

Agenda

Council Meeting
Wednesday 28 February 2024 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

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

6 PETITIONS

6.1	PETITION IN RELATION TO THE PEDESTRIAN BRIDGE CROSSING, WILLIMIGONGON CREEK ON CLARKE STREET, MOUNT MACEDON
Officer:	Lucy Olson, Senior Governance Officer - Council Business
Council Plan relationship:	4. Delivering strong and reliable government

Summary

A petition has been received from Susan D'Urso a resident of Mount Macedon on behalf of 85 residents stating:

"Mayor. and Councillors of the Macedon Ranges Shire Council, we the undersigned, petition Macedon Ranges Shire Council as of January 2024 to reinstate the pedestrian bridge crossing Willimigongon Creek on Clarke Street, Mount Macedon within 6 months."

Recommendation**That Council:**

- 1. Notes the petition from Susan D'Urso on the matter of the Pedestrian Bridge Crossing, Willimigongon Creek on Clarke Street, Mount Macedon, with 85 signatories;**
- 2. Notes that the petition has been circulated to all Councillors confidentially as it contains personal information; and**
- 3. Requests the Director Assets and Operations to prepare a report in response to this petition to be presented at a future meeting of Council.**

7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

8 ADOPTION OF MINUTES

Recommendation

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 13 December 2023 and the Unscheduled Council Meeting of Macedon Ranges Shire Council held on 30 January 2024, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - DECEMBER 2023 - FEBRUARY 2024****Summary**

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

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

Welcome to the first mayoral report for 2024. It is hard to believe we are in the final year of this term of Council, and we have a busy schedule to work through. Over the summer break, Councillors and Council Officers have been preparing for the year ahead, especially on the FY 2024/25 budget preparations and strategic land use planning matters.

Once again, we have started the year with flooding events in late December and early January. We have also had recent storms resulting in debris across the Shire and power outages. I want to thank our emergency services and Council officers that assisted during these challenging times, as well as our resilient community. As climate change impacts weather patterns, these storm events are becoming more regular. In January, Councillors visited the Woodend Bowls Club, Malmsbury Cricket Ground and Darraweit Guim Tennis Courts to view the recently finished 2022 flood insurance projects. Storm recovery takes time and Council are continuously working with residents and community groups to manage these ongoing situations.

Throughout January and February, Councillors attended multiple events and meetings across the Macedon Ranges:

- West Ward Councillors met with Kyneton residents on 23 January and 6 February to discuss drainage issues and storm impacts
- Planning Officers, Chief Executive Officer and West Ward Councillors completed a Kyneton walking tour on 1 February to assist with progressing the Urban Design Framework
- Kyneton Daffodil and Arts Festival Annual General Meeting on 6 February
- Event with the Woodend/Hanging Rock Petanque Club on 8 February
- Opening of the 1st Riddells Creek Scout Group on 10 February and Queens Scout presentations on 17 February
- Working bee at the Newham Mechanics Institute on 11 February
- Municipal Fire Management Planning Committee meeting on 15 February
- Municipal Association of Victoria Emergency Management Committee meeting on 16 February
- Opening of the new arena at IR Robertson Reserve on 18 February
- Central Victorian Greenhouse Alliance Board meeting on 22 February

Launch of the 2024 LEAD Loddon Murray Community Leadership Program on 23 February

Community Awards and Citizenship Ceremony

Councillors were pleased to celebrate the achievements and contributions of some of our well-deserving residents and groups at the Community Awards Ceremony held at the Kyneton Town Hall on 25 January. Like all of those in attendance, I was inspired by the significant achievements and voluntary contributions of this year's award recipients:

- Connecting Communities Award: Riddells Creek 72 Hour Emergency Team
- Healthy People and Environment Award: Woodend Landcare
- Business and Tourism Award: Interval Art
- Citizen of the Year: Tony Davis

Congratulations to all the nominees and the winners for your efforts. Through your work we are fortunate to have wonderful services in the Macedon Ranges. I would like to also note that Tony Davis is a finalist for the Volunteer Commitment Award at the Victorian Volunteering Awards. These awards recognise and celebrate the impact volunteers, volunteer leaders and volunteer programs have in building resilient communities, services and connections across Victoria.

Prior to this special event, 34 residents made a formal pledge to become Australian citizens. Together with my fellow Councillors, we also welcomed 34 residents as they made a formal pledge to become Australian citizens. This is always a special occasion and I thank the new citizens for choosing the Macedon Ranges to complete their citizenship journey.

Riddells Creek Recreation Reserve – LED lighting upgrades

Riddells Creek Recreation Reserve and its users will soon benefit from better lighting thanks to a confirmed funding partnership between Council, community and the Victorian Government. Council was proud to have collaborated on a positive outcome for the reserve's many user groups including the Riddell Football Netball Club, Riddells Creek Junior Football Netball Club and Riddell Cricket Club. The Victorian Government's announcement of \$200,00, together with a \$50,000 contribution from the Riddells Creek Recreation Reserve Consultative Committee, will support Council's budget contribution towards LED lighting upgrades that will bring the ground in line with appropriate standards. Better lighting will make such a big difference at this ground and opens up so many more opportunities for user groups with the potential for night matches, a better night-time training experience and other events.

Capital Works Update

It was pleasing to see multiple projects completed before the end of year closure period.

- The section of Sheedy Road between Howey Street and Willowbank Road was reconstructed. The project's outcome is the connection of the missing Shared Path link, upgraded road surface and drainage in the proposed section of the road. The works commenced in mid-September 2023 and were complete by the end of December 2023.
- Stage 4 of the Gisborne Fields landscape redevelopment masterplan has now been implemented. Stage 4 delivered bollards to the park's perimeter and the forming of undulating mounds in the northern part of the park. Softscape works established gardens in the northwest and southwest corners, and numerous trees are being

planted. Park furniture, including several bench seats and a set of casual AFL goal posts, were also installed creating a kickabout area.

- Following a structural and safety assessment of the Ross Street Malmsbury bridge in 2022, the bridge has been closed, and a detour has been set up via Baldry Street and Racecourse Road. The bridge safety works were to install piles and headwalls to retain the fill and attach code-compliant barriers to the new headwalls, thus keeping the entire bluestone structure. The works commenced on 6 November 2023 and were complete before the end of year closure period.

Youth Events

The Youth Services team hosted a series of vibrant and exciting youth events in the shire during the summer school holidays. Designed to be inclusive for all ages, these events were not only free to attend (pools required standard entry fee) but also provided a supervised, drug and alcohol-free environment, ensuring a safe and enjoyable experience for everyone. From a lively Woodend Pool Party to an enchanting Outdoor Cinema night in Kyneton, a thrilling Skate/BMX/Scooter Competition in Gisborne, an Open Mic Event in Romsey, to the ultimate Lancefield Pool Party, there was something for everyone.

Waste and Resource Recovery

Reusable nappy, sanitary and incontinence product rebate program

- In Australia, around 660 million disposable nappies and sanitary and incontinence products end up in landfills annually. On average, there are over ten babies born per week in Macedon Ranges Shire Council and every child will use on average, 6,000-7,000 nappies before toilet training. For the babies born in the Shire that use disposable nappies, approximately 3.5 million nappies will be sent to landfill by the time they are toilet trained. Council is excited to announce that following the success of last year's pilot reusable nappy, sanitary and incontinence product rebate program (April-June 2023), the Resource Recovery team will be re-running this program commencing February to April 2024.
- This program is open to residents of Macedon Ranges Shire Council. It helps our community to access reusable items, which will over time, reduce long-term costs associated with waste disposal. Reusable items eligible for the rebate are listed on Council's website.

Textile collection

- From September to December 2023, Council recovered 11 tonnes of textiles thanks to the three new textile collection chutes located at resource recovery facilities. The textile recycling chutes are a convenient and responsible way for our residents to recycle their unwanted, worn out or damaged textiles unsuitable for op shops. The collected textiles are sent to processing facilities in Malaysia and sorted for re-use, repair, repurpose, recycling, re-fibre, and reprocessing. By using this service, Council and the community are dramatically decreasing the volume of textiles sent to landfills. This service is an excellent way to divert unsellable, but still valuable, materials from landfill. The service is at no cost to Council and is free for residents.

New Online Engagement Hub

Council has launched a new online hub to enable a clearer, more engaging way of informing and obtaining valuable feedback from the community on key Council policies or initiatives. People will be able to view current public consultations and have their say in new ways through the new Your Say hub, which has the capacity to host surveys, interactive maps,

Q&As, forums and more. It has a range of user-friendly features and interactive tools providing a more inclusive, accessible and collaborative space for residents to stay informed and get involved in Council's decision-making processes.

Current Community Consultations

Submissions close 5pm on Sunday 3 March for the:

- Draft Special Charge Scheme
- Draft Complaint and Unreasonable Behaviour Policy
- Draft Fair Access Policy
- Romsey Skatepark Designs

I encourage residents to have their say in these important community consultations.

Mayor Death

Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL OFFICERS - DECEMBER 2023 TO FEBRUARY 2024****Summary**

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

Recommendation

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

Record of meetings

Type of meeting	Councillor Briefing
Date and time	12 December 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	NIL
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Naomi Scrivener, Manager Community Wellbeing • Amy Holmes, Manager Community Strengthening • Awais Sadiq, Manager Statutory Planning

	<ul style="list-style-type: none"> • Rob Ball, Manager Strategic Planning and Environment • Hayley Short, Coordinator Community Connections-Community Wellbeing • Julius Peiker, Coordinator Community Development • Christo Crafford, Coordinator Statutory Planning • Leanne Khan, Coordinator Strategic Planning • Patrica Clive, Coordinator Governance • Lucy Olson, Senior Governance Officer – Council Business • Isobel Maginn, Senior Strategic Planner (via zoom) • Damien Hodgkins, Senior Statutory Planning Officer • Steve Williams, Recreation Development Officer • Sam Worton, Project Officer – Facilities Management • John Perry, Statutory Planning Officer • Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> • Scott Gilchrist, Coordinator Open Space • Tanya Loos, Biodiversity Strategy Projects Officer • Julian Szafraniec - SGS Economics and Planning (via zoom)
Presenters	<ul style="list-style-type: none"> • Jo Noesgaard – SGS Economics and Planning (via zoom)
Items discussed	<ul style="list-style-type: none"> • CEO & Councillor only session • Report of Operations Update • Senior Citizen Groups – Transition Update • Barkly Square Multipurpose Facility Building Options • Romsey Hotel EGM's – Social & Economic Impact Assessment • Planning Matters • Gisborne Futures Summary of Submissions • Stanley Park Management Arrangements • Agenda Review for 13 December Council Meeting • Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>NIL Did they leave the meeting? N/A</p>

Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A
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Type of meeting	Planning Meeting – Fallen Freight
Date and time	12 December 2023 3:00pm
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Janet Pearce (Deputy Mayor) • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Christine Walker • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Jennifer Anderson • Cr Geoff Neil • Cr Mark Ridgeway
Present - officers	<ul style="list-style-type: none"> • Christo Crafford, Coordinator Statutory Planning • Nicholas Harrison, Senior Statutory Planning Officer
Apologies officers	NIL
Presenters	<ul style="list-style-type: none"> • Mark Scerri, Fallen Freight
Items discussed	<ul style="list-style-type: none"> • Planning permit PLN/2023/73
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	NIL Did they leave the meeting? N/A
Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	30 January 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway

	<ul style="list-style-type: none"> • Cr Christine Walker (Zoom) • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Cr Janet Pearce (Deputy Mayor)
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Amy Holmes, Acting Director Community • Shane Walden, Director Assets and Operations • Eng Lim, Manager Engineering and Resource Recovery • Naomi Scrivener, Manager Community Wellbeing • Amy Holmes, Manager Community Strengthening • Rob Ball, Manager Strategic Planning and Environment • Benup Neupane, Coordinator Engineering Services • Leanne Khan, Coordinator Strategic Planning • Leah Rushford, Coordinator Community Resilience and Recovery • Alana Stevens, Executive Assistant • Louise Dewberry, Senior Strategic Planner • Lucy Olson, Senior Governance Officer – Council Business • Damien Hodgkins, Senior Statutory Planning Officer • Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> • Harry Rehal, Traffic and Road Safety Engineer
Presenters	<ul style="list-style-type: none"> • Jo Fisher, Mesh Planning (via Zoom)
Items discussed	<ul style="list-style-type: none"> • Councillor Only Session • CEO & Councillor only session • Councillor Only Session – Romsey Structure Plan • Draft Riddells Creek Movement Network Study 2023 - Update • Development Contributions Plan Review • Kyneton Movement Network Study • Days of recognition 2024 • Planning Matters • Other business

Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Cr Bill West declared a material conflict with the Councillor Only Session – Romsey Structure Plan Did they leave the meeting? Yes 11:15am – 12:12pm
Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	6 February 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) (Zoom) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Nil
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Maria Weiss, Director Community • Shane Walden, Director Assets and Operations • Rob Ball, Manager Strategic Planning and Environment • Sarah Annells, Manager Safer Communities • Lauren Wall, Manager Communications and Engagement • Stephen Pykett, Manager Economic Development and Visitor Economy • Leanne Khan, Coordinator Strategic Planning • Rebecca Pedretti, Coordinator Visitor Economy • Bodey Dittloff, Coordinator Communications

	<ul style="list-style-type: none"> Nicole Wadden, Senior Statutory Planning Officer Lucy Olson, Senior Governance Officer – Council Business Damien Hodgkins, Senior Statutory Planning Officer Declan Hunter, Statutory Planning Subdivisions Officer Jack Wiltshire, Strategic Planner Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> NIL
Presenters	<ul style="list-style-type: none"> David Bergin, Eight Street Planning Paul Buxton, Plan 2 Place
Items discussed	<ul style="list-style-type: none"> CEO & Councillor only session Autumn Leaves Management Program Update Romsey Structure Plan - Councillor workshop Consideration of Planning Panel for Amendment C153MACR – 101-105 Willowbank Road Gisborne Community Engagement Guidelines and Social Pinpoint Planning Matters Submitters Delegated Committee Agenda Review Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Bill West declared a material conflict with the Romsey Structure Plan Workshop</p> <p>Did they leave the meeting? Yes 10:18am – 3:00pm</p>
Conflicts of interest declared by officers	<p>NIL</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	13 February 2023 9:00am
Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> Cr Annette Death (Mayor) Cr Janet Pearce (Deputy Mayor) Cr Jennifer Anderson Cr Dominic Bonanno Cr Rob Guthrie

	<ul style="list-style-type: none"> • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Nil
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Shane Walden, Director Assets and Operations • Amy Holmes, Manager Community Strengthening • Awais Sadiq, Acting Manager Statutory Planning • Sean Morley, Coordinator Accounting • Julius Peiker, Coordinator Community Development (Zoom) • Kaitlin Evans, Executive Assistant • Lucy Olson, Senior Governance Officer
Apologies officers	<ul style="list-style-type: none"> • Maria Weiss, Director Community
Presenters	<ul style="list-style-type: none"> • NIL
Items discussed	<ul style="list-style-type: none"> • CEO & Councillor only session • 3.1 2023/24 MY Budget Review, & Budget 2024/25 Workshop 1 • Council Meeting Agenda Review - 28 February 2024 • Gambling Harm Prevention Policy • Planning Matters • Other business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Cr Neil declared a general conflict with the Dog Obedience Club in Item AO.2 in the Agenda review. Did they leave the meeting? Yes 2:32pm – 2:40pm
Conflicts of interest declared by officers	NIL Did they leave the meeting? N/A
Type of meeting	Councillor Briefing
Date and time	20 February 2023 9:00am

Venue	Gisborne Administration Centre
Present - Councillors	<ul style="list-style-type: none"> • Cr Annette Death (Mayor) • Cr Janet Pearce (Deputy Mayor) • Cr Jennifer Anderson • Cr Dominic Bonanno • Cr Rob Guthrie • Cr Geoff Neil • Cr Mark Ridgeway • Cr Christine Walker • Cr Bill West
Apologies - Councillors	<ul style="list-style-type: none"> • Nil
Present - officers	<ul style="list-style-type: none"> • Bernie O'Sullivan, Chief Executive Officer • Rebecca Stockfeld, Director Planning and Environment • Adele Drago-Stevens, Director Corporate • Shane Walden, Director Assets and Operations • Maria Weiss, Director Community (Zoom) • Amy Holmes, Manager Community Strengthening • Rob Ball, Manager Strategic Planning and Environment • Stephen Pykett, Manager Economic Development and Visitor Economy • Eng Lim, Manager Engineering and Resource Recovery • Julius Peiker, Coordinator Community Development • Bill Pemberton, Coordinator, Resource Recovery • Isobel Maggin, Senior Strategic Planner • Lucy Olson, Senior Governance Officer • Maria Lorient, Community Partnerships Officer • Adrian Shand, Venue Technical Supervisor • Dannielle Orr, Heritage Planner • Cindy Stevens, Business Support Officer
Apologies officers	<ul style="list-style-type: none"> • Jeet Dahal, Acting Manager Assets and Project Management • Leanne Khan, Coordinator Strategic Planning
Presenters	<ul style="list-style-type: none"> • Greg Wood (Tract Consultants) • Heidi Duncan (Tract Consultants)

	<ul style="list-style-type: none"> • Dan Xia (Spacious Group) • Trevor Budge (Greater City of Bendigo) • Susan Fayad (Greater City of Bendigo) • Bruce Mildenhall (Mt Macedon Memorial Cross Committee of Management) • Dyon Gerlach (Mt Macedon Memorial Cross Committee of Management)
<p>Items discussed</p>	<ul style="list-style-type: none"> • CEO & Councillor only session • Hire Functions and Conditions for Kyneton Town Hall • Neighbourhood House Policy Review • Waste Education Action Plan 2024-2026 • Presentation by Tract consultants (land south of the railway Riddells Creek) • Capital Works Monitoring Report • Gisborne Futures Structure Plan - Phase 4 Consultation Response • Presentation by Bruce Mildenhall & Dyon Gerlach Mt Macedon Memorial Cross Committee • Update on World Heritage Bid • Submitters Delegated Committee Final Agenda Review • Planning Matters • Other business
<p>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>	<p>NIL Did they leave the meeting? N/A</p>
<p>Conflicts of interest declared by officers</p>	<p>NIL Did they leave the meeting? N/A</p>

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	CONSIDERATION OF PLANNING PANEL AND ADOPTION OF AMENDMENT C153MACR – 101-105 WILLOWBANK ROAD GISBORNE
Officer:	Daniel Hall, Strategic Planner
Council Plan relationship:	1. Connecting communities 3. Business and tourism
Attachments:	1. C153macr Planning Panel Report (under separate cover) 2. Exhibited Architectural Plans (under separate cover) 3. Amendment C153macr and PLN/2022/359 - for adoption ↓

Summary

Planning Scheme Amendment C153macr (the Amendment) and permit application PLN/2022/359 (the Permit) is a combined planning scheme amendment undertaken by Council at the request of the landowner, Brady Road Investments Pty Ltd.

The Amendment proposes to rezone land located at 101-105 Willowbank Road Gisborne from General Residential Zone Schedule 1 to Commercial 1 Zone, introduce Design and Development Overlay Schedule 27 and vary the Restrictive Covenant PS549356W to allow for the development of a local activity centre.

Alongside the rezoning application, the Permit seeks approval for:

- Buildings and works to construct a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces.

The Amendment was formally exhibited from 8 May to 13 June 2023 and received 15 submissions.

At the Planning Delegated Committee meeting of 12 September 2023, the Committee referred the matter to an independent planning panel, and Planning Panels Victoria held an in-person hearing on Monday 27 November 2023.

Overall, the Panel supports the Amendment subject to a number of recommended changes to the draft permit conditions and proposed Design and Development Overlay Schedule 27 (DDO27).

Recommendation**That Council:**

- 1. Adopts Amendment C153macr with changes outlined in this report and provided in Attachment Three.**
- 2. Submits Amendment C153macr to the Minister for Planning together with the prescribed information for approval, in accordance with Section 31 of the Planning and Environment Act 1987.**
- 3. Notifies all submitters of Council's decision.**

Background

On 27 July 2022, Taylors Development Strategists on behalf of Brady Road Investments Pty Ltd requested a combined planning scheme amendment and planning application under Section 96A of the *Planning and Environment Act 1987* for land at located at 101-105 Willowbank Road, Gisborne.

At the 7 December 2022 Planning Delegated Committee it was resolved to seek authorisation from the Minister for Planning to prepare Amendment C153macr. As outlined in the officer's report at that time, strategic support for the proposal can be found in both adopted Council strategies as well as the Macedon Ranges Planning Scheme.

The site has been identified as an activity centre site in both the 2009 Gisborne Outline Development Plan (as 'Proposed local neighbourhood retail') and the draft Gisborne Futures Structure Plan (August 2023) (as a 'Local activity centre'). The proposal is also consistent with Clause 11.01-1L (Settlement – Gisborne (including New Gisborne)) of the Macedon Ranges Planning Scheme which nominates this location for local neighbourhood retail, and includes the strategy to "Establish local neighbourhood activity centres in residential areas that include... Two local centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs".

The current residential zoning does not allow the site to be developed as a local activity centre as envisioned in local planning policy, as the General Residential Zone (GRZ) only allows for a limited range of commercial uses subject to conditions and prohibits most others. The rezoning of the land at 101-105 Willowbank Road to the Commercial 1 Zone (C1Z) appropriately facilitates the established vision for the site as a local activity centre.

The Minister for Planning authorised Amendment C153macr on 1 March 2023 subject to five conditions, including to amend the schedule to the C1Z to include a cap on the maximum floor area for shop and office uses on the site without a permit. This assists to maintain the status of the development as a local activity centre and its role in Gisborne's activity centre hierarchy.

Council satisfied the conditions of authorisation and exhibited Amendment C153macr for a period of five weeks from 8 May to 13 June 2023. Per the exhibited explanatory report, the amendment proposed the following changes to the planning scheme:

- Rezones approximately 3,547 square metres of land, known as Lot 43, PS549356W, at 101-105 Willowbank Road, Gisborne and part of the road reserves including R-2 on PS549356W from the General Residential Zone, Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) as shown on Planning Scheme Map No. 36.
- Applies the Design and Development Overlay, Schedule 27 (DDO27) to land at 101-105 Willowbank Road, Gisborne as shown on Planning Scheme Map No. 36DDO.
- Amends the Schedule to Clause 34.01 (C1Z) to insert maximum leasable floor areas of 500 and 1000 square metres for both shop and office respectively.
- Inserts a new Schedule 27 to Clause 43.02 (Design and Development Overlay) to guide the future development of the land, ensure that the character of the area and features are considered, and implement good quality architecture and urban design on the site.

- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to insert the following in Schedule sub-section 1.0 (Under Section 23 of the Subdivision Act 1988):

Land	Easement or restriction	Requirement
Lot 43 on Plan of Subdivision 549356W, Volume 11043 Folio 423 (101-105 Willowbank Road, Gisborne)	Restrictive Covenant contained in Instrument of Transfer No. PS549356W	Vary the restrictive covenant to allow fencing other than post and wire fencing and construction of a building with a height of greater than 9 metres and two stories [sic]

While the planning permit application sought approval for:

- The construction of buildings and works associated with a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces; on land known as at 101-105 Willowbank Road, Gisborne and part of the road reserve including R-2 on PS549356W.

A total of 15 submissions were received in response to the public exhibition of the Amendment. These submissions include six in support and nine opposing the Amendment or parts thereof.

A post-exhibition engagement session was held on the 5 July 2023 between Council officers, the planning consultant representing the proponent and a number of submitters. The session gave the opportunity to provide further clarification and resolution of issues raised in submissions.

At the 12 July 2023 Planning Delegated Committee, submitters were provided the opportunity to outline their views on the Amendment to the Committee.

A number of matters remained unresolved and at the Planning Delegated Committee of 12 September 2023, the Committee resolved to progress the matter to an independent planning panel.

The Amendment and Permit were heard by the independent planning panel on 27 November 2023 and the Panel report and recommendations were provided to Council on 8 December 2023. Council made the Panel report public shortly after it was received.

Discussion

The Panel determined that there was appropriate strategic justification for the Amendment and Permit, concluding that the proposal was consistent with strategic policy directions, that the location is appropriate, and that the proposal can deliver acceptable planning outcomes. The Panel reviewed the drafting of the proposed DDO27 and the draft permit conditions, and considered that subject to minor adjustments, both were well drafted and suitable to ensure the proposal will deliver acceptable planning outcomes and a net community benefit.

Further, the Panel acknowledged the proactive and collaborative approach of both the Proponent and Council, resulting in some of the issues raised in submissions being resolved by the time the matter came before the Panel.

Panel was not supportive of Council's proposed changes to permit conditions in relation to drainage, or of the inclusion of permit conditions restricting right turn exits from the site onto Brady Road.

Council sought post exhibition changes to Condition 1(e) to include an increase in performance standards in stormwater detention and discharge on the site. In summary, Panel concluded that:

"(it) was not persuaded that Council's proposal to set performance requirements for stormwater discharges from the site based on a 5 percent Annual Exceedance Probability event was justified"

Panel recommended that the 10 percent Annual Exceedance Probability event, as proposed in the exhibited draft permit conditions be retained.

Further, Panel was not convinced that conditions 1(a) and 1(b) that sought to restrict right turn exits from the Brady Road access point were justified, concluding that:

"Council's proposal to restrict right turn exits from the site onto Brady Road is not justified given the likely traffic volumes or the configuration of the site's Brady Road exit in relation to other surrounding developments."

Officers have considered all of the Panel recommendations and support these changes. It is recommended that Council adopt the Amendment as exhibited, subject to the Panel's changes. The Panel Report is provided at **Attachment One**, including tracked changes to the permit conditions.

Attachment Two provides the exhibited Architectural Plans, noting the final Planning Permit requires minor changes.

Attachment Three provides the final Amendment documents to adopt and submit to the Minister for Planning.

Consultation and engagement

Amendment C153macr underwent public exhibition from 8 May 2023 to 13 June 2023. Council considered all submissions received on this amendment and submitters were afforded the opportunity to present their submission at the 12 July 2023 Planning Delegated Committee and the Planning Panels Hearing of 27 November 2023. All submitters will be notified of the resolutions of this meeting.

Collaboration

A range of external government and statutory bodies were notified of Amendment C153macr and PLN2/2022/359 including relevant Ministers, referral bodies and other stakeholders in accordance with the *Planning and Environment Act 1987*.

Innovation and continuous improvement

N/A

Relevant law

The requirements for planning scheme amendments are set out in the *Planning and Environment Act 1987* and its regulations.

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

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

Relevant regional, state and national plans and policies

Amendment C153macr gives effect to Objective 8 of the Macedon Ranges Statement of Planning Policy, which seeks to: plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.

Further, the proposed amendment assists in carrying out Gisborne's designated role as becoming a regional centre.

Relevant Council plans and policies

This report's recommendations are supported by the following Council Plans and Strategies:

Council Plan 2021-2031

Strategic Objective 1 – Connecting Communities

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

Strategic Objective 3 - Business and Tourism

Encourage economic vitality (including tourism, agribusiness, buy local and local employment options

The Macedon Ranges Planning Scheme

Clause 11.01-1L outlines the strategy to:

Establish local neighbourhood activity centres in residential areas that include two local centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs.

The Gisborne Outline Development Plan (2009)

The existing Structure Plan for Gisborne identifies the land at 101-105 Willowbank Road as 'proposed neighbourhood retail.' The plan identifies that the:

“local activity centres in south Gisborne and west Gisborne will likely require a zone other than a Residential Zone, with the final zone chosen to be tailored to the specific uses proposed.”

Economic Development Strategy 2021-2031

Identifies as an action to:

'Support the implementation of Township Structure Plan recommendations and/or relevant urban design frameworks through business case development to access funding support for high quality urban design and active street frontages.'

Financial viability

The *Planning and Environment Act 1987* Regulations set out fees to be paid at each step of the Amendment.

Council's fact sheet, 'Private Sponsored Planning Scheme Amendments' sets out Council's expectation that all costs associated with the amendment will be payable by the landowner (Brady Road Investments Pty Ltd).

Council did not incur any financial costs associated with having the matter heard by Planning Panels Victoria.

Sustainability implications

The proposal provides for a range of environmental sustainability initiatives including:

- A building design to enhance thermal performance and reduce energy use.
- 20Kw Solar PV system on the roof.
- Use of recycled materials and materials with low embodied energy.
- Water Sensitive Urban Design – roof area to harvest water and send to 10,000 litre rainwater tanks.
- One EV charging station with possibility of further expansion

Further, the development of a Local Activity Centre at the proposed location provides for local convenience and community services within a walkable catchment for an area of Gisborne that has experienced significant residential growth. This is likely to reduce the level of car traffic journeying to and from the Gisborne town centre for basic retail and medical needs.

Officer declaration of conflicts of interest

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

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME
AMENDMENT C153macr
PLANNING PERMIT APPLICATION PLN/2022/359
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Macedon Ranges Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of the landowner being Brady Road Investments Pty Ltd represented by Taylors Development Strategists.

Land affected by the amendment

The amendment applies to 3,547 square metres of land at 101-105 Willowbank Road, Gisborne Victoria 3437 (identified as Lot 43 on Plan of Subdivision 549356W) and part of the road reserves of Willowbank Road and Brady Road including Road (R-2) on PS549356W. The site is contained within map 36 of the Macedon Ranges Planning Scheme maps



Figure 1: Amendment site
 Source: MRSC Intramaps

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What the amendment does

The amendment proposes to rezone the land from the General Residential Zone, Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) to facilitate the development of a future local activity centre. The amendment will also apply a Design and Development Overlay, Schedule 27 (DDO27) to guide the future development of the site and ensure an appropriate built form outcome is achieved. Specifically, the proposed amendment:

- Rezones approximately 3,547 square metres of land, known as Lot 43, PS549356W, at 101-105 Willowbank Road, Gisborne and part of the road reserves including R-2 on PS549356W from the General Residential Zone, Schedule 1 (GRZ1) to the Commercial 1 Zone (C1Z) as shown on Planning Scheme Map No. 36.
- Applies the Design and Development Overlay, Schedule 27 (DDO27) to land at 101-105 Willowbank Road, Gisborne as shown on Planning Scheme Map No. 36DDO.
- Amends the Schedule to Clause 34.01 (C1Z) to insert maximum leasable floor areas of 500 and 1000 square metres for both shop and office respectively.
- Inserts a new Schedule 27 to Clause 43.02 (Design and Development Overlay) to guide the future development of the land, ensure that the character of the area and features are considered, and implement good quality architecture and urban design on the site.
- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves) to insert the following in Schedule sub-section 1.0 (Under Section 23 of the Subdivision Act 1988):

Land	Easement or restriction	Requirement
Lot 43 on Plan of Subdivision 549356W, Volume 11043 Folio 423 (101-105 Willowbank Road, Gisborne)	Restrictive Covenant contained in Instrument of Transfer No. PS549356W	Vary the restrictive covenant to allow fencing other than post and wire fencing and construction of a building with a height of greater than 9 metres and two storeys

The amendment is a combined planning permit application and planning scheme amendment under Section 96A of the Act.

The planning permit application seeks approval for:

- The construction of buildings and works associated with a supermarket, medical centre, office and food and drink premises (two cafés); and
- A reduction in the number of car parking spaces from 61 to 57 spaces;

on land known as at 101-105 Willowbank Road, Gisborne and part of the road reserve including R-2 on PS549356W.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate a future local activity centre on the land to provide for everyday shopping, commercial and medical needs of the surrounding residential community. Since 2009, the site has been earmarked as a local activity centre in the Gisborne/New Gisborne Outline Development Plan, 2009 (2009 ODP). The site is located within the township boundary and is identified as proposed neighbourhood retail within the Gisborne/New Gisborne Framework Plan at Clause 21.13-1 (Gisborne and New Gisborne) of the Municipal Strategic Statement of the Macedon Ranges Planning Scheme.

The Gisborne south area has experienced considerable housing growth, and this is anticipated to continue with the development of the Willow Estate at the eastern end of Willowbank Road. Residents in the nearby area are still required to travel into Gisborne Town Centre (typically by car) to access

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basic services and everyday shopping needs. Delivering on the vision of the 2009 ODP and Clause 21.13-1 will bring a much-needed local service and amenity to the surrounding residential community. The proposed local activity centre also seeks to reduce car dependency for the surrounding area, providing a more proximate centre that prioritises pedestrian/cyclists in its design while also being well serviced by a bus route for alternative sustainable transport options.

The subject site is currently within a General Residential Zone. The current zoning greatly restricts the ability of the site to be developed into a local activity centre as envisioned in local planning policy for the area, as it prohibits most commercial uses or applies stringent conditions to a limited variety of uses. The rezoning of the land at 101-105 Willowbank Road to the Commercial 1 Zone appropriately facilitates the commercial vision of the site to create a local activity centre. It is noted that the Schedule to the Commercial 1 Zone will identify a maximum leasable floor area of 500 square metres for Shop and 1000 square metres for Office for which a permit can be granted to vary such requirements.

The inclusion of the Design and Development Overlay will ensure particular built form outcomes are achieved at the site that is consistent with the character of the surrounding area and appropriately responds to its features and implements good quality architecture and urban design. If this proposed development does not occur, Schedule to Clause 34.01 will trigger a permit for any new development if the maximum floor area sizes are exceeded.

How does the amendment implement the objectives of planning in Victoria?

The proposed amendment implements the objectives of planning in Victoria as outlined in Section 4(1) of the *Planning and Environment Act 1987* (the Act). The relevant objectives are:

(b) *to provide for the fair, orderly, economic and sustainable use, and development of land;*

The proposed amendment provides for the fair, orderly, economic and sustainable use and development of the land by rezoning the affected land to facilitate a local activity centre that will provide basic services and everyday shopping, commercial and medical needs for the surrounding residential communities.

(c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

The amendment proposes to create a pleasant, efficient and safe working environment and a place for the local community to meet and interact during their daily activities. The proposed amendment provides opportunities for employment and working close to home while encouraging sustainable modes of transport.

How does the amendment address any environmental, social and economic effects?

The proposed amendment rezones the affected land to facilitate a local activity centre, which will create considerable environmental, social and economic benefits by providing essential services in a location that is closer to home for the growing population within the Gisborne south area. The concurrent Section 96A permit application includes specific measures that address the environmental, social and economic effects as detailed below.

Environmental effects

The proposed amendment/permit facilitates a centre that prioritises walking (through upgrade of pedestrian crossing), cycling and other sustainable modes of transport to reduce car dependency for the surrounding residential area in accessing everyday goods and services.

Furthermore, the proposed built form includes a range of sustainable measures to reduce its carbon footprint. The development has a range of environmentally sustainable design features including on-site power generation through roof top solar, use of recycled materials and storm water capture and retention, green lattice and areas for EV charging.

The built form has been designed to be of a scale that is comparable with the surrounding development which is predominantly single storey residential dwellings. The building is at a height of two storeys which exists in the surrounding residential area and is appropriate given the commercial nature of the site. The built form includes elements that are representative of and compatible with the surrounding area such as a pitched roof form and materials and colours.

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Whilst the proposal is commercial in nature and is a more intensive development of the site compared to the rest of the area, the proposal is not considered to have any other environmental impacts including air emissions and light spill and glare. Noise and hours of operation of the proposal are dealt with through standard planning permit conditions. Similarly, waste removal and recycling, truck movements, goods delivery and car parking amenity is also addressed by standard planning permit conditions. All these matters will be considered at the detailed engineering design stage and will be designed to comply with the various requirements.

Social effects

The proposed amendment/permit facilitates a centre that will provide social interaction and a meeting point for the community. Proposed uses such as the medical centre also contribute to the medical precinct which includes an Osteo and Physio within the immediate environs.

The amenity of the surrounding area will be protected through a number of measures including building design and siting that maximise separation with the adjoining residential properties and contains plant equipment within the roof form to conceal and acoustically treat these services. The proposal also includes a 2.4-metre-high acoustic fence along the residential interfaces to ensure compliance with the relevant noise guidelines. Hours of operation are also proposed to be restricted to Monday to Sunday 7am to 7pm with the medical centre operating on reduced hours. Deliveries and waste collection will occur outside of these times. However, these are restricted to be between the hours of 7pm to 8pm which are within the recommended times detailed in the Environmental Protection Authority (EPA) publication 1254.

A traffic impact assessment and car parking demand assessment have been undertaken by the Traffic Engineers (Traffix Group) to consider the impact on the surrounding road network, and on-street car parking availability. The local activity centre will provide close to all car parking requirements within the dedicated car park to the rear of the proposed building. The remaining car parking demand is anticipated to be fulfilled through a combination of multi-purpose trip and sustainable transport alternatives including walking and cycling from the surrounding residential catchment (with bike racks provided at the centre), and to a lesser extent public transport. The surrounding road network has been assessed as able to comfortably cater for the additional vehicles utilising the local activity centre and will not result in any unreasonable queuing at intersections.

Economic effects

The proposed amendment/permit facilitates commercial activity within the local activity centre, which will generate ongoing employment for the surrounding community. It will also provide people with the opportunity to work close to home, as well as stimulating investment in the immediate and surrounding areas.

Distinct from the main town centre in Gisborne, the local activity centre provides for the local everyday needs of the immediately surrounding residential community. Only basic goods and services are available with higher order needs continuing to be serviced by the Gisborne town centre. The amendment provides for a gross leasable floor area (GLFA) floor space cap of 1000 square metres for an office and a cap of 500 square metres for a shop. - If a proposed office or shop use exceeds the maximum (GLFA), a planning permit for such use would be required which will need to consider the overall retail/commercial hierarchy for Gisborne/New Gisborne in any decision making.

Does the amendment address relevant bushfire risk?

Gisborne and the land affected by the amendment are identified as having a low-bushfire risk rating under the Victoria Fire Risk Register while land to the east has a moderate-bushfire risk rating and areas further south of Gisborne have a very high to high-risk rating. The *Regional Bushfire Planning Assessment – Loddon Mallee Region* (DPCD, 2011) does not show the affected land and the immediate area as an 'identified area' with urban/bushfire hazard issues.

The affected land is located in an area with characteristics aligning with broader landscape type 1 [low risk location] as described in the department's *Planning Permit Applications Bushfire Management Overlay Technical Guide*, September 2017.

Some low threat vegetation exists on land to the north and within the Willowbank Estate Reserve, which contains Howey Creek approximately 200 metres to the west of the site. The closest risk to the land and its surrounds is from the grasslands in low-density area to the east and south, the rural living areas to the south and the extensive forested areas to west and south-west, which are located approximately 2.8 kilometres away (nearest land affected by the BMO).

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The land affected by the amendment is not covered by the Bushfire Management Overlay (BMO) and is not in a designated Bushfire Prone Area and is not considered to be at threat of bushfire within the immediate context.

The amendment directs development to a low-risk location and to land assessed as having a BAL-LOW rating under *AS3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2018). The land affected by the amendment is located in an environment where there is good proximity and access to locations where human life can be protected from bushfire including the centre of Gisborne. No alternative locations have been considered for the development.

As such, the amendment is consistent with Clause 13.02-1S as the bushfire risk has been assessed and is considered to be low.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Ministerial Direction – The Form & Content of Planning Schemes

The proposed amendment complies with the form and content requirements through the use of the correct ordinance templates, appropriate maps and through the provision of the documentation required for an amendment.

Ministerial Direction 11 Strategic Assessment Guidelines

The proposed amendment is supported by reports that have been prepared to aid in the strategic evaluation of the amendment as per Ministerial Direction 11 *Strategic Assessment of Amendments*. There is also existing strategic work within the Macedon Ranges Planning Scheme which supports this amendment, namely the Gisborne/New Gisborne Outline Development Plan (ODP) and Clause 21-13-1 (Gisborne and New Gisborne) To assist with preparing a comprehensive strategic evaluation, Planning Practice Note 46: *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments* was relied upon for guidance. The strategic assessment guidelines provide a consistent framework for preparing and evaluating a proposed amendment and its outcomes.

Ministerial Direction 15 The Planning Scheme Amendment Process

This ministerial direction sets out the timing for completion of the various steps in the planning scheme amendment process, which will be followed for this amendment. The explanatory report includes the panel hearing dates below.

Ministerial Direction 17 Localised Planning Statements

Ministerial direction 17 has been superseded by the Macedon Ranges Shire Council Statement of Planning Policy – see the below section for relevant details.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The proposed amendment aligns with objectives 8 of the Macedon Ranges Statement of Planning policy, which seeks to: plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.

- Through the application of schedule 27 to clause 43.02 (DDO27), the proposed amendment will ensure built-form and design outcomes for any future development will appropriately respond to the areas character and environmental values. Specifically, the objectives of DDO27 encourages outcomes that provide a transition in scale to the residential areas and employ sustainable design measures of hard and soft landscaping and water sensitive urban design to help protect that ecological and environmental values of the site.

The proposed amendment/permit supports and gives effect to the following relevant state and regional policies in the Planning Policy Framework:

- Clause 11.01-1S *Settlement* seeks to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The proposed amendment will facilitate a local activity centre that will generate employment opportunities for the local area, as well as providing convenience shopping facilities and other services to meet the needs of the local population and is facilitate walking and cycling to these services.

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- Clause 11.01-1R *Settlement – Loddon Mallee South* seeks to manage and support sustainable growth within the Loddon Mallee South region.

The proposed amendment to facilitate a local activity centre will service the established residential community of Gisborne South and meet the demand of the growing population.

- Clause 11.03-1S *Activity centres* seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

The amendment proposes to facilitate a local activity centre that meets the needs of the existing community that require such services.

- Clause 11.03-3S *Peri-urban areas* seeks to manage growth in peri-urban areas, including within the established town of Gisborne, to protect and enhance their identified valued attributes.

The amendment proposes to facilitate a local activity centre within an established residential area of Gisborne South that will provide a range of facilities to meet the community's needs.

- Clause 11.03-5S *Distinctive areas and landscapes* identifies the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

The amendment proposed will not detract from the distinctive landscape of Gisborne with development proposed over a clear site that is located within an existing residential area.

- Clause 11.03-6S *Regional and local places* contains the following strategies to facilitate integrated place-based planning: Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

The proposed amendment will facilitate a local activity centre to meet the needs of the existing and future community within the immediate area that is considerate of the existing character of the Gisborne South area.

- Clause 13.05-1S *Noise management* seeks to assist the management of noise effects on sensitive land uses.

The proposed amendment will allow for commercial and office development which will not produce a significant amount of noise in a residential context. Hours of operation and acoustic measures (an acoustic fence) have been incorporated into the design to ensure there are no unreasonable levels of noise.

- Clause 13.07-1S *Land use compatibility* seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

The proposed amendment will facilitate a local activity centre within an established residential area that is not envisaged to create any amenity, human health and safety issues.

- Clause 14.02-1S *Catchment planning and management* seeks to protect and restore catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

The proposed amendment facilitates a future development on site that responds to the relevant objectives and strategies under this provision. The proposal uses 'best practice' water sensitive urban design (WSUD) to retail and reuse stormwater on the site and to avoid negatively impacting the catchment with stormwater runoff.

- Clause 15-.01-1S *Urban design* which seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

The amendment proposes to facilitate a local activity centre that will create a quality local scale retail and commercial space for the surrounding community that is attractive and functional.

- Clause 17.01-1S *Diversified economy* contains policies to generate employment including:
 - Protect and strengthen existing and planned employment areas and plan for new employment areas.
 - Improve access to jobs closer to where people live.

The proposed amendment strengthens and diversifies the local economy by facilitating a local activity centre that creates jobs close to home and encourages investment in the surrounding area.

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- Clause 17.02-1S *Commercial* includes the following strategies:
 - Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
 - Locate commercial facilities in existing or planned activity centres.
 - Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
 - Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

The amendment proposes to facilitate a local activity centre that will meet the communities needs for retail, entertainment, office and other commercial services by facilitating the day-to-day convenience shopping and service needs close to where people live.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The proposed amendment/permit implements the following local policies in the Local Planning Policy Framework:

- Clause 21.01 *Municipal Profile* and Clause 21.04 *Settlement* identifies that Gisborne will continue to be the major population and employment centre within the municipality, recognising it provides an important source of employment for the local economy with growth to occur within the defined settlement boundaries. The amendment proposes to facilitate a local activity centre that will service an established residential community that will continue to grow within the immediate area.
- Clause 21.02-6 *Economic development* identifies the key influences and opportunities for the local economy. The proposed amendment/permit facilitates a local activity centre that will generate employment opportunities for the local community and provide basic goods and services proximate to the growing residential area of Gisborne South. The proposed amendment is consistent with the retail/commercial hierarchy of the Gisbourne/New Gisbourne area and doesn't undermine the leading regional retail and commercial role of the Gisborne Town Centre. Proposed office and retail floorspace triggers of 1000 and 500 square metres respectively (included in the Schedule to the Commercial 1 Zone) ensure future office and retail development is cognisant of the retail/commercial hierarchy.
- Clause 21.07-3 *Water* seeks to protect the water quality and management of local and regional water catchments within the municipality, recognising the increasing demand and development pressures which can have adverse impacts. The amendment will provide for retail, entertainment, office and other commercial services in an established residential area that is already connected to a reticulated sewerage system. Water sensitive urban design and stormwater quality management plans will be required as part of any future development.
- Clause 21.08-3 *Built Environment* promotes sustainable development that respects the character of an area. The proposed amendment will facilitate a local activity centre with a built form outcome that respects the surrounding residential properties through the use of appropriate built forms and materials and colours that reflect the palette of the surrounding area.
- Clause 21.10 *Economic Development and Tourism* seeks to generate employment and investment within the Shire. The proposed amendment facilitates a local activity centre will generate employment for the local area and encourage investment from different business types and sizes to contribute to a more robust economy of the Shire.
- Clause 21.10-1 *Commercial and industry* seeks to generate employment through the provision of improved commercial and industry services and facilities. The proposed amendment facilitates a local activity centre will generate employment opportunities for the local community and reduce the reliance on commuting outside of the Shire.
- Clause 21.10-3 *Retail and services* seeks to improve the provision of retail development within the Shire to meet the growing demand and strengthen the local economy. The proposed amendment facilitates a local activity centre that will meet the communities needs for retail, entertainment, office and other commercial services by facilitating the day-to-day convenience shopping and service needs in proximity to the established residential community within the immediate area.

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- Clause 21.13-1 *Gisborne and New Gisborne* – includes the strategy to provide for two local activity centres to the south and west of the Gisborne area to service new residential areas with basic convenience needs. The area to the ‘south’ of the Gisborne area specifically relates to the site at 101-105 Willowbank Road, Gisborne.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by:

- Applying a Commercial 1 Zone to the land to be used for commercial purposes to facilitate the development of a local activity centre. This is the most appropriate zone as it allows for a range of commercial activities akin to the purpose of the local activity centre. The proposed amendment makes appropriate use of the Schedule to Clause 34.01 (Commercial 1 Zone) by including a cap on the square metres gross leasable floorspace for office and shop (unless otherwise approved through a planning permit), to ensure the development provides for local and convenience commercial opportunities.
- Applying the Design and Development Overlay (DDO27) to inform the key development outcomes for the land. This is the most appropriate overlay for the site as it establishes the expectations and requirements of the built form and landscaping so that it is consistent with the character of the area.
- The amendment appropriately uses the Schedule to Clause 52.02 (Easements, Restrictions and Reserves), to vary a restrictive covenant that applies to the land.

The proposed amendment has also been prepared in consideration of the relevant planning practice notes including:

- Planning Practice Note 22 Using the Car Parking Provisions
- Planning Practice Note 58 Structure Planning for Activity Centres
- Planning Practice Note 60 Height and Setback Controls for Activity Centres
- Planning Practice Note 96 Planning Considerations for Reflected Sunlight Glare

Planning Practice Note 22 *Using the Car Parking Provisions* was utilised in consideration of the car parking supply for the proposed commercial centre under the Section 96A Planning Permit Application. It has been determined that a minor shortfall is required that can be appropriately considered on the basis that the centre encourages walking, cycling and other sustainable transport means and the likelihood of multi-purpose trips.

Planning Practice Note 58 *Structure Planning for Activity Centres* provides guidance on the development of activity centres and has been considered as part of this rezoning application and concurrent permit application for a local Activity Centre. A clear vision of the purpose of the LAC is outlined in the Gisborne/New Gisborne Outline Development Plan (ODP) and Clause 21-13-1 (Gisborne and New Gisborne) to deliver basic everyday goods and services to the growing Gisborne South residential community.

Planning Practice Note 60 *Height and Setback Controls for Activity Centres* provides built form guidance for the future local activity centre proposed. Considering the surrounding low scale residential environment, the proposed built form is to be in keeping with the existing character while also distinguishing itself as a commercial centre. This practice note has been used in guiding the preparation of the proposed Design and Development Overlay that applies to the site and controls the built form outcome.

Planning Practice Note 96 *Planning Considerations for Reflected Sunlight Glare* has been used in guiding the preparation of the proposed Design and Development Overlay that applies to the site and controls the built form outcome, materials and finishes of the development to minimise the potential of reflected glare.

How does the amendment address the views of any relevant agency?

The views of all relevant agencies will be sought through the exhibition of the amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

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The amendment is not expected to have a significant impact on the transport system or the objectives or decision-making principles of the *Victorian Transport Integration Act 2010*. The combined amendment/application/permit includes a traffic impact assessment by Traffix Group which demonstrates that the local activity centre will not have an unreasonable impact on the surrounding road network and adequate parking is provided on site to meet the anticipated needs of the centre.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The cost of the combined amendment/application/permit will be covered by the proponent. The amendment will not pose unreasonable resource and administrative costs on the Macedon Ranges Shire Council in its normal capacity as the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>.

The amendment is available for public inspection, free of charge, during office hours at the following places:

Macedon Ranges Shire Council Offices and Service Centres at:

- Gisborne Council Office, 40 Robertson Street, Gisborne
- Kyneton Council Office, 129 Mollison Street, Kyneton

The amendment can also be inspected free of charge at the Department Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by Tuesday, 13 June 2023. A submission must be sent to:

Macedon Ranges Shire Council
PO Box 151
Kyneton VIC 3444

or can be made via Macedon Ranges Shire Council's 'Have your say' webpage at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say> or can be sent via email to Macedon Ranges Shire Council at mrsc@mrsc.vic.gov.au.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions Hearing: Monday, 2 October 2023.
- Panel Hearing: Monday, 20 November 2023.

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Planning and Environment Act 1987**MACEDON RANGES PLANNING SCHEME****Notice of the Preparation of an Amendment to a Planning Scheme and
Notice of an Application for a Planning Permit Given Under Section 96C of the *Planning and
Environment Act 1987*****Amendment C153macr****Planning Permit Application PLN/2022/359**

The land affected by the Amendment is 101-105 Willowbank Road, Gisborne.

The land affected by the application is 101-105 Willowbank Road, Gisborne.

The Amendment proposes to:

- Rezone land located at 101-105 Willowbank Road, Gisborne from a General Residential Zone Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z).
- Apply a Design and Development Overlay, Schedule 27 (DDO27) shown on Planning Scheme Map No. 36DDO.
- Amend the Schedule to Clause 34.01 (C1Z) to insert maximum leasable floor areas of 500 square metres for a shop and 1000 square metres for an office.
- Inserts a new Schedule 27 to Clause 43.02 (Design and Development Overlay).
- Amends the Schedule to Clause 52.02 (Easements, Restrictions and Reserves).

The application is for a permit to:

- Building and works associated with the construction of a supermarket, medical centre, office and food and drink premises; and
- A reduction in the number of car parking spaces from 61 to 57 spaces;

The applicant for the permit is Brady Road Investments Pty.

You may inspect the Amendment, the Explanatory Report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at:

- the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>; and/or
- during office hours, at the office of the planning authority, Macedon Ranges Shire Council Offices and Service Centres at:
 - Gisborne Council Office, 40 Robertson Street, Gisborne
 - Kyneton Council Office, 129 Mollison Street, Kyneton .
- at the Department of Transport and Planning website www.delwp.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority about the amendment and the application. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is 13 June, 2023. A submission must be sent to the Strategic Planning Unit, Macedon Ranges Shire Council, PO Box 151, Kyneton VIC 3444 Or can be made via Macedon Ranges Shire Council's 'Have your say' webpage at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say> or can be sent via email to Macedon Ranges Shire Council at mrsc@mrsc.vic.gov.au.

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The planning authority must make a copy of every submission available at its office and/or its website for any person to inspect free of charge until the end of the two months after the amendment comes into operation or lapses.

BERNIE O'SULLIVAN
Chief Executive Officer
Macedon Ranges Shire Council

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*Planning and Environment Act 1987***MACEDON RANGES PLANNING SCHEME****AMENDMENT C153macr****INSTRUCTION SHEET**

The planning authority for this amendment is the Macedon Ranges Shire Council.

The Macedon Ranges Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 36 in the manner shown on the 1 attached map marked "Macedon Ranges Planning Scheme, Amendment C153macr".

Overlay Maps

2. Amend Planning Scheme Map No.36DDO in the manner shown on the 1 attached map marked Macedon Ranges Planning Scheme, Amendment C153macr.

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In **Zones** – Clause 34.01, replace the Schedule with a new Schedule in the form of the attached document.
4. In **Overlays** – Clause 43.02, insert a new Schedule 27 in the form of the attached document.
5. In **Particular Provisions** – Clause 52.02, replace the Schedule with a new Schedule in the form of the attached document.

End of Document

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MACEDON RANGES PLANNING SCHEME

C153 SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

1.0 Maximum leasable floor area requirements

C153

Land	Maximum leasable floor area for Office (square metres)	Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)
101-105 Willowbank Road, Gisborne Victoria 3437- Lot 43 on Plan of Subdivision 549356W.	1,000	500

MACEDON RANGES PLANNING SCHEME

C153
1/2023**SCHEDULE 27 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO27**.

101-105 WILLOWBANK ROAD GISBORNE**1.0 Design objectives**C153
1/2023

To provide for a low-rise local activity centre that provides a transition in scale to the adjacent residential areas.

To create an active frontage and high-quality built form outcome that uses contemporary materials, forms and finishes to Willowbank and Brady Roads.

To support development that provides high-quality streetscapes that prioritises safety, pedestrian access, active transport and public gathering spaces.

To support environmentally sustainable development with hard and soft landscaping and water sensitive urban design measures throughout the site.

2.0 Buildings and worksC153
1/2023

A permit is required to construct a fence.

Design requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building siting

- Buildings should have a maximum height of 11 metres (as measured from natural ground level at the street edge), and zero setback to the street edge.
- Buildings should be located and arranged to allow daylight and sunlight access to key public spaces and key pedestrian street spaces.
- Buildings must address the street and corner location with car parking located to the rear, side or underneath the development.

Building design

- Buildings should:
 - Prioritise pedestrian access, including a small plaza area or 'gathering point' for public use.
 - Provide for building scale, forms, materials and finishes that respects the existing character of the area.
 - Locate and arrange buildings to allow daylight and sunlight access to public and pedestrian street spaces.
 - Locate pedestrian entries that are accessible from the street or public use plaza/gathering point.
 - Provide lighting for a safe night-time environment that is kept to a pedestrian scale and avoids light spill into the surrounding residential areas.
 - Place the windows of buildings to overlook the streets.
 - Locate any residential development above ground level to complement the site being commercial.

Access

- Locate car parks to the rear, side or underneath of the buildings they serve.
- Position pedestrian paths through car park areas to align with building entries and public spaces.

MACEDON RANGES PLANNING SCHEME

Public realm and landscaping

- Locate seating to provide users with an interesting outlook and opportunities for passive surveillance.
- Use resilient and high-quality materials that are easily cleaned, maintained and repaired or recycled.
- Position trees to provide summer shade and shelter and protect from strong winds.
- Ensure lighting supports night-time social and recreational activity, amenity and safety in the public realm.
- Use lighting types that minimise distortion and glare, and maximise colour recognition of objects and surfaces.
- Provide shade to parking spaces and pedestrian paths.
- Provide landscaped planter bays and islands throughout car parks to break up any large expanses of paved parking.

3.0C153
/1/2023**Subdivision**

None specified.

4.0

04/10/2018

Signs

The following signage requirements apply to any application to construct a sign, in addition to those specified in Clause 52.05 and elsewhere in the scheme:

- Large format signage, billboards or buildings covered in branded colours or text should be avoided.
- Signage must not dominate or intrude upon the character and visual amenity of the area.
- Signs should be integrated into the design of the buildings and should not visually dominate the building.
- Signs located on the roof top, and fascia-mounted signs that project above the fascia of the verandah are discouraged.
- Any signage illumination must not cast unreasonable light spill onto the adjoining road and neighbouring properties.

5.0

30/07/2018

Application requirements

None specified.

6.0

30/07/2018

Decision guidelines

MACEDON RANGES PLANNING SCHEME

10/09/2021
C131macr

SCHEDULE TO CLAUSE 52.02 EASEMENTS, RESTRICTIONS AND RESERVES

1.0

Proposed C153macr

Under Section 23 of the Subdivision Act 1988

Land	Easement or restriction	Requirement
Lot 43 on Plan of Subdivision 549356W, Vol 11043 Fol 423 (101-105 Willowbank Road, Gisborne).	Restrictive Covenant contained in Instrument of Transfer No. PS549356W.	Vary the restrictive covenant to allow fencing other than post and wire fencing and construction of a building with a height of greater than 9 metres and two storeys.

2.0

19/01/2006
VC37

Under Section 24A of the Subdivision Act 1988

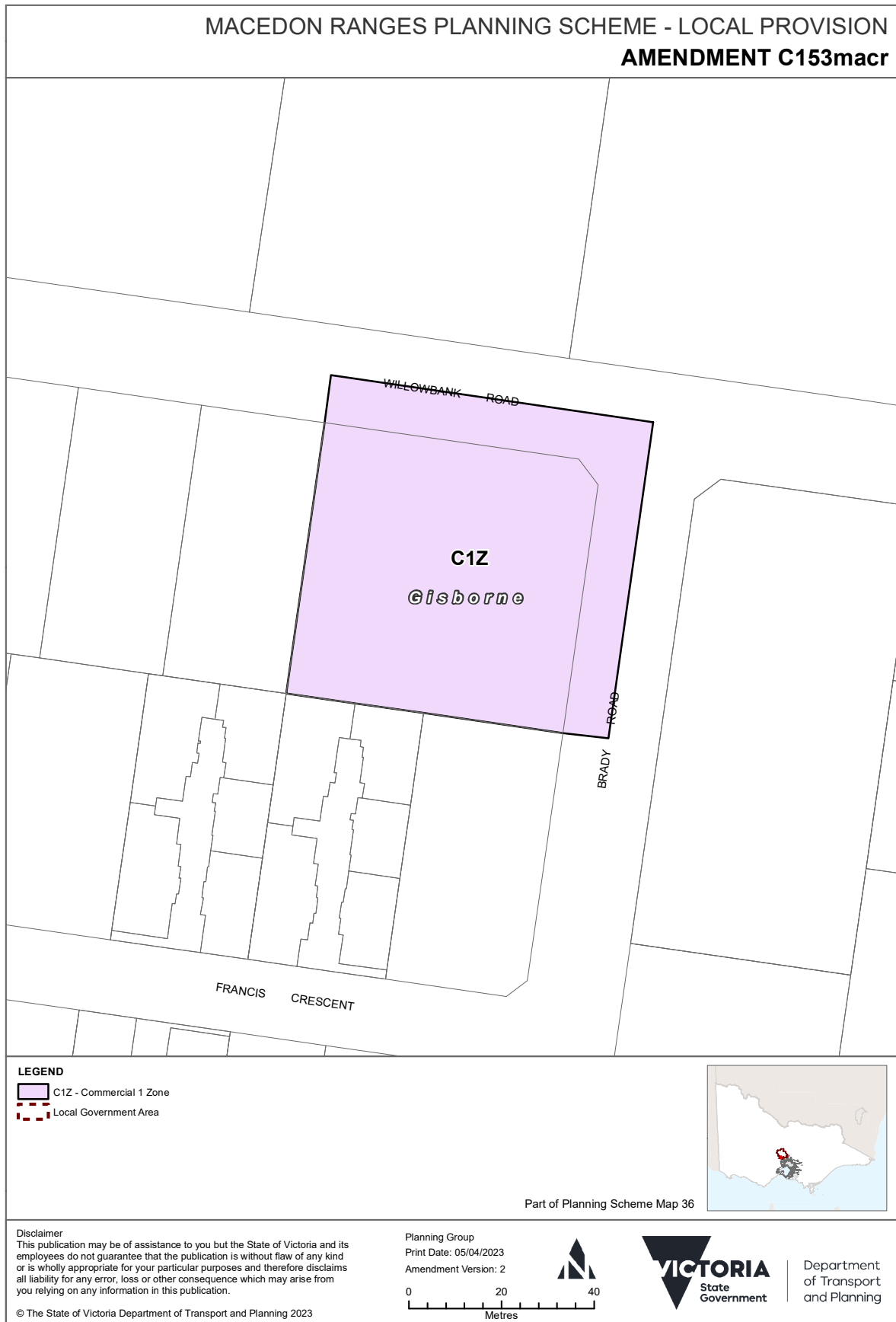
Land	Person	Action
None specified		

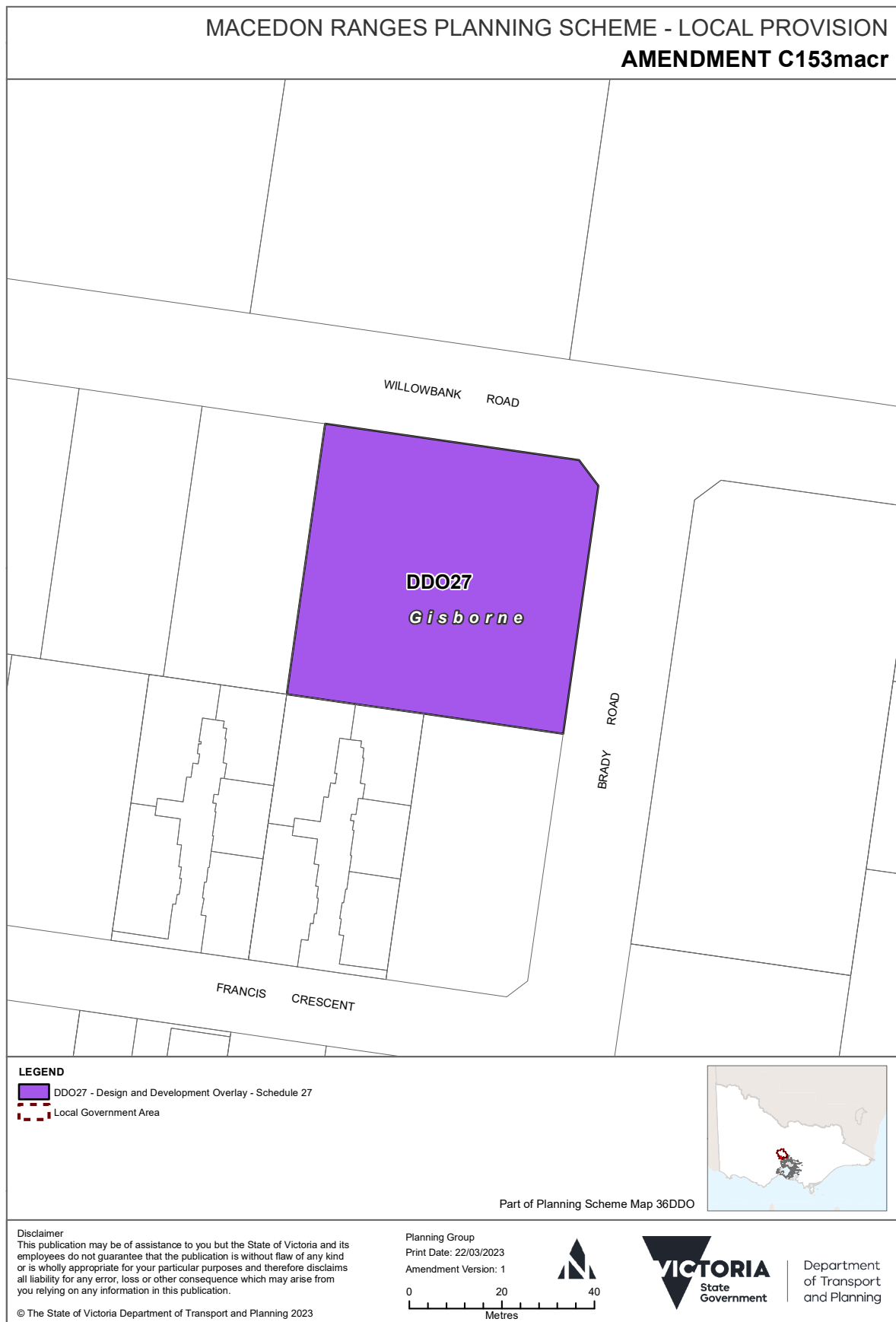
3.0

19/01/2006
VC37

Under Section 36 of the Subdivision Act 1988

Land	Easement or right of way	Requirement
None specified		







PO Box 151
KYNETON Vic 3444
Tel: (03) 5422 0333
Email: mjsc@mjsc.vic.gov.au

Form 9
Section 96J

**PLANNING PERMIT GRANTED UNDER SECTION 96I OF
THE PLANNING AND ENVIRONMENT ACT 1987**

PERMIT NUMBER:	PLN/2022/359
PLANNING SCHEME:	Macedon Ranges Planning Scheme
RESPONSIBLE AUTHORITY:	Macedon Ranges Shire Council
ADDRESS OF THE LAND:	LOT 43 including R-2, as identified on PS 549356W P/Gisborne 101-105 Willowbank Road GISBORNE
THE PERMIT ALLOWS:	
34.01	Use the land for a medical centre
34.01 43.02	Construct a building or construct or carry out works for a supermarket, medical centre, office and food and drink premises.
52.06	Reduce the number of carparking spaces

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Approved and endorsed development plans

1. Before development starts, plans must be approved and endorsed by the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) be drawn to scale with dimensions
 - c) be generally in accordance with the plans prepared by Clarke Hopkins Clarke Ref.No. 210037 dated 10.06.2022 but modified to show:
 - I. The location of a rainwater tank with a minimum capacity of 10,000litres to capture stormwater from the rooftops of the buildings for harvesting and re-use.
 - II. The design of a rainwater detention system that ensures the post-development rate of stormwater discharge from the site in a 10% AEP storm is no greater than the pre-development discharge rate in a 20% AEP storm.

Layout not altered

2. The layout of development must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Page 1 of 7

Date Issued:

Signature of the Responsible Authority: _____

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Landscape plan

3. Before development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be drawn to scale with dimensions and generally in accordance with the endorsed site plan. The landscape plan must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) be prepared by a suitably qualified person
 - c) have plans drawn to scale and dimensions
 - d) be generally in accordance with the development plans approved and endorsed under condition 1 site plan.
 - e) be generally in accordance with the landscape concept plans prepared by Taylors, Ref 22601/LA dated 7 July 2022 but modified to show the following details:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed and any natural features.
 - ii. The area or areas set aside for landscaping.
 - iii. A planting schedule of all proposed trees, shrubs/small trees and ground covers, (including deep root species) including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iv. The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.
 - v. Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.
 - vi. An irrigation system to all landscaped areas that includes any deep-rooted trees and shrubs around the perimeter and internal to the site.
 - vii. Landscaping along the eastern façade of the supermarket and northern façade of the medical centre in the form of groundcovers and vertical landscape climbers to create a 'green-wall'.
 - viii. The removal of the two existing street trees in the road reserve of Willowbank Road to allow for the construction of a new crossover and to reduce any future building façade/tree conflicts.
 - ix. The location of new street trees in the road reserves of Willowbank Road and Brady Road adjacent to the new development.
 - x. The street tree species selection including small to medium size at maturity to ensure no future conflicts with the building and facade.
 - xi. Trees spaced at a minimum of every 10 metres and in appropriate locations. A plant schedule for proposed tree species showing a minimum supply size of a 45 litre pot and 1.6 metres in height.
 - xii. The following notations:
 - *Tree planting is to occur between April and 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 infrastructure.*

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- *Before installed, street tree locations are to be set out and approved by the responsible authority.*
- *It is the responsibility of the contractor to confirm the location of all underground services before any excavation starts.*

Completion of landscaping

4. Before the buildings are occupied, landscaping as shown on the endorsed landscape plans must be completed, unless approved in writing by the responsible authority, and 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 must be replaced or repaired and repairs and replacements must not be deferred until the completion of the maintenance period.

Limit on medical practitioners

5. No more than seven (7) medical practitioners may operate from the premises at any one time without the written consent of the responsible authority.

General amenity provision

6. The development 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, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.

Control of light spill

7. 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.

Control of noise

8. Noise levels emanating from the premises must not exceed those required to be met under EPA Publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (the Noise Protocol) as amended from time to time, to the satisfaction of the Responsible Authority.
9. All exterior plant and equipment located on the rooves of the buildings must be installed in a manner to be visually obscured from nearby roads and surrounding properties and acoustically treated to meet condition 8, both to the satisfaction of the responsible authority.
10. Before buildings are occupied, a 2.4 metre high acoustically rated perimeter fence must be constructed along the western and southern boundaries of the site at thereafter maintained to the satisfaction of the Responsible Authority.

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- 11. Once mechanical services design has progressed to a suitable level of detail, an acoustic assessment of the mechanical services design should be conducted by a suitably qualified and experienced acoustic consultant. Reasonably practicable noise controls should be investigated and implemented, and any noise controls required for compliance with the relevant legislative criteria should be included in the final design.

Hours of operation – supermarket

- 12. The supermarket must not operate outside the following times:
 - a) 7am to 8pm Monday to Saturday
 - b) 8am to 8pm on Sunday and public holidays.

Hours for deliveries and waste collection

- 13. Deliveries and waste collection must only occur between 7pm to 8pm except with the written consent of the responsible authority.

Rainwater tank

- 14. Before the buildings are occupied, a potable water supply (rainwater tank) with a storage capacity of at least 10,000 litres must be provided for use by the development to the satisfaction of the responsible authority.

Stormwater management plan

- 15. Before the development starts, a stormwater management plan must be approved and endorsed by the responsible authority. The stormwater management plan must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) include details of a stormwater management system, including drainage works and detention and discharges of stormwater to the drainage system, that has been designed to meet the requirements of conditions 1(c)(ii) and 15
 - c) set out how the stormwater management system will be managed on an ongoing basis
 - d) demonstrate how all relevant standards set out in the planning scheme relating to storm water management will meet the objectives in the planning scheme, including modelling and calculations.

Stormwater management plan

- 16. Before development starts, engineering plans detailing the stormwater drainage must be submitted and approved by the responsible authority and the plan and supervision fees paid. The plans must be drawn to scale with dimensions and show:
 - a) A drainage system for the whole of the development with:
 - i. provision for runoff from upstream catchments and downstream works necessary to manage flows from the development

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- II. legal point of discharge approved by the responsible authority and the relevant drainage authority
 - b) Stormwater runoff from all buildings, tanks and paved areas drained to a legal point of discharge.
 - c) All drainage courses contained within drainage easements.
 - d) The flow paths of stormwater discharged from the site in a 1%AEP storm which demonstrate that no private property is inundated.
 - e) A gross pollutant trap incorporated into the drainage system.
17. No polluted and/or sediment-laden run-off is to be discharged directly or indirectly into drains or watercourses.

Construction management

18. Before works start, a construction management plan must be submitted and approved by the responsible authority. The construction management plan must show:
- a) Measures to control erosion and sediment and sediment-laden water runoff including the design details of structures.
 - b) Measures to control air emissions including dust.
 - c) Measures to prevent the spread of environmental weeds and pathogens.
 - d) The location of any construction wastes, equipment, machinery, and/or earth to be stored/stockpiled during construction.
 - e) The location of access to the land for construction vehicle traffic.
 - f) The location of any temporary buildings or yards.
19. Construction works must be undertaken in accordance with the endorsed construction management plan to the satisfaction of the responsible authority.

Carpark construction and maintenance

20. No fewer than 57 car spaces must be provided on the land for the development including two (2) spaces clearly marked for use by disabled persons.
21. Before the buildings are occupied, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:
- a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather seal coat or treated to the satisfaction of the responsible authority to prevent dust and gravel from being emitted from the land.
 - e) Clearly line marked to indicate each car space and all access lanes.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.
- to the satisfaction of the responsible authority.
22. At all times car spaces, access lanes and driveways must be drained and maintained and kept available for these purposes to the satisfaction of the responsible authority.

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New vehicular crossings

- 23. Before the buildings are occupied, two new crossovers within the road reserves of Willowbank Road and Brady Road must be constructed with a sealed surface to the satisfaction of the responsible authority.
- 24. Before the buildings are occupied, the driveway to the development must be constructed to meet the following requirements to the satisfaction of the responsible authority:
 - a) The driveways must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - b) The driveway must have a minimum trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within 0.5 metres on either side of the formed width of the driveway.
 - c) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - d) Dips must have no more than a 1 in 8 entry and exit angle.

Environmental management plan

- 25. Before the buildings are occupied, an environmental management plan must 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.

Expiry of Permit

- 26. 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.

Date Issued:

Signature of the Responsible Authority: _____

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the Planning and Environment Act 1987 on approval of Amendment No.C153macr to the Macedon Ranges Planning Scheme.

WHEN DOES A PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if:
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development, or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision:
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

Date Issued:

Signature of the Responsible Authority: _____

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PE.2	ADOPTION OF AMENDMENT C157MACR – MOLLISON STREET MALMSBURY
Officer:	Daniel Hall, Strategic Planner
Council Plan relationship:	1. Connecting communities
Attachments:	1. Submissions ↓ 2. Post Exhibition Changes - Tracked Changes ↓ 3. Amendment C157macr for adoption ↓

Summary

Planning Scheme Amendment C157macr (the Amendment) has been undertaken by Council at the request of the landowners. The Amendment proposes to rezone 12 parcels of land located within the township of Malmsbury from Commercial 2 Zone (CZ2) to the Neighbourhood Residential Zone - Schedule 14 Mollison Street Malmsbury (NRZ14).

The Amendment was formally exhibited from 6 November and 13 December 2023.

Two submissions of support were received and no objections. As the Amendment received no objections it is not necessary to seek an independent Planning Panel prior to submitting the Amendment to the Minister for Planning for approval.

Recommendation

That Council:

- 1. Adopts Amendment C157macr with changes outlined in this report and shown in Attachment Three.**
- 2. Submits Amendment C157macr to the Minister for Planning together with the prescribed information for approval, in accordance with Section 31 of the Planning and Environment Act 1987.**

Background

On 27 November 2019 an application was lodged for a planning scheme amendment by the landowners. The Amendment seeks to rezone 12 parcels of land, at 9-25 (part of), 31, 33, and 35 Mollison Street in Malmsbury from Commercial 2 Zone (CZ2) to the Neighbourhood Residential Zone - Schedule 14 Mollison Street Malmsbury (NRZ14). In addition, part of the road reserves for Ross Street and Johnson Street and an unmade road reserve to the east of the amendment site are also to be rezoned as identified in Figure One.

The Amendment does not propose to make any changes to the existing overlays which include:

- Environmental Significance Overlay – Schedule 4 Eppalock Proclaimed Catchment
- Erosion Management Overlay – Schedule 1 Malmsbury Township
- Heritage Overlay – Schedule 148 Malmsbury Precinct, Mollison Street, Malmsbury

At the 12 October 2022 Planning Delegated Committee it was resolved to seek authorisation from the Minister for Planning to prepare Amendment C155macr. Through the preparation

phase of the Amendment it was reallocated to amendment number C157macr. The renumbering does not impact the amendment.

The Amendment was authorised by the Minister on 16 June 2023 subject to three conditions. Council met all conditions of authorisation and the Amendment was exhibited for five weeks between 6 November and 13 December 2023.

As the Amendment received no objections and there are no outstanding issues to resolve, Section 33 of the *Planning and Environment Act 1987* does not require a planning panel to be convened. The Amendment can therefore be considered for adoption by Council, and if adopted can proceed straight to the Minister for Planning for approval.



Figure 1 Land affected by Amendment C157macr

Discussion

The Amendment implements the recommendations from the Macedon Ranges Small Towns Study (2006) to rezone Commercial 2 Zoned Land (historically Highway Business Zone and then Business 4 Zone) for residential uses. The Commercial 2 Zone is a carry-over from the former Business 4 Zone, which was in place due to Mollison Street historically being the main road from Melbourne to Bendigo.

The Small Towns Study identified that “development of this area is not likely to be required, is contrary to the rural village setting, and would be more appropriately zoned for residential use” (p. 33). The *Malmsbury Structure Plan (2006)* formed a simpler conclusion.

The Amendment seeks to introduce a new schedule to Clause 32.09 – Neighbourhood Residential Zone to be known as Schedule 14 Mollison Street Malmsbury (NRZ14) within the Macedon Ranges Planning Scheme. The new provision seeks to maintain neighbourhood character through new objectives, a minimum subdivision area of 1,000 square metres and variations to the requirements of Clause 54 and Clause 55.

The Amendment received in total two submissions. Both submissions – one from the Department of Energy, Environment and Climate Action and the other from the Country Fire

Authority – were in support of the proposal. These have been provided as **Attachment One**. No objections were received from the community or other stakeholders.

Council has proposed a number of minor post exhibition changes to the NRZ14 as a result of internal consultation. The changes seek to improve the useability, application and assessment of NRZ14 by:

- clarifying the minimum street setback to specify the front street;
- adding minor changes to side and rear setbacks to further support neighbourhood character objectives; and
- improving the drafting of walls on boundaries.

These changes are minor and do not require further notice to be given. A tracked changes version is provided as **Attachment Two**.

As there are no outstanding matters to be resolved via a planning panel the next step in the process is to refer the Amendment (if adopted) for approval by the Minister.

Attachment Three provides the final amendment documents to adopt and submit to the Minister for Planning.

Consultation and engagement

Interdepartmental collaboration occurred to ensure the amendment achieves the desired neighbourhood character and environmental outcomes.

The Amendment was publicly exhibited for five weeks between 6 November and 13 December 2023.

Collaboration

A range of external government and statutory bodies were notified of Amendment C157macr including relevant Ministers, referral bodies and other stakeholders in accordance with the *Planning and Environment Act 1987*.

Innovation and continuous improvement

The Amendment would bring the land into a zone consistent with the Malmsbury Structure Plan (2006).

Relevant law

The requirements for planning scheme amendments are set out in the *Planning and Environment Act 1987* and its regulations.

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

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

Relevant regional, state and national plans and policies

Amendment C157macr gives effect to Objective 8 of the Macedon Ranges Statement of Planning Policy, which seeks to: plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement. The Amendment encourages residential development that is appropriate to Malmsbury's designation and role as a 'small

town' within the Macedon Ranges' settlement hierarchy. As a small town and a settlement not earmarked for any significant population growth, Malmsbury does not have a protected settlement boundary.

Relevant Council plans and policies*Council Plan 2021-2031*

Strategic Objective 1 – Connecting Communities

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

The Macedon Ranges Planning Scheme Clause 11.01-1L outlines the strategy to:

Restrict development to within the town boundary of Malmsbury.

Small Towns Strategy (2006)

There is an extensive strip of land zoned for 'highway business development' on the south side of the Kyneton entrance to the town. Development of this area is not likely to be required, is contrary to the rural village setting, and would be more appropriately zoned for residential use.

The *Malmsbury Structure Plan (2006)* implemented into the Macedon Ranges Planning Scheme identifies that Council should 'consider a more appropriate zone for the land on the south side of the Kyneton entrance between Wills and Ross Streets.'

Financial viability

The *Planning and Environment Act 1987* Regulations set out fees to be paid at each step of the Amendment.

Council's fact sheet, 'Private Sponsored Planning Scheme Amendments' sets out Council's expectation that all costs associated with the amendment will be payable by the landowners and these have been met.

Sustainability implications

The Amendment is likely to have a positive environmental, social, and economic effect and net benefit to the community. The Amendment inserts a new NRZ14 with requirements that appropriately supports the residential character of Malmsbury. It is anticipated that future development in the NRZ14, together with the Erosion Management Overlay and Environmental Significance Overlay Schedule 4, will encourage improved environmental and biodiversity outcomes and enable future residential development to be sited in appropriate locations within a water catchment area. The NRZ14 also contains increased permeability controls and minimum garden area requirements that will ensure that new residential development provides a sufficient area to capture and retain water, reducing excess stormwater and the risk of potential flooding.

Officer declaration of conflicts of interest

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



Department of Energy, Environment
and Climate Action

Submission 1

89 Sydney Road, Benalla
Telephone: 03 5761 1611
p&a.north@delwp.vic.gov.au

Ref: 00001046
20231206 BY

[REDACTED]
Manager Strategic Planning and Environment
Macedon Ranges Shire Council
PO Box 151
Kyneton VIC 3444
Attention: [REDACTED]

Dear [REDACTED]

**CONSULTATION: C157MACR PLANNING SCHEME AMENDMENT
MACEDON RANGES SHIRE COUNCIL**

Thank you for the opportunity to provide comment on the abovementioned planning scheme amendment. Notice of the amendment was sent to the Secretary to the Department of Energy, Environment and Climate Action and Minister of Environment in accordance with Section 19(1)(C) of the *Planning and Environment Act 1987*.

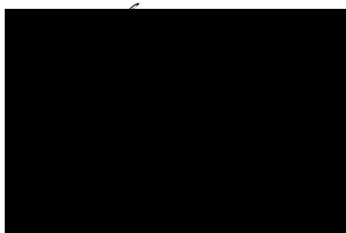
The following response is provided under delegation from the Secretary to the Department of Energy, Environment and Climate Action and the Minister of Environment.

Response

The Secretary to the Department of Energy, Environment and Climate Action and the Minister of Environment's portfolio interests are unaffected by the proposed rezoning - The proposed amendment is supported.

If you have any questions regarding the content of this submission or wish to discuss further, please contact me via [REDACTED]

Yours sincerely,



Any personal information about you or a third party in your correspondence will be protected under the provisions of the *Privacy and Data Protection Act 2014*. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorized by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Energy, Environment and Climate Change, PO Box 500, East Melbourne, Victoria 8002.



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cfa.vic.gov.au

Submission 2

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Prevention and Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 2000-80685-132626
Council Ref:
Telephone:

12/1/2024

[REDACTED]
KYNEDON VIC 3444

SUBMISSION TO PLANNING SCHEME AMENDMENT

Proposal: C157MACR
Location: Mollison Street Malmsbury

Thank you for providing CFA notice of C157macr in accordance with section 19 of the *Planning and Environment Act 1987*.

CFA has reviewed the proposed planning scheme amendment and would like to make the following submission.

Bushfire Hazard

- *Malmsbury can be exposed to annual grass/ fire events. The bushland to the west of the township can present specific risk, however this is not immediately appurtenant to the township itself.*
- *Grass fire events can expose the location to the following forms of fire attack – Direct flame, radiant heat, and ember attack.*

Bushfire Mitigation Measures

- *The site is primarily within the Malmsbury township area and as such has a road gridwork, that restricts the fire run into the location.*
- *The site is also covered by a reticulated water system with hydrants for firefighting purposes.*
- .

Other strategic consideration

- *Roadways should always allow for unrestricted access of emergency vehicles at all times.*
- *The council should be satisfied that the reticulated water supply shall always provide adequate pressure and flow to meet the requirements of the community – including those of the fire service.*
- .

OUR COMMUNITY • OUR CFA

Conclusion

CFA supports the amendment in its current form.

If you wish to discuss this matter in more detail, please do not hesitate to contact [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]
CFA Northwest Region

MACEDON RANGES PLANNING SCHEME

SCHEDULE 14 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

--/-----
Proposed C157macr

Shown on the planning scheme map as NRZ14.

MOLLISON STREET MALMSBURY

1.0 Neighbourhood character objectives

--/-----
Proposed C157macr

- To provide residential development that is in keeping with the existing residential character of Malmsbury with larger lots, significant landscaping and generous setbacks.
- To promote wide frontages with visual breaks between dwellings surrounded by canopy trees.
- To support visual permeability and plantings in front and side setbacks to blend with the public realm.

2.0 Minimum subdivision area

--/-----
Proposed C157macr

The minimum lot size for subdivision is 1,000 square metres

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/-----
Proposed C157macr

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

--/-----
Proposed C157macr

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be set back at least 9 metres from streets <u>the front street</u>
Site coverage	A5 and B8	The site area covered by buildings should not exceed 30 per cent
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent
Landscaping	B13	In addition to the requirements of B13, development should provide for at least two canopy trees within the front setback
Side and rear setbacks	A10 and B17	A building not on or within 200mm of a boundary should be set back 3 metres from side or rear boundaries <u>plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</u>
Walls on boundaries	A11 and B18	A new wall constructed on or within 200mm of a-any side or rear boundary of a lot or a carport constructed on or within 1 metre of any side or rear boundary of a lot should not abut the boundary <u>for length of more than 0 metres.</u>
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

MACEDON RANGES PLANNING SCHEME

5.0 Maximum building height requirement for a dwelling or residential building

--/-----
Proposed C157macr None specified.

6.0 Application requirements

--/-----
Proposed C157macr None specified.

7.0 Decision guidelines

--/-----
Proposed C157macr The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether a generous street setbacks have been provided.
- Whether canopy trees have been provided within the street setbacks that contribute to the character of the area.
- Whether side setbacks between dwellings and outbuildings are sufficient to provide visual breaks and accommodate landscape plantings.
- Whether lot sizes adequately meet the minimum lot size of 1,000 square metres.

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME
AMENDMENT C157macr
EXPLANATORY REPORT

Overview

This amendment seeks to rezone 12 parcels of land located within the township of Malmesbury. The parcels are situated at 9-25 (part of), 31, 33, and 35 Mollison Street as well as part of road reserves for Ross Street and Johnson Street and an unmade road reserve to the east of the site. The amendment seeks to rezone the parcels and partial road reserves from Commercial 2 Zone (CZ2) to the Neighbourhood Residential Zone, Schedule 14 (NRZ14).

The amendment seeks to insert Schedule 14 (Mollison Street Malmesbury) to Clause 32.09 (NRZ14) within the Macedon Ranges Planning Scheme that provides new neighbourhood character objectives, a minimum subdivision area of 1,000 square metres and variations to the requirements of Clause 54 and Clause 55.

The amendment seeks to implement the recommendations from the *Macedon Ranges Small Towns Study* (Conceptz, Des Gunn Landscape Design and Arup, July 2006) to rezone commercial land (historically zoned Highway Business Zone and then Business 4 Zone) for residential uses.



Figure 1: Land affected by the Amendment - part of 9 to 25, 31, 33 and 35 Mollison Road, Malmesbury.

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Where you may inspect this amendment

The amendment can be inspected free of charge via the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>, and during office hours at the following places:

- Gisborne Administration Centre 40 Robertson Street, Gisborne (opposite the police station)
- Kyneton Administration Centre 129 Mollison Street, Kyneton

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority about the amendment. Submissions to the amendment must be received by 5pm Wednesday 13 December 2023.

- You can lodge your submission to Council via email - mrsc@mrsc.vic.gov.au
- Post addressed to: *Strategic Planning*, Macedon Ranges Shire Council, PO Box 151, Kyneton VIC 3444, or
- In-person - at a Council customer service centre in Gisborne, Kyneton, Romsey or Woodend.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: to commence the week of 5 February 2024.
- Panel hearing: to commence the week of 4 March 2024.

Details of the amendment**Who is the planning authority?**

This amendment has been prepared by the Macedon Ranges Shire Council and is the planning authority for this amendment.

The amendment has been made at the request of Mr Rob Hamilton and Mr Mark Flinn.

Land affected by the amendment

The amendment affects 12,959 square metres of land located within the Malmsbury township boundary and has frontages to Mollison Street, Johnson Street and a road reserve (unmade). The land is covered by the Environmental Significance Overlay 4 (ESO4 - Proclaimed Eppalock Catchment), Heritage Overlay 148 (HO148 - Malmsbury Precinct), and an Erosion Management Overlay, Schedule 1 (EMO1 - Malmsbury Township).

The amendment applies to 12 parcels of land and road reserves located at:

- Part of 9-25 Mollison Street, Malmsbury known as Crown Allotments 11, 12, 13, 14, 15 and 16, Section 22, Township of Malmsbury, Parish of Edgecombe;
- 31 Mollison Street, Malmsbury known as Crown Allotments 17, 18, 19 and 20, Section 22, Township of Malmsbury, Parish of Edgecombe;
- 33 Mollison Street, Malmsbury known as Crown Allotment 2, Section 21, Township of Malmsbury, Parish of Edgecombe; and
- 35 Mollison Street, Malmsbury known as Crown Allotment 1, Section 21, Township of Malmsbury, Parish of Edgecombe;

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- Part of road reserves for Ross Street and Johnson Street and the unmade road reserve abutting the eastern boundary of 9-25 Mollison Street as shown in Figure 1.

What the amendment does

The amendment proposes to:

- Rezone 12,959 square metres of land known as part of 9-25, 31, 33 and 33 Mollison Street, Malmsbury and part of the road reserves of Ross Street, Johnson Street and an unmade road from the Commercial 2 Zone (C2Z) to the Neighbourhood Residential Zone (NRZ14) as shown on Planning Scheme Map No. 5.
- Insert a new Schedule 14 (Mollison Street Malmsbury) to Clause 32.09 (NRZ14) within the Macedon Ranges Planning Scheme that introduces new neighbourhood character objectives, a minimum subdivision area of 1,000 square metres and variations to the requirements of Clause 54 and Clause 55.

Why is the amendment required?

The amendment is required to rezone the remaining area of Commercial 2 Zone land within the township boundary. The proposed amendment implements recommendations from the *Macedon Ranges Small Towns Study* (Conceptz, Des Gunn Landscape Design and Arup, July 2006). Specifically, this study recommends that the strip of land zoned Highway Business Zone [rezoned to Business 4 Zone and more recently to Commercial 2 Zone] on the south side of the Kyneton entrance to the town be rezoned to the Residential 1 Zone (now General Residential Zone, Schedule 1 – GRZ1). The study also seeks to contain development within the township boundary and support low density living on the east side of Malmsbury.

The current C2Z promotes the use and development of land for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. The study concludes that commercial development of this area is not likely to be required and is contrary to a rural village setting.

The study also noted that the existing HO148 will not itself secure the preferred character for Malmsbury and that new development needed to address issues associated with heritage streetscapes, built form (scale, bulk, and height), materials and colours, the rhythm of dwelling spacing, garden settings and fencing details. The proposed amendment addresses many of these issues by rezoning the land to NRZ and inserting a new Schedule 14 to the NRZ. The NRZ is suitable to apply to an area where there is no anticipated change to the predominantly single and double storey character.

The proposed amendment will not change the designation of Malmsbury as a small town as outlined in Clause 02.03-1 (Settlement) of the Macedon Ranges Planning Scheme. Further, the *Macedon Ranges Shire Settlement Strategy* (July 2011) estimated that there were theoretically 230 vacant lots in Malmsbury and may have the potential to accommodate as many as 1,200 people within the township boundary and surrounding area, but a more recent land supply figure is unknown. It is estimated that Malmsbury has a population of 905 residents within 416 dwellings (Area Code SAL21585, ABS 2021 Census). It is considered that the addition of 12 residential lots is not excessive and provides a modest increase in the amount of available residential land in Malmsbury.

How does the amendment implement the objectives of planning in Victoria?

The proposed amendment implements the following objectives of planning in Victoria under sections 4(1) and 12(1)(a) of the Planning and Environment Act 1987 (the Act):

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- The proposed amendment provides for the fair, orderly and sustainable use, and development of land by rezoning a small area of land for residential purposes consistent with the *Macedon Ranges Small Towns Study* (2006) and within the township boundary and applying the NRZ14 consistent with Clause 02.03-1 Settlement.

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- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- The proposed amendment rezones land to NRZ14 and the new schedule supports larger residential lots and generous setbacks that, together with the garden area requirements of the NRZ and associated canopy tree planting, will assist in improving biodiversity and environmental outcomes in the area.
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- The amendment rezones land to NRZ14, which will support residential development with larger lots along the main street of Malmsbury at the edge of the town. The larger lots will support increased landscaping and generous setbacks in keeping with the existing and preferred character of the area, which will secure a pleasant, efficient, and safe working, living and recreational environment for future residents and visitors to the town.
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- The proposed amendment facilitates residential development on 12 existing lots with the Malmsbury township boundary by rezoning the land to NRZ14.

How does the amendment address any environmental, social and economic effects?

Environmental effects

The amendment is likely to have a positive environmental, social, and economic effect and net benefit to the community. The amendment inserts a new NRZ14 with requirements that appropriately mitigate any potential negative effects associated with allowing new residential development. It is anticipated that future development in the NRZ14, together with the EMO and ESO4, will encourage improved environmental and biodiversity outcomes and enable future residential development to be sited in appropriate locations within a water catchment area. The NRZ14 also contains increased permeability controls and minimum garden area requirements that will ensure that new residential development provides a sufficient area to capture and retain water, reducing excess stormwater, and reducing the risk of potential flooding.

The proposed amendment rezones land that can be connected to reticulated sewage infrastructure, eliminating the need for septic wastewater systems and in doing so removing the possibility for effluent runoff into the water catchment. In addition, NRZ14 requires increased vegetation and site permeability that will help to reduce possible contaminants passing through the system.

The proposed amendment inserts generous street setbacks that will ensure that future residential development can accommodate additional canopy trees that assist in improving air quality and biodiversity outcomes.

Research into the historical use of the land, specifically historical mining operations concluded that the land is suitable for residential use and is not considered contaminated or potentially contaminated in accordance with *Clause 13.04-1S (Contaminated and potentially contaminated land)* and Planning Practice Note 30 (PPN30) *Potentially Contaminated Land (July 2021)*.

Social and Economic effects

The proposed amendment will have positive social and economic effects by providing a modest increase in residential land supply, which will potentially provide limited population growth and additional housing opportunities within the Malmsbury Township.

The proposed amendment facilitates the rezoning of land that is not required or appropriate for commercial purposes to facilitate residential development that contributes to meeting the town's future housing needs.

The proposed amendment also supports existing businesses and community services and facilities within the town and potentially makes better utilisation of the existing transport system, including the road network and railway line, as well as utility infrastructure.

Through the application of NRZ14 the proposed amendment ensures that any future development is respectful of the preferred neighbourhood character of the area, reflecting the location of the affected

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land at the eastern entrance to Malmsbury.

Does the amendment address relevant bushfire risk?

Advice on addressing any relevant bushfire risk was sought from Phoenix Wildfire Management. The proposed amendment complies with the objectives and strategies of Clause 13.02-1S (Bushfire planning). The land is not within the Bushfire Management Overlay but is subject to a designated bushfire prone area. Land in a designated prone bushfire area may be subject to bushfires.

The bushfire landscape in proximity to the affected land is at a lower landscape risk where the landscape risk is from grasslands (Landscape type 1) as described in *Planning Permit Applications Bushfire Management Overlay Technical Guide* (DELWP, 2017). The landscape contains little vegetation beyond 150 metres of the site (except managed grasslands and low-threat vegetation) and the extent and type of vegetation is unlikely to result in neighbourhood-scale destruction.

The affected land is surrounded by urban development to the north, south and west. Spot fires and grassfires emanating from the wider landscape may potentially impact the land. However, grassfire would be fragmented by the urban landscape by roads and the rail line to the southwest. The major roads form a barrier to fire-spread across the northern area of Malmsbury. Potential spot fires and ember attack from large fires from Fryers Ranges may occur on high-risk days.

The proposed amendment prioritises the protection of human life over all other policy considerations by directing future development to a low-risk location on the eastern side of Malmsbury. Victoria's dominant bushfire weather usually occurs from the north-west and the south-west. Directing growth to the east of a settlement avoids the highest risk aspect.

The land has good availability of, and safe access to the centre of the town. The land abuts the main street of Malmsbury and is within 700 metres of an area assessed as having a BAL-LOW rating that could better protect human life from the effects of a potential bushfire on the edge of the settlement. No alternative locations for settlement growth have been considered as part of this amendment.

The draft NRZ14 requires a minimum subdivision area of 1,000 square metres, which is in the optimal range of between 800-1,200 square metres for larger lots at the edge of settlements as outlined in the *Design guidelines for the settlement planning at the bushfire interface* (DELWP, 2020).

A key matter for planning is ensuring adequate separation distances between dwellings and any potential bushfire hazard to prevent a bushfire front from continuing into the settlement. Advice from Phoenix Wildfire Management is that the land is surrounded by vegetation classified as managed grasslands and low-threat vegetation, the slope of the land is upslope/flat, no separation distances are required and any future development on the land will not be exposed to radiant heat above 12.5 kilowatts per square.

On balance, the proposed amendment strengthens resilience of Malmsbury to bushfire and prioritises the protection of human life.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The proposed amendment complies with the requirements of the *Ministerial Direction – The Form and Content of Planning Schemes* under section 7(5) of the Act by using the correct template for the proposed new Schedule 14 to Clause 32.09.

The proposed amendment also complies with *Minister's Direction No. 11 Strategic Assessment of Amendments* under section 12(2)(a) of the P&E Act as the amendment addresses several relevant strategic considerations as outlined in this explanatory report.

No other ministerial direction applies to the amendment, except for *Ministerial Direction No. 15 – The Planning Scheme Amendment Process*. The proposed panel hearing dates have been included above.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

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The proposed amendment supports and implements state, regional and local planning policies of the Planning Policy Framework as follows:

- *Clause 11.01-1S (Settlement)* by rezoning a small area of land for residential purposes to support limited population growth and housing choice and affordability within the Malmsbury township boundary consistent with Malmsbury's role in the settlement hierarchy as a small town.
- *Clause 11.01-1R (Settlement – Loddon Mallee South)* by rezoning land that maintains the settlement hierarchy and its role of Malmsbury as a small town/rural centre as identified in the *Loddon Mallee South Regional Growth Plan (May 2014)*.
- *Clause 11.01-1L (Malmsbury)* – by rezoning land that facilitates residential development within the township boundary that feature larger lots and generous setbacks.
- *Clause 11.02-1S (Supply of urban land)* by rezoning underutilised commercially zoned land and providing a sufficient supply of residential land within the Malmsbury town boundary to support existing infrastructure.
- *Clause 11.02-2S (Structure planning)* by facilitating a modest increase in the supply of residential land within the township boundary as identified on the Malmsbury Town Structure Plan.
- *Clause 11.03-3S (Peri-urban areas)* by managing growth within the township boundary of Malmsbury and protecting and enhancing Malmsbury's identified valued attributes, including landscaping and the existing subdivision pattern, via a new Schedule 14 to the NRZ.
- *Clause 11.03- 5S (Distinctive Areas and Landscapes)* by recognising the importance of the Macedon Ranges distinctive areas and landscapes and protecting valued attributes in Malmsbury via the new schedule to the NRZ.
- *Clause 11.03-6S (Regional places and areas)* by consolidating residential development along an existing development corridor and in doing so safeguard an environmentally, economically, and culturally significant area and preserving the unique landscape of the region.
- *Clause 12.01-1S (Protection of biodiversity)* by supporting residential development on land with limited biodiversity values.
- *Clause 12.01-2S (Native vegetation management)* by rezoning land that avoids the removal of any native vegetation and supporting development outcomes that encourage tree planting and the formation of gardens in keeping with the existing character of Malmsbury.
- *Clause 12.05-1S (Environmentally sensitive areas)* by protecting a sensitive area with Macedon Ranges from development that would diminish the identified valued attributes of Malmsbury via the use of a new schedule to the NRZ.
- *Clause 12.05-2S (Landscapes)* by rezoning land that does not propose to remove any native vegetation and providing future development outcomes via the new Schedule 14 to the NRZ that do not attract from the natural qualities of the landscape within Malmsbury but add to it by encouraging tree planting and the formation of gardens in keeping with the existing treed and landscape character.
- *Clause 13.02-1S (Bushfire planning)* by strengthening the resilience of Malmsbury and its community to bushfire through risk-based planning that prioritises the protection of human life over all other policy considerations as demonstrated in the bushfire management report prepared for land. Please refer to the discussion above.
- *Clause 14.04-1S (Catchment planning and management) and Clause 14.02-1L (Catchment planning and management – Macedon Ranges)* by rezoning land that can connect future residential development to reticulated sewerage and ensure the protection of water quality within the declared Eppalock Water Supply Catchment. In addition, the new Schedule 14 to the NRZ proposes a maximum 30 per cent site coverage, which will ensure adequate surface area to capture and retain water and reduce the occurrences of excess stormwater runoff. The proposed amendment supports improved water quality outcomes by utilising soil as a natural filtering agent, thereby minimising the impact of pollutants on the environment.
- *Clause 15.01-1S (Urban design)* by requiring future dwellings and residential buildings to respond to its context in terms of character, natural features, and surrounding landscape, support

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the public realm amenity and provide landscaping via the application of the NRZ14. The new schedule supports larger lots, generous setbacks, additional landscaping and other variations to respond to the 'small country town' atmosphere, valued features and surrounding landscape.

- *Clause 16.01-1S (Housing supply)* by rezoning residential land and providing additional housing opportunities in Malmsbury.
- *Clause 18 (Transport)* and *Clause 19 (Infrastructure)* by rezoning land to support subdivision and land uses that are well located, well serviced, and support an efficient and safe road network. The proposed amendment provides for residential development abutting the Principal Transport Network (Mollison Street) which provides good transport access. The proposed amendment will enable additional serviced residential lots and associated infrastructure and road network upgrades.

The adopted State policy for Macedon Ranges Shire Council municipality, the *Macedon Ranges Statement of Planning Policy (MRSP)*, was gazetted on 12 December 2019. Section 46AZC states that a planning authority must not prepare an amendment that is inconsistent with the declared area's Statement of Planning Policy. The proposed amendment is consistent with the MRSP objective and strategies, in the policy domain 'Settlements'. Responsible public entities must consider these when performing a function, duty or exercising a power in Macedon Ranges, in particular:

Objective 8 - To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.

The amendment responds to objective 8 of the MRSP by encouraging residential development that is appropriate to Malmsbury's designation and role as a small settlement within the Macedon Ranges Shire Council settlement hierarchy. A combination of appropriate permeability controls outlined in NRZ14 as well as the availability of reticulated sewage treatment will ensure development of the site does not negatively impact the water catchment area. Further, generous lot sizes, street setbacks and walls on boundary provisions ensure vegetation plantings, particularly canopy trees, can be accommodated onsite that contribute character of Malmsbury and encourage greater biodiversity of the localised area.

How does the amendment support or implement the Municipal Planning Strategy?

The proposed amendment supports and implements Municipal Planning Strategy as follows:

- *Clause 02.02 (Vision)* and *Clause 02.03-1 (Strategic directions – Settlement)* by rezoning land that provides for the orderly development of Malmsbury and does not influence the designated settlement hierarchy of Malmsbury as a small town.
- *Clause 02.03-4 (Natural resource management - Catchment management and water quality)* by rezoning land that locates new development within the town boundary and the township sewerage district.
- *Clause 02.03-5 (Built environment and heritage – Urban design, built form and neighbourhood character)* by rezoning land and applying the NRZ schedule to ensures development protects and enhances the rural character of Malmsbury and as well as the township's eastern entrance from inappropriate development.

Does the amendment make proper use of the Victoria Planning Provisions?

The proposed amendment makes proper use of the Victoria Planning Provisions by rezoning the affected land to the most appropriate residential zone. The proposed amendment:

- Rezones the land to the NRZ rather than the adjacent existing GRZ1 because no anticipated change to the predominantly single and double storey character is expected and the NRZ provides the ability to specify a minimum subdivision area.

The department's Planning Practice Note 91 (PPN91) *Using the Residential Zones* (July 2021) says that the NRZ should be applied to areas where there is no anticipated change to the predominantly single and double storey character and where areas have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from

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other parts of the municipality or surrounding area. Malmsbury has a 'small country town' atmosphere, historic bluestone buildings and streetscapes and sweeping views of the surrounding landscape, which are unique to other parts of the municipality. The use of proposed NRZ14 is also more consistent with the settlement objective of the MRSP and allows bushfire risk to be addressed through the proposed minimum lot size of 1,000 square metres.

- Inserts a new Schedule 14 to the NRZ to respond specifically to the existing character of the Malmsbury township.

The proposed schedule to the NRZ supports residential development with larger lots, significant landscaping, generous setbacks and a minimum subdivision area of 1,000 square metres. The proposed variations to Clauses 54 and 55 relating to street setbacks, site coverage, permeability, landscaping, side and rear setbacks and walls on boundaries are a result of extensive analysis into the existing residential areas of Malmsbury and comparison against examples of poor and good residential character outcomes within the shire. The proposed provisions will ensure that future dwellings and residential buildings on the land are consistent with the current and preferred future character of the Malmsbury township.

How does the amendment address the views of any relevant agency?

The planning authority sought advice from the Environment Protection Authority regarding the risks of potentially contaminated land and whether a preliminary risk screen assessment (PRSA) is required. The EPA advised Council that further investigation should be undertaken to determine if historical mining uses occurred onsite. The planning authority, in line with PPN30, has determined that no historic mining operations have occurred and the site is not considered to be potentially contaminated.

The views of further agencies and affected parties will be sought during the public exhibition of this amendment. Comments from agencies may result in changes to the exhibited planning scheme amendment.

Does the amendment address relevant requirements of the *Transport Integration Act 2010*?

The proposed amendment will not have any significant impact on the transport system as:

- The amendment does not affect existing public transport networks.
- The amendment will enable limited additional residential land use consistent with the surrounding land use supported by the existing road infrastructure and network.

Although the amendment will provide for additional residential development adjacent to the Transport Zone 2 (TRZ2) in Mollison Street, the minimum lot size in the NRZ14 will ensure that the number of lots is not increased above the 12 existing lots.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is considered that the proposed amendment will have a low future administrative cost and burden on the responsible authority, as it is envisaged that the proposed amendment will result in a limited number of additional planning permit applications for the development of dwellings due to the existing HO148, ESO4 and EMO1. The proposed amendment provides clear guidance for future development, which will assist the responsible authority in exercising its discretion.

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Planning and Environment Act 1987**MACEDON RANGES PLANNING SCHEME****Notice of the preparation of an amendment****Amendment C157macr**

The Macedon Ranges Shire Council has prepared Amendment C157macr to Macedon Ranges Planning Scheme. The amendment has been made at the request of Mr Rob Hamilton and Mr Mark Flinn.

The amendment proposes to:

- Rezone land known as part of 9-25, 31, 33 and 33 Mollison Street, Malmsbury and part of the road reserves of Ross Street, Johnson Street and an unmade road from the Commercial 2 Zone (CZ2) to the Neighbourhood Residential Zone (NRZ14) as shown on Planning Scheme Map No. 5.
- Insert a new Schedule 14 (Mollison Street Malmsbury) to Clause 32.09 (NRZ14) Scheme that introduces new neighbourhood character objectives, a minimum subdivision area of 1,000 square metres and variations to the requirements of Clause 54 and Clause 55.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at:

- the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say> and/or
- during office hours, at the Kyneton Administration Centre 129 Mollison Street, Kyneton
- at the Department of Transport and Planning website <https://www.planning.vic.gov.au/planning-schemes/amendments/amendments-on-exhibition> or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

Any person affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing and include the submitter's name, contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions.

The closing date for submissions is 13 December 2023. You can lodge your submission to Council via Email - to mrsc@mrsc.vic.gov.au; by post - addressed to: Strategic Planning, Macedon Ranges Shire Council, PO Box 151, Kyneton VIC 3444, or In-person at a Council customer service centre in Gisborne, Kyneton, Romsey or Woodend.

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

BERNIE O'SULLIVAN
Chief Executive Officer
Macedon Ranges Shire Council

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*Planning and Environment Act 1987***MACEDON RANGES PLANNING SCHEME****AMENDMENT C157macr****INSTRUCTION SHEET**

The planning authority for this amendment is the Macedon Ranges Shire Council.

The Macedon Ranges Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No. 5 in the manner shown on the 1 attached map marked "Macedon Ranges Planning Scheme, Amendment C157macr".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Zones** –Clause 32.09, insert a new Schedule 14 in the form of the attached document.

OFFICIAL

MACEDON RANGES PLANNING SCHEME

SCHEDULE 14 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

--/-----
Proposed C157macr

Shown on the planning scheme map as **NRZ14**.

MOLLISON STREET MALMSBURY

1.0 Neighbourhood character objectives

--/-----
Proposed C157macr

- To provide residential development that is in keeping with the existing residential character of Malmsbury with larger lots, significant landscaping and generous setbacks.
- To promote wide frontages with visual breaks between dwellings surrounded by canopy trees.
- To support visual permeability and plantings in front and side setbacks to blend with the public realm.

2.0 Minimum subdivision area

--/-----
Proposed C157macr

The minimum lot size for subdivision is 1,000 square metres

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/-----
Proposed C157macr

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

--/-----
Proposed C157macr

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be set back at least 9 metres from the front street
Site coverage	A5 and B8	The site area covered by buildings should not exceed 30 per cent
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least 40 per cent
Landscaping	B13	In addition to the requirements of B13, development should provide for at least two canopy trees within the front setback
Side and rear setbacks	A10 and B17	A building not on or within 200mm of a boundary should be set back 3 metres from side or rear boundaries plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
Walls on boundaries	A11 and B18	A new wall constructed on or within 200mm of any side or rear boundary of a lot or a carport constructed on or within 1 metre of any side or rear boundary of a lot should not abut the boundary for a length of more than 0 metres.
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

MACEDON RANGES PLANNING SCHEME

5.0 Maximum building height requirement for a dwelling or residential building

~~-----~~
Proposed C157macr None specified.

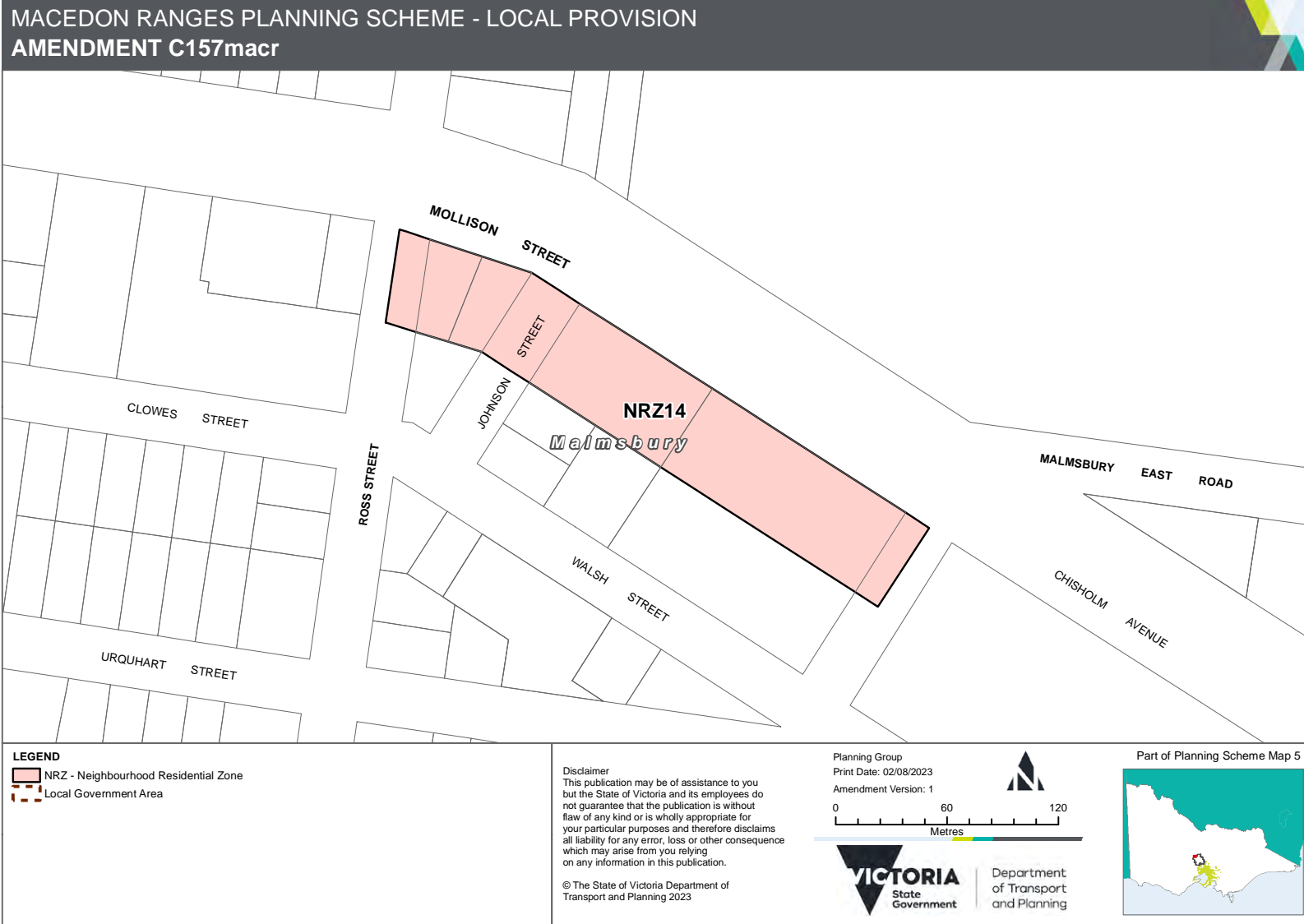
6.0 Application requirements

~~-----~~
Proposed C157macr None specified.

7.0 Decision guidelines

~~-----~~
Proposed C157macr The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether a generous street setbacks have been provided.
- Whether canopy trees have been provided within the street setbacks that contribute to the character of the area.
- Whether side setbacks between dwellings and outbuildings are sufficient to provide visual breaks and accommodate landscape plantings.
- Whether lot sizes adequately meet the minimum lot size of 1,000 square metres.



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PE.3	STANLEY PARK MANAGEMENT ARRANGEMENTS
Officer:	Rob Ball, Manager Strategic Planning and Environment
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people 4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report seeks Council approval to dissolve the Stanley Park Community Asset Committee and to support the transition to an alternative governance structure such as a 'Stanley Park Friends of Group'.

Recommendation

That Council:

- 1. dissolves the Stanley Park Community Asset Committee effective 31 May 2024.**
- 2. writes to the Stanley Park Community Asset Committee and its members and thanks them for their valuable contribution to the management of Stanley Park.**
- 3. supports a process to transition the Stanley Park Community Asset Committee to an alternative governance structure such as a 'Friends of Group'.**

Background

Stanley Park, Mount Macedon is a six hectare park of remnant forest, grassland and recreation areas located approximately two kilometres north-west of the Macedon village centre. The park is highly valued by the community and visitors for its diverse flora, beautiful forests and scenic waterfall, and for the playground and picnic area.

The reserve has been protected and cared for since 1919, when the Upper Macedon Ranges Progress Association acquired the land for conservation purposes and for the use of the community as a natural space.

Previously a Committee of Management (CoM) under section 86 of the Local Government Act 1989 was in place to assist with the management of Stanley Park. The former Stanley Park CoM conducted weed control and revegetation at the site in consultation with Council.

In June 2017 Council considered a report that recommended that all existing section 86 Committees of Management including the Stanley Park CoM be dissolved. This recommendation was on the basis of an audit completed in 2013 that identified a range of issues and risks to Council associated with the Committees of Management that were in place at the time.

In relation to the former Stanley Park CoM the June 2017 Council report recommended that the CoM be dissolved and transitioned into a different governance structure such as a friends of group. In support of this recommendation the report argued that the required formalities and administrative overhead associated with being a Section 86 committee were more onerous than was necessary to support the CoM volunteer activities within Stanley Park. Council ultimately resolved to dissolve all Section 86 committees excluding Clarkefield, Bullengarook and Stanley Park.

The introduction of the new Local Government Act 2020 (LGA 2020) meant existing committees of management ceased to be recognised and needed to be reconstituted under the new Act. This resulted in Council resolving at its 28 July 2021 Scheduled Council Meeting to seek community feedback on various options for the future management of Stanley Park.

At the conclusion of the consultation process Council resolved at its 15 December 2021 Scheduled Council Meeting to commence a process to develop an instrument of delegation for a community asset committee for Stanley Park and to seek expressions of interest to form a Stanley Park Community Asset Committee (SPCAC).

The SPCAC instrument of delegation was endorsed by Council at its 22 June 2022 Scheduled Council Meeting. The instrument of delegation made the SPCAC responsible for the management of the reserves garden beds and bushland areas and for litter with the balance and majority of management responsibilities continuing to reside with Council.

The SPCAC held its first meeting on 3 October 2022 and has been over the last 15 months conducting quarterly meetings and regular working bees to fulfil its obligations under its instrument of delegation.

In accordance with Council's resolution at its 15 December 2021 Scheduled Council Meeting a review of the management arrangements of Stanley Park was completed by 31 December 2023.

In December 2023 Council endorsed an updated Environmental Management Plan (EMP) for Stanley Park. An Infrastructure Master Plan is currently being prepared for Stanley Park. The updated Stanley Park Environmental Management Plan outlines a range of priority actions for the park and will guide its management over the next 10 years.

Discussion

Stanley Park, like other bushland reserves within the shire, has benefitted enormously over a long period of time from a dedicated group of volunteers who have worked tirelessly to improve the conservation values of the reserve. The SPCAC and its previous iterations have run regular working bees, sought external funding opportunities and dedicated countless hours to improving the natural values of Stanley Park.

What distinguishes Stanley Park from other bushland reserves within the shire is that the volunteer group that have been actively supporting the management of the park have operated as a formal committee of various forms under the Local Government Act. In Council's other bushland reserves the various volunteer groups that are active in those reserves operate as either Landcare or 'friends of' groups.

It is noted that although there has been a formal committee in place for a long period of time the responsibilities and role played by the SPCAC and its previous iterations has been very similar to the sorts of work and activity that other volunteer environment groups play in bushland reserves across the shire. Similarly Council's role in managing Stanley Park is also not dissimilar to other bushland reserves although Stanley Park does contain more built assets that require regular maintenance compared to other bushland reserves.

Council has also always retained responsibility for setting the strategic direction for Stanley Park which has been over the last 10 years through an environmental management plan for the reserve.

As described above, and despite the formal governance arrangements being in place, Stanley Park is managed similarly to other bushland reserves. The formal governance arrangements do however create a range of obligations and parameters on both the SPCAC

and Council that do not exist in managing the Shire's other bushland reserves. These are set out in both the Act and in the SPCAC instrument of delegation and include for example:

- Role of Chief Executive Officer in delegating functions, duties or powers to the SPCAC;
- Role of Chief Executive Officer in appointing and removing members from the SPCAC;
- Requirement for meetings to be open to the public;
- Voting processes;
- Guidelines for conduct of meetings, existence of quorums, evidence of minutes;
- Validity of proceedings;
- Minutes of meetings;
- Finance controls, payments and bank accounts;
- Rules of conduct;
- Code of conduct; and
- Conflicts of interest

To support the SPCAC to meet its obligations the input of multiple teams across Council is required. These teams include the Environment, Governance, and Finance teams as well as the Chief Executive Officer's office. This compares to other bushland reserves where only the Environment Team is required to support the work of the various Landcare and "Friends of" groