordinator Contracts
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 28 April 2021 under a delegation from Council. Although the first part of the proposed resolution 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 power to the Chief Executive Officer.

Recommendation

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated power:**
 - **C21.1102 Design and Construct Footbridge Woodend**
 - **C21.1104 Kyneton Solar Leachate Pumping System**
2. **Delegates power to the Chief Executive Officer, pursuant to section 11(1)(b) of the *Local Government Act 2020*, to award:**
 - **C21.1103 Romsey Ecotherapy Park Stage 2**

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 there is already a delegated power to award the contract.

C21.1102 Design and Construct Footbridge Woodend

This is a works contract for a design and construction solution for new footbridge structure over the Five Mile Creek in Wood Street Woodend. The footbridge will have shared connecting footpath on both banks joining the existing shared paths.

The Director Assets and Operations has delegated power to award this contract. Funds for these works have been provided in the 2020/21 budget as part of the Footpath Renewal Program.

C21.1103 Romsey Ecotherapy Park Stage 2

Council is seeking the services of a Landscape Contractor to provide landscape construction services to successfully complete the Romsey Ecotherapy Park Stage 2 with an option to complete Stage 3 should funding be secured. Stage 2 of the project will complete the construction of an Arts/Culture space and Sensory Therapeutic space. Stage 3 will complete the project by constructing car parking on William Street and completing the Woodland Buffer.

The proposed contract will have a term of 14 months. It exceeds the power currently delegated to the CEO. Funds for this work have been provided in the 2020/21 capital budget.

C21.1104 Kyneton Solar Leachate Pumping System

Council is seeking a contractor to design, procure, install and commission a solar leachate pumping system and tanks for leachate storage at the closed Kyneton Landfill as a part of an Environmental Protection Agency audit recommendation.

The CEO has delegated power to award this contract. Funds for this work have 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 implement the requirements of the *Local Government Act 2020*.

Officer Declaration of Conflict of Interest

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

Conclusion

It is recommended that Council notes that delegated power exists for officers to award contracts:

- C21.1102 Design and Construct Footbridge Woodend
- C21.1104 Kyneton Solar Leachate Pumping System

and delegates power to the Chief Executive Officer to award the following contract:

- C21.1103 Romsey Ecotherapy Park Stage 2.

CX.2	REVIEW OF MAYOR AND COUNCILLOR ALLOWANCES
Officer	Allison Watt, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

An important reform of the *Local Government Act 2020* (LG Act 2020) is the transfer of responsibility for determining mayoral, deputy mayoral and councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the *Local Government Act 1989* (LG Act 1989) continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the LG Act 2020 provides for this transitional arrangement.

The Minister for Local Government will make a request the Remuneration Tribunal to make a determination, however a determination is not expected until late 2021.

All councils have received advice that they must undertake and complete their own review of allowances under the LG Act 1989 by 30 June 2021.

Recommendation

That Council:

- 1. Commences the statutory process pursuant to section 74(4) of the *Local Government Act 1989* to determine mayor and councillor allowances for the remainder of the Council term or until such time as the Remuneration Tribunal determines the allowances in accordance with the *Local Government Act 2020* and gives public notice in accordance with section 223 of the *Local Government Act 1989* based on a:**
 - Proposed mayoral allowance of \$81,204 per annum, being the maximum allowed for category 2 councils**
 - Proposed councillor allowance of \$26,245 per annum, being the maximum allowed for category 2 councils**
- 2. Hears any submissions in relation to the determining of mayor and councillor allowances at a meeting of the Submitters Delegated Committee in June.**

Background

Mayors and councillors are entitled to receive an allowance while performing their duty as an elected official. The Victorian Government sets the upper and lower levels for allowances paid to councillors, except for Melbourne and Greater Geelong City Councils where allowances are fixed separately.

Councils are required to review allowance levels by 30 June in the year following a general election and the allowance level determined remains in effect for the full term of the council. The mayor and councillor allowances are subject to annual automatic adjustments that are announced by the Minister.

Councils are divided into three categories based on the income and population of each Council. Macedon Ranges Shire Council is a category 2 council. The current allowances set by the Minister for Local Government are as follows:

	Mayor	Councillor	
	Category 2 up to	Minimum	Maximum
Allowances	\$81,204	\$10,914	\$26,245
Superannuation (9.5%)	\$7,714	\$1,037	\$2,493
Total	\$88,918	\$11,951	\$28,738

Context

The Mayor and Councillors of Macedon Ranges Shire Council are currently being paid the amounts shaded in the above table, which is the maximum for a category 2 council. There is a legislative requirement for a 9.5 per cent superannuation contribution payable to the mayor and councillors which will increase to 10 per cent from 1 July 2021.

It should be noted that:

- The mayor cannot receive the councillor allowance at the same time as receiving the mayoral allowance
- A council does not have to pay an allowance to a councillor or mayor who does not want to receive an allowance
- The amount of the allowance must be the same for each councillor (except the mayor)
- A person is only entitled to receive an allowance while they hold the office of mayor or councillor.

Written advice was received after the 24 October 2020 general election that the Minister has conducted a review under section 73B of the LG Act 1989 and determined that no adjustment to allowances will be made in respect of all councils.

Councils therefore continue to pay mayors and councillors the same allowance amounts that applied prior to the October 2020 general elections.

Under the LG Act 2020, the responsibility for determining allowances for mayors, deputy mayors and councillors is transferred to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal). However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the LG Act 1989 continues to apply, despite the repeal of those relevant provisions last year. Section 39(6) of the LG Act 2020 provides for this transitional arrangement.

The Minister for Local Government will request the Remuneration Tribunal to make a determination, however a determination is not expected until late 2021.

All councils have received direction from Local Government Victoria that they must undertake and complete their own review of allowances under the LG Act 1989 by 30 June 2021.

In undertaking their reviews, councils must ensure that a person has a right to make a submission under section 223 of the LG Act 1989 (as required by section 74(4)).

The following are proposed to invite submissions from members of the community:

- Placing an advertisement in the local newspaper and on Council's website inviting written submissions
- The submission period must be open for 28 days from the publication of the advertisement
- Members of the community who wish to be heard on their submission will be invited to speak to the Submitters Committee meeting on Wednesday 16 June 2021
- Following consideration of submissions, a report will be presented to Council for consideration at the Council Meeting on Wednesday 23 June 2021.

Consultation and Engagement

No consultation was undertaken in the preparation of this report, however consultation on the review of mayor and councillor allowances will take place in accordance with section 223 of the *Local Government Act 1989*. This will include giving public notice in the local newspaper and Council's website and the hearing of any submissions in relation to the determining of mayor and councillor allowances at a meeting of the Submitters Delegated Committee on Wednesday 16 June 2021 at 7pm.

Strategic Alignment

This report is relevant to Council Plan strategic priority five: Deliver strong and reliable government.

Implications

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

The mayor and councillor allowances are provided for within operational budgets. It is not proposed to increase the allowances as part of this review.

Policy and Legislative Implications and Risks

The consideration of this report ensures Council is meeting its legislative obligations under the *Local Government Act 1989* and *Local Government Act 2020*, in addition to recent direction from Local Government Victoria.

Sustainability Implications and Risks (Social and Environmental)

There are no sustainability implications or risks involved in the consideration of this report.

Charter of Human Rights Implications and Risks

There are no human rights implications or risks involved in the consideration of this report.

Officer Declaration of Conflict of Interest

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

Conclusion

This report recommends that Council endorses the review of mayor and councillor allowances in accordance with legislative obligations under the LG Act 1989 and LG Act 2020 and begins a statutory process to seek community feedback on the review.

12. DIRECTOR CORPORATE AND COMMUNITY REPORTS

Nil

AO.1	PETITION RESPONSE - SEALING OF MOWBRAYS ROAD, CADELLO
Officer	Istvan Marton, Coordinator Engineering Designs and Investigations
Council Plan Relationship	Improve the built environment, specifically improve local roads
Attachments	Nil

Purpose and Overview

This report provides a response to a petition that was presented to Council on 18 August 2020 signed by 38 persons requesting Council seal Mowbrays Road, Cadello, between James Road and Anderson Road.

At the 26 August 2020 Ordinary Council Meeting, Council resolved:

“That a petition signed by approximately 38 persons requesting the sealing with bitumen of Mowbrays Road, Carlsruhe be received and lay on the table until a future meeting of Council at which a report on the matter will be presented.”

A report in response to the petition was presented to the 16 December 2020 Scheduled Council meeting, where Council resolved:

“That Council:

- 1. Note this report on the tabled petition – Sealing of Mowbrays Road, Cadello;**
- 2. Direct that a further report be provided to the April 2021 Scheduled Council Meeting complete with the results of the consultation and analysis of the updated traffic count; and**
- 3. Responds to the first named petitioner advising of this Council resolution.”**

This report is provided in response to this Council resolution.

Recommendation:

That Council:

- 1. Resolve not to seal Mowbrays Road, Cadello between James Road and Anderson Road;**
- 2. Resolve that Mowbrays Road Cadello remain a Category 4 road and maintenance continue as outlined in Council’s Road Management Plan.**
- 3. Resolve that the first named petitioner be advised of the outcome of this Council resolution.**

Background

Council officers have undertaken a desktop review of Mowbrays Road, Cadello and provide the following information:

Length of road proposed to be sealed	1.40km
Proposed sealed road width	6.4m
Existing traffic volume (count undertaken between 26 February and 9 March 2021)	Total 725 vehicles with an average daily movement of 40 vehicles per day
Number of properties fronting Mowbrays Road	6
Total estimated capital cost of the sealing works	\$1,045,000 excl GST

A map indicating the road which has been requested to be sealed is provided below (Image 1).



Image 1 – Subject Section of Mowbrays Road

Mowbrays Road is scheduled for inspections four times per year in accordance with Council's Road Management Plan. The proposed level of development in the area is minimal. It is anticipated that traffic volumes will not increase notably on Mowbrays Road in the near future.

Council does not currently have a proactive and prioritised funded capital works program for the sealing of unsealed roads. Council maintains and renews gifted assets to the standard in which they were gifted. The process for sealing unsealed roads is delivered through the facilitation of a Special Charge Scheme. The provisions of the special charge require that benefiting property owners are required to pay a monetary contribution towards the capital road upgrade works.

Context

The process for which a Special Charge Scheme is instigated and then implemented, is detailed within Council's current Special Charge Scheme Policy. This process includes a number of consultation activities with affected residents, determination of the benefit derived for identified parties and the greater community, and final approval by Council.

Prior to the instigation of a Special Charge Scheme, majority support for the project must be reached with the affected residents on the road length. Majority support is deemed to be achieved when 66% of property owners agree to the scheme in the first instance.

Preliminary cost estimates for the construction of Mowbrays Road, Cadello, via a Special Charge Scheme are likely to be as follows:

Property Owners Contribution	\$ 66,000 excl. GST
Council Contribution	\$ 979,000 excl. GST
Total	\$1,045,000 excl. GST

Consultation and Engagement

A survey was sent to all six property owners of Mowbrays Road that would be included in a special charge scheme. All six affected properties/titles have the same owner in the Council database system. This survey was sent on 18 March, 2021 and the property's owner was given until 1 April, 2021 to provide a response. No response has been received from the property's owner at the time of writing this report.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

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

The actions recommended by officers in consulting and undertaking traffic monitoring are able to be undertaken within current resourcing.

Regardless of the outcomes of investigation and final response to the petition, any future sealing of Mowbrays Road, Cadello, would be subject to budget and special charge scheme processes.

Policy and Legislative Implications and Risks

This recommendation is presented having reviewed the petition and the Special Charge Scheme.

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

This recommendation 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

The current mechanism for the sealing of roads is through a special charge scheme process. Under the current policy, Council will only instigate the implementation of a special charge scheme when majority support of 66% is achieved.

A survey was sent to the affected ratepayer in Mowbrays Road, Cadello to gather the current level of support for the possible implementation of a special charge scheme. No response was given by the one Title holder that owns all six affected properties, therefore a no-support answer is considered.

The traffic count undertaken by Council Officers between 26 February and 9 March, 2021 indicates that only 725 vehicles used this section of Mowbrays Road Cadello within the 18 days the counters were out, at an average daily use of 40 vehicles per day. It is recommended that a special charge scheme for the upgrade of Mowbrays Road, Cadello to a sealed standard is not implemented and the management and maintenance of the road continues in accordance with Council's Road Management Plan.

AO.2	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER – OLD STATION ROAD, KYNETON
Officer	Gary Randhawa – Manager Engineering and Resource Recovery
Council Plan Relationship	Improve the built environment
Attachments	Nil

Purpose and Overview

This report responds to a request received by the Council (CRM 209061) to add an approximately 415m long section of access track named Old Station Road Kyneton to the Public Road Register. This section of access track is located within a road reserve that extends off Fiddlers Green Road.

Officers assessed Old Station Road for inclusion into the Public Road Register as per the Public Roads Procedure (2018). The access track requires extensive upgrade and repair to meet Council's minimum standards for a Category 6 road.

The officer's recommendation is to not add the road to the Public Road Register.

Recommendation

That Council:

- 1. Resolve not to upgrade Old Station Road, Kyneton to a public road in the Public Road Register.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

Old Station Road is about 415m long and is within a road reserve that extends off Fiddlers Green Road in Kyneton. Fiddlers Green Road is an unsealed access road managed by Council. See Figures 1 to 4 below.

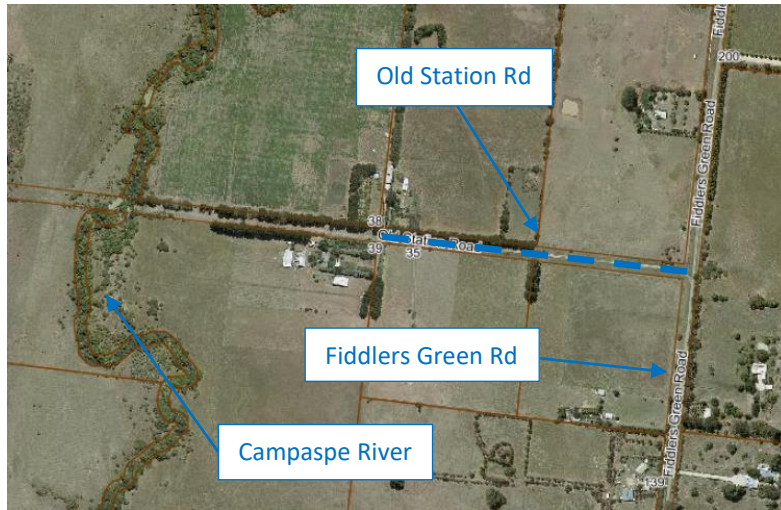


Figure 1 – Aerial of Old Station Road



Figure 2 – Looking north-west along Old Station Road from Fiddlers Green Road



Figure 3 – Looking west along Old Station Road adjacent to 149 Fiddlers Green Road



Figure 4 – Looking west along Old Station Road at its western end

The road reserve containing Old Station Road is extensive and continues westward across the Campaspe River and Calder Freeway. The subject access track ends close to existing buildings in the abutting properties.

Council's Public Road Register identifies Old Station Road but indicates it is not a public road. According to the Kyneton Historical Society, the subject access track was named after the closed Redesdale Railway Line, which closed in the 1950s.

The access track's gravel pavement has a uniform width of about 3m. It is in a state of disrepair, with grass growing in the pavement and numerous potholes. See Figures 5 and 6 below.



Figure 5 – Road in a state of disrepair



Figure 6 – Road in a state of disrepair

The left turn to exit Old Station Road onto Fiddlers Green Road is severely restricted due to its construction. See Figure 7 below.



Figure 7 – Aerial showing the restrictive left turn into Fiddlers Green Road

A former landowner of 38 Old Station Road has previously requested adding the subject access track to Council’s Public Road Register.

The Public Road Committee assessed this request in 2014, deciding not to include Old Station Road in the Public Road Register. However, the committee did propose adding the access track to the Public Road Register if it was repaired and upgraded as per Road Management Plan 2013.

Context

Council officers present the assessment of the road against criteria for inclusion into the Public Road Register below:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	Yes	Four properties abut Old Station Road. Three dwellings located at 35, 39 Old Station Road Kyneton and Crown Allotment K Section 53 Parish of Lauriston likely use it.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	No	The land surrounding the subject road is zoned Farming. The existing use/s of properties abutting Old Station Road appear to be residential/hobby farms with limited domestic livestock.

Criteria	Response	Comments
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	The road reserve containing the subject access track intercepts the Campaspe River. However, the access track ends about 350m before the river.
4. Whether the road connects into and forms a part of the wider network of public roads	No	Old Station Road is a dead-end road. The Campaspe River will continue to restrict its potential to form part of a wider public road network.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	No	In reviewing aerial photos and available records of Planning Permit applications for the properties abutting Old Station Road, officers identified little land-use change between 2015 to 2020.
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	The owners/occupiers in the abutting properties of Old Station Road would be regular users of the road
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	No	Officers checked records and confirm there is no record that the subject road was built in the past by Council or its predecessors. The Kyneton Historical Society advised that Old Station Road was named after the closed Redesdale Railway Line. No information was given or found that the access track was built at public expense.
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	Yes	There is no alternative for four abutting properties to access Fiddlers Green Road.

Criteria	Response	Comments
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	Yes	Using Google Street View, officers confirmed there was once a street name sign at the Old Station Road and Fiddlers Green Road intersection. This sign is no longer existing.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	No such condition was found on checking the available records of Planning Permit applications.
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	Old Station Road has a carriageway width of about 3m and does not meet the width minimum standard for a Category 6 road. There is also no turnaround area for emergency or service vehicles.
15. Whether the use is occurring "as of right", in particular evidence of previous permission;	Yes	Land uses in the four properties directly abutting Old Station Road have existed for a long time and pre-dates available records within Council.
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	Old Station Road's intersection with Fiddlers Green Road does not allow for left turns onto the public road. The track's surface is in a state of disrepair with numerous potholes.
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	No	According to the 'Dial Before You Dig' website, there are no public utility services located within the road reserve.

Criteria	Response	Comments
18. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There is post and wire fencing located along both sides of the road reserve. Reflective posts are present at culvert crossings of the access track.

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

Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request. The requester and the Kyneton Historical Society were contacted for further information about Old Station Road's details and history.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

If added to the Public Road Register, Old Station Road will require significant upgrades and repairs, including but not limited to:

1. a turnaround area at the western end,
2. upgrade of its intersection with Fiddlers Green Road, and
3. addition of pavement materials to widen and repair the pavement to meet minimum construction standards for a Category 6 Road.

The cost to undertake (1), (2) and (3) is estimated to cost approximately \$34,000 excluding GST. Investment in these works would not provide the best value for the municipality's community.

Policy and Legislative Implications and Risks

This recommendation does not have any direct or indirect policy and legislative implications.

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

The request for Old Station Road in Kyneton to be added to the Public Road Register was assessed by Council officers and deemed not to be in the best interests of the wider community. Officers assessed the road section as per the Public Roads Procedure (2018) and found that the road would require extensive upgrade and repair to meet the Council's minimum construction standards.

Officers recommend declining the request to include Old Station Road, Kyneton, on the Public Road Register.

AO.3	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER – RED GAP ROAD, GOLDIE
Officer	Gary Randhawa – Manager Engineering and Resource Recovery
Council Plan Relationship	Improve the built environment
Attachments	Nil

Purpose and Overview

This report responds to a request received by the Council (CRM 206925) to add an approximate 1km long section of fire access track in Goldie to the Public Road Register. The road section requested is Red Gap Road, Goldie, between the intersection with West Goldie Road and approximately 855 metres to the East.

Officers assessed the subject fire access track for inclusion into the Public Road Register as per the Public Roads Procedure (2018). The access track requires extensive reconstruction and native vegetation removal to meet Council's minimum standards for a Category 4 unsealed collector road.

The officer's recommendation is to not add the road to the Public Road Register.

Recommendation

That Council:

- 1. Resolve not to upgrade the section of Red Gap Road in Goldie (from the intersection of West Goldie Road east 855m) from a Fire Access track to a Public Road in the Public Road Register.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

The subject section of Red Gap Road under consideration is Red Gap Road, Goldie, between the intersection at West Goldie Road and 855metres to the east. The Public Road Register identifies this road section as a fire access track. The total length of Red Gap Road is about 6.15km long and extends between Pyalong Road and Mt. William Road.

The majority of Red Gap Road is a public road managed by Council and includes a sealed collector road section and an unsealed collector road section. See Figures 1 to 4 below.

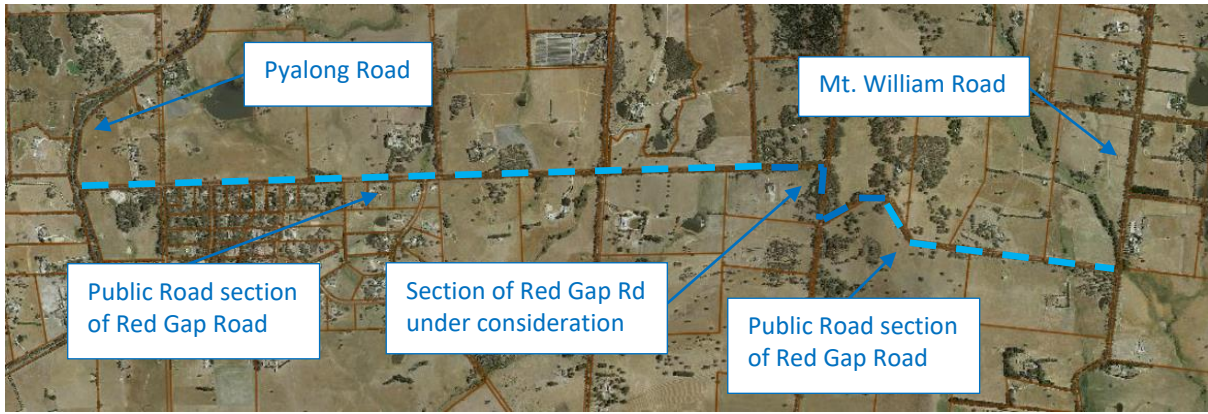


Figure 1 – Aerial of the length of Red Gap Road, Goldie



Figure 2 – Red Gap Road, Goldie looking east from the Fire Access Track



Figure 3 – Red Gap Road, Goldie looking south on the Fire Access Track



Figure 4 – Red Gap Road, Goldie looking west from the Fire Access Track

Officers undertook an on-site and desktop assessment of the fire access track's constructed geometry. While the track is generally considered compliant with CFA requirements^A for fire truck access, it does not satisfy Council's standards^B applicable for a rural road or unsealed collector road. Officers identified the following issues:

	Measured	CFA ^A	Council ^B
1. Carriageway width	~4.5m	3.5m	6m
2. Max vertical grade	15%	15%	12%

A – CFA Preferred Requirements: Water Supplies and Access for Subdivisions in Rural Zones (November 2006)
 B – Council's Policy Engineering Requirements for Infrastructure Construction (June 2010)

Figures 5 and 6 below explain the issues described above. The existing unsealed public road section of the Red Gap Road has a carriageway width of about 5.5m, which is below the Council's standard of six metres.



Figure 5 – Red Gap Road, Goldie detailing carriageway width

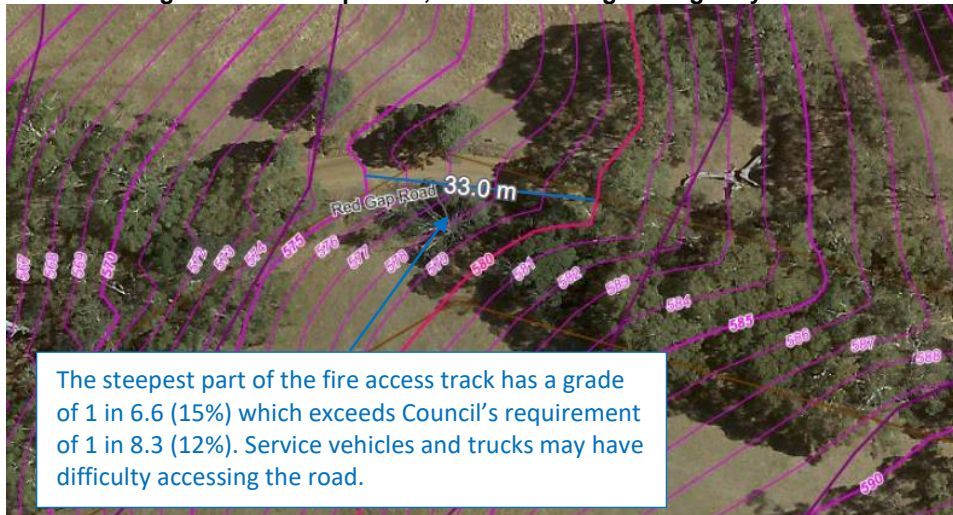


Figure 6 – Red Gap Road, Goldie detailing gradients

Officers also identified the following issues of note:

- Achieving minimum carriageway width and sight distance around bends will require extensive removal of native vegetation. See Figures 7 and 8.
- The existing fire access track consists of compacted in-situ earth. Upgrading this road section will require reconstruction with crushed rock. See Figure 9 below.



Figure 7 – Red Gap Road, Goldie illustrating trees for removal if the road widening occurs



Figure 8 – Red Gap Road, Goldie illustrating trees for removal if the road widening occurs



Figure 9 – Red Gap Road, Goldie illustrating compacted earth carriageway

Context

Council officers’ present the assessment of the road against criteria for inclusion into the Public Road Register as below:

Criteria	Response	Comments
19. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	Yes	Five properties directly abut the subject section of Red Gap Road. Four out of the five properties have permanent dwellings being 373, 410, 479 and 502 Red Gap Road

Criteria	Response	Comments
20. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	No	The land surrounding the subject fire access track is zoned Farming. The existing use/s of properties abutting the subject section of Red Gap Road appear to be residential/hobby farms with limited domestic livestock.
21. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	
22. Whether the road connects into and forms a part of the wider network of public roads	Yes	The subject section of Red Gap Road under consideration connects into two separate public sections of Red Gap Road.
23. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	No	A review of aerial photos of the properties abutting the subject road do not appear to have changed from 2015 to 2020.
24. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	This section of Red Gap Road would be used regularly by the owner/occupier of 410 Red Gap Road.
25. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	Yes	A public authority would have constructed the Fire Access Track section of Red Gap Road at public expense in the past.
26. Whether the Council has cared for, managed or controlled the road on a regular basis;	Yes	The Council maintains the fire access track section of Red Gap Road on an infrequent basis subject to public authorities' funding.

Criteria	Response	Comments
27. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	No	Four of the five abutting properties currently access the public road sections of Red Gap Road. Only 410 Red Gap Road utilise the subject fire access track. However, this property has alternative access rights to an unmade road reserve to the south containing Fagans Lane.
28. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	No	“No Road” signs have been installed at the western and eastern ends of this fire access track.
29. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	Officers checked available records of Planning Permit applications for the five abutting properties and found no such condition.
30. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
31. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
32. Whether the road has been constructed by developer or private owner or entity to Council’s minimum standards;	No	Officers identified the carriageway width and maximum vertical grades as deficient for a rural road or unsealed collector road.
33. Whether the use is occurring “as of right”, in particular evidence of previous permission;	Yes	410 Red Gap Road has a planning permit (PLN/2006/221) providing access to the property is via this fire access track.
34. Existing geometric standards and surface condition are in accordance with Council’s requirements;	No	The existing fire access track will require complete road reconstruction.
35. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	No	According to ‘Dial Before You Dig’, there are no existing public utility services located within the subject section of the road reserve.

Criteria	Response	Comments
36. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There are post and wire fencing located along both sides of the road reserve. Culvert crossings have reflective posts installed.

Given the results above, the subject section of Red Gap Road scored seven out of 18 guiding principles. Therefore it did not trigger strong consideration for inclusion in the Public Road Register.

Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

If added to the Public Road Register, this section of Red Gap Road would require extensive reconstruction. The reconstruction would include but not be limited to:

- widening of the carriageway to six metres,
- earthworks to re-grade sections of the access track to meet maximum vertical grade limits,
- extensive vegetation removal (including native vegetation) and
- pavement reconstruction to meet minimum construction standards for a Category 4 unsealed collector road.

Officers have not prepared an estimate of the costs given the large work scope. Investment in these works would not provide the best value for the municipality's community.

Policy and Legislative Implications and Risks

This recommendation does not have any direct or indirect policy and legislative implications.

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

Officers assessed the request for an additional section of Red Gap Road in Goldie to be added to the Public Road Register as not in the wider community's best interests. Officers assessed the road section as per the Public Roads Procedure (2018) and found that the road would require extensive reconstruction and vegetation removal to meet the Council's minimum construction standards.

Officers recommend declining the request to include this section of Red Gap Road, Goldie, on the Public Road Register.

AO.4	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER – BOURKE LANE, TYLDEN
Officer	Gary Randhawa – Manager Engineering and Resource Recovery
Council Plan Relationship	Improve the built environment
Attachments	Nil

Purpose and Overview

This report responds to a request received by the Council (CRM 215082) to add an approximately 415m long section of fire access track named Bourke Lane Tylden to the Public Road Register.

Officers assessed Bourke Lane for inclusion into the Public Road Register as per the Public Roads Procedure (2018). The access track requires a considerable upgrade to meet Council's minimum standards for a Category 6 road.

The officer's recommendation is to not add the road to the Public Road Register.

Recommendation

That Council:

- 1. Resolve not to upgrade an additional section of Bourke Lane, Tylden to the Public Road Register.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

The subject section of Bourke Lane under consideration is approximately a 415 metre long section of fire access track extending off the public road section of Bourke Lane in Tylden. The access track was recently upgraded by the requester and current landowner of 121 Bourke Lane to improve access to their property and a new dwelling. See Figures 1 to 4 below.

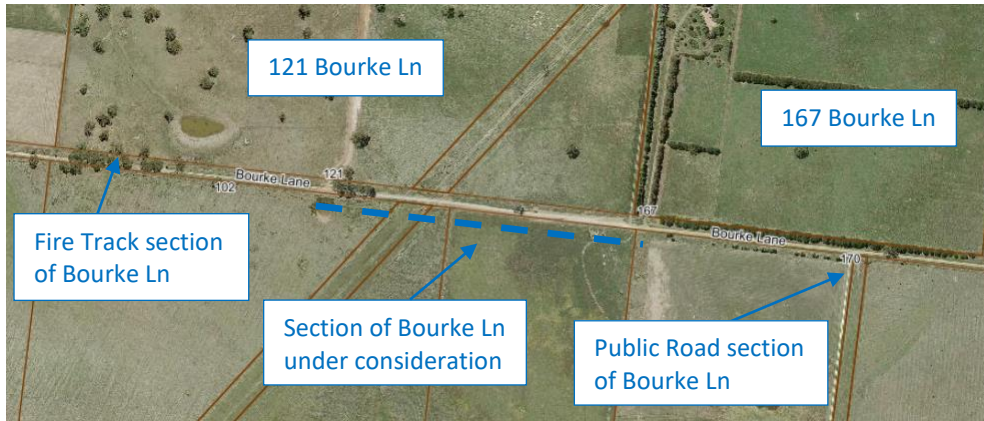


Figure 1 – Aerial of the Section of Bourke Lane under Consideration



Figure 2 – Bourke Lane looking west adjacent 167 Bourke Lane



Figure 3 – Bourke Lane looking west at the mid-point (under construction)



Figure 4 – Bourke Lane western end under construction

The public section of Bourke Lane extends from Karlsruhe Station Road to the south-western corner of 167 Bourke Lane. It is a Category 5 unsealed access road. The remaining section of Bourke Lane extending to Central Road is a current fire access track. See Figure 5 below.

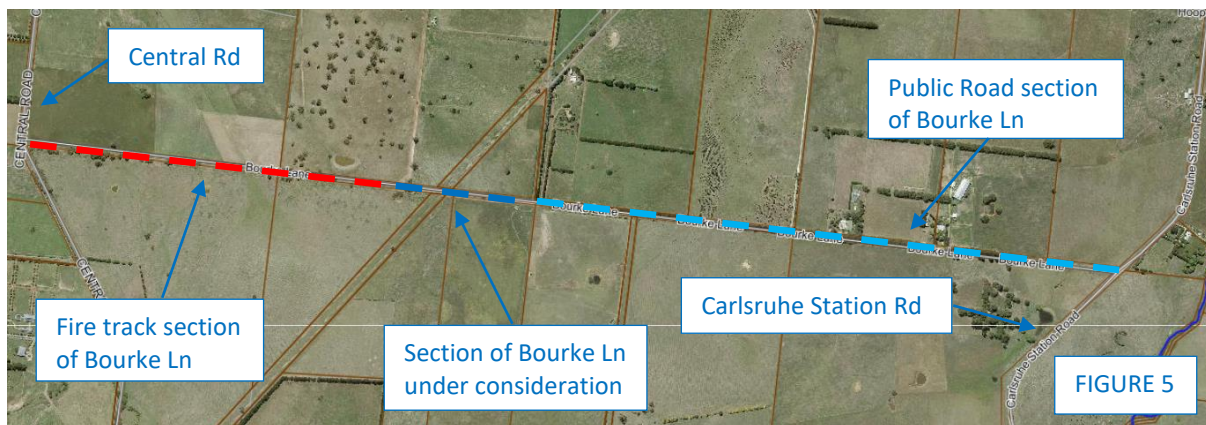


Figure 5 – Aerial of the Bourke Lane western end under construction

Council's Public Road Register lists the subject section of Bourke Lane but indicates it is not a public road.

The requester completed works to upgrade the fire track access in early 2020 under Asset Protection Permit APP/2020/14. The access track has been re-graded and widened, with crushed pavement added onto the surface.

The gravel pavement layer has a uniform width of about 3.5m with a road formation width of about 4m to 4.5m. A turnaround area has not been constructed at the western end of the road. The crushed layer appears very thin with minor deformation of the pavement. See Figures 6 and 7 below.



Figure 6 – Road Base exposed under a thin layer of crushed rock



Figure 7 – Gravel loss and minor deformation of pavement

Context

Council officers' present the assessment of the road against criteria for inclusion into the Public Road Register below:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	Yes	Six properties directly abut the subject section of Bourke Lane. Three out of the six properties have permanent dwellings being 121 Bourke Lane, 102 Central Road and 794 Tylden Woodend Road.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	No	The land surrounding the subject road is zoned Farming. The existing use/s of properties abutting Bourke Lane appear to be residential/hobby farms with limited domestic livestock.
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	The road reserve intercepts the closed Daylesford Railway Line, but it is not considered a significant community value.
4. Whether the road connects into and forms a part of the wider network of public roads	No	The subject section of Bourke Lane under consideration is a small section of the fire access track. The balance section of the fire access track is about 1.2km.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	Yes	Given the new dwelling at 121 Bourke Lane, traffic along the public road section of Bourke Lane increase marginally.
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	The requester/owner of 121 Bourke Lane is a regular user of this road section.
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	Yes	A public authority would have constructed the fire access track section of Bourke Lane at public expense in the past.

Criteria	Response	Comments
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	Yes	Council maintains the fire access track section of Bourke Lane infrequently, subject to public authorities' funding.
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	Yes	121 Bourke Lane and Lot 1 LP127035N rely on the Bourke Lane subject section for access.
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	No	Council did place a "No Road" at the south-western corner of 167 Bourke Lane, but someone has moved this to the western end of the subject access track.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	Officers found no such condition on checking the available records of Planning Permit applications for 121 Bourke Lane and Lot 1 LP127035N.
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	The subsection section of Bourke Lane has a current carriageway width of about 3.5m which does not meet the width minimum standard for a Category 6 road. It does not have a turn-around area.
15. Whether the use is occurring "as of right", in particular evidence of previous permission;	Yes	A Planning Permit PLN/2019/379 approved a new dwelling at 121 Bourke Lane, which accesses the subject Bourke Lane road section.
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	Officers identified moderate pavement deformation and insufficient pavement material.

Criteria	Response	Comments
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	No	According to 'Dial Before You Dig', there are no existing public utility services located within the subject section of the road reserve.
18. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There are post and wire fencing located along both sides of the road reserve.

Given the results above, Bourke Lane scored 8 out of 18 guiding principles and therefore does not trigger strong consideration for inclusion in the Public Road Register.

Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request. The requester was contacted for further information about details and history of Bourke Lane.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

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

If added to the Public Road Register, Bourke Lane will require considerable upgrades including but not limited to:

- 1) a turnaround area at its western end and
- 2) addition of pavement materials to strengthen the pavement to meet minimum construction standards for a Category 6 Road.

The cost to undertake (1) and (2) is estimated to cost about \$22,000 excluding GST. Investment in these works would not provide the best value for the municipality's community.

Policy and Legislative Implications and Risks

This recommendation does not have any direct or indirect policy and legislative implications.

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

The request for an additional section of Bourke Lane in Tylden to be added to Public Road Register was assessed by Council officers and deemed not to be in the wider community's interests. Officers assessed the road section as per the Public Roads Procedure (2018) and found that the road would require considerable upgrades to meet the Council's minimum construction standards.

Officers recommend declining the request to include Bourke Lane, Tylden as a public road on the Public Road Register.

AO.5	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER – FUCHSIA LANE, MOUNT MACEDON
Officer	Gary Randhawa – Manager Engineering and Resource Recovery
Council Plan Relationship	Improve the built environment
Attachments	Nil

Purpose and Overview

This report responds to a request (CRM 211385) received by Council to add an approximate 115m long section of access track named Fuchsia Lane Mount Macedon to the Public Road Register for Council to undertake future maintenance of this lane.

Officers assessed Fuchsia Lane Mount Macedon for inclusion into the Public Road Register as a Category 6 road as per the Public Roads Procedure (2018). The subject access track requires considerable upgrades and repairs to meet the Council's minimum standards for a Category 6 road. The officer's recommendation is not to change the current Road Register Class of 'Nil' in the Public Road Register.

Recommendation

That Council:

- 1. Resolve not to upgrade Fuchsia Lane Mount Macedon to a public road in the Public Road Register.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

The section of Fuchsia Lane under consideration is approximately 115m long and is located within a road reserve that extends off Barringo Road in Mount Macedon. Barringo Road is an unsealed access road managed by Council. See Figures 1 to 4 below.

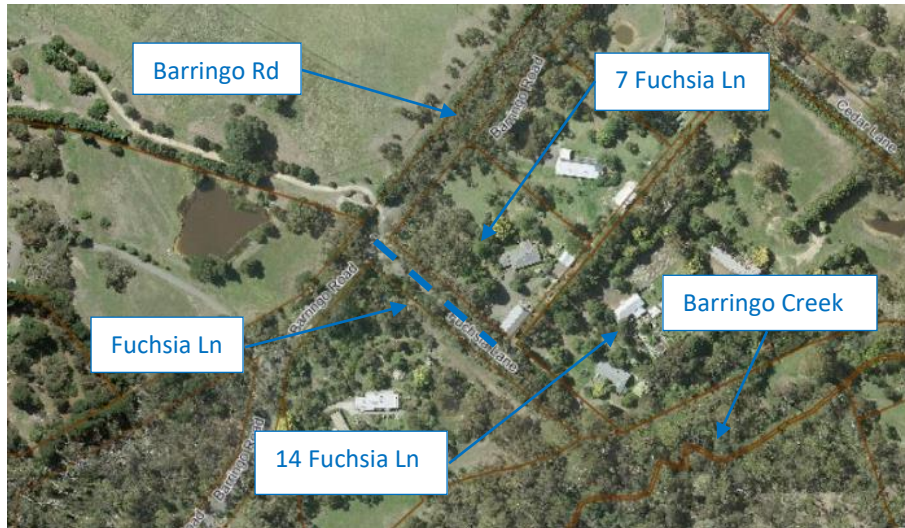


Figure 1 – Aerial of Fuchsia Lane



Figure 2 – Fuchsia Lane looking south-east from Barringo Road



Figure 3 – Fuchsia Lane looking south-east from the southern end



Figure 4 – Looking north-east at the unmade road reserve at the southern end of Fuchsia Lane

The road reserve containing Fuchsia Lane continues and connects into the Macedon Regional Park containing Barringo Creek. The subject Fuchsia Lane under consideration ends off the southern corner of 7 Fuchsia Lane. Beyond this point, the access track reduces in width with the road reserve fenced off with a gate. See Figure 5 below.



Figure 25– Fuchsia Lane looking south-east from the midway point with gate and fence installed

Council's Public Road Register lists Fuchsia Lane as a private road with a classification of 'Nil'.

The access track's gravel pavement has a uniform width of approximately 3.5m. There is no constructed turnaround area. The constructed open drain on the high side of the track appears to be deficient as it was holding water.

Officers inspected Fuchsia Lane and Barringo Road’s existing intersection and identified no apparent issues. Observations of the road included several minor potholes and some gravel loss. See Figures 6 and 7 below.



Figure 6 – Fuchsia Lane Road Surface



Figure 7 – Fuchsia Lane Road Surface

Context

Council officers’ present the assessment of the road against criteria for inclusion into the Public Road Register:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes;	Yes	Three properties directly abut and use Fuchsia Lane; these dwellings are located at 7 and 14 Fuchsia Lane.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use;	Yes	The land surrounding the subject road is zoned Rural Conservation. The existing use/s of properties abutting Fuchsia Lane are residential and is considered the highest and best economic use of the land.
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value;	Yes	The road reserve containing Fuchsia Lane continues in a south-east direction and connects into the Macedon Regional Park and the Barringo Creek.

Criteria	Response	Comments
4. Whether the road connects into and forms a part of the wider network of public roads;	No	The road reserve containing Fuchsia Lane connects into a road reserve behind 7 Fuchsia Lane, 534 Barringo Road and 4 Cedar Lane. This road reserve connects to Cedar Lane, but it is not used currently. This road reserve will likely remain a 'paper road' as the benefiting properties have alternate access to other roads.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use;	No	Officers reviewed aerial photos and available records of Planning Permit applications for the properties that utilise Fuchsia Lane. Negligible change in land use has been observed over time from 2015 to 2020.
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	Fuchsia Lane is regularly used by the owners/occupiers in the abutting properties.
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	No	Officers checked available records identified no record that the subject road was built in the past by Council or its predecessors. A nursery once operated at 14 Fuchsia Lane and likely constructed the subject access track.
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	No	7 and 14 Fuchsia Lane utilise Fuchsia Lane for access. However, they have alternative access rights onto Barringo Road or Cedar Lane.

Criteria	Response	Comments
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	Yes	A street name sign exists for Fuchsia Lane.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	Officers checked available records of Planning Permit applications for 7 and 14 Fuchsia Lane, and they contain no such condition.
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	Fuchsia Lane has a current carriageway width of approx. 3.5m which does not meet the width minimum standard for a Category 6 road. There is also no turnaround area for emergency or service vehicles. The existing table drain on the high side of the road appears to be shallow and deficient.
15. Whether the use is occurring "as of right", in particular evidence of previous permission;	Yes	The existing land uses at 7, and 14 Fuchsia Lane has been existent for a long time, which pre-dates available records within Council.
16. Existing geometric standards and surface condition are in accordance with Council's requirements;	No	There are minor potholes observed with some gravel loss from the pavement surface.
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	Yes	There are, at a minimum, public electricity and telecommunications services located within the road reserve.

Criteria	Response	Comments
18. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	There is post and wire fencing located along both sides of the road reserve.

Given the results above, Fuchsia Lane scored 8 out of 18 guiding principles and therefore does not trigger strong consideration for inclusion in the Public Road Register as a public road maintained by Council.

Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request.

Officers contacted the requester for further information about details and history of Fuchsia Lane.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

If Fuchsia Lane was to be added to the Public Road Register for Council to maintain, it will require considerable upgrades and repairs including, but not limited to:

- 1) a turnaround area at its southern end,
- 2) removal of existing trees to provide space for a turnaround area (see Figure 8)
- 3) addition of pavement materials to widen and repair the pavement to meet minimum construction standards for a Category 6 Road, and
- 4) alterations to the current drainage



Figure 8 – Fuchsia Lane, overlay of turning circle

A turnaround area at the dead-end of any public road is required to enable services (waste and recycling) and emergency vehicles to exit safely in a forward direction.

Given the road reserve is only 20m wide, only a court bowl arrangement can be adopted. There is insufficient room to adopt a 'hammer head' turnaround area which will require a road reserve width of at least 25m.

The cost to undertake (1), (2), (3) and (4) is estimated to cost approximately \$20,000-\$25,000 excluding GST. Investment in these works would not provide best value for the community.

Policy and Legislative Implications and Risks

This recommendation does not have any direct or indirect policy and legislative implications.

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

Council officers assessed the request for Fuchsia Lane, Mount Macedon, to be added to the Public Road Register and deemed it not to be in the broader community's best interest. Officers considered the request as per the Public Roads Procedure (2018) and found that the road would require considerable upgrades and repair to meet the Council's minimum construction standards.

Officers recommend declining this request.

14. NOTICES OF MOTION

NOTICE OF MOTION NO. 15/2020-21 – CR NEIL

That Council:

- 1. Requests the CEO to present a report to a Scheduled Council Meeting regarding the provision of Christmas decorations to the six main towns (Lancefield, Romsey, Riddells Creek, Gisborne/New Gisborne, Woodend and Kyneton).**
- 2. Requests that the report details the costs involved, types of decorations available, suitability to current town streetscapes, infrastructure required and other associated matters.**

NOTICE OF MOTION NO. 16/2020-21 – CR NEIL

That Council seek a report on the feasibility of altering current road access arrangements from Kyneton South to Kyneton township, and such report to cover the concept of a new rail crossing either by underpass or overpass south-east of the current crossing, a Campaspe River bridge and relevant connecting roads to High Street or Bourke Street and the Railway Station (south side), and include a cost estimation.

NOTICE OF MOTION NO. 17/2020-21 – CR ANDERSON

That Council endorses referring to the annual 2020/21 review of Macedon Ranges Shire Council's Procurement Policy the inclusion of a mandatory weighting of 15% (minimum) for the Environmental Benefit evaluation criteria (selection criteria) as part of all tender evaluations.

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

Nil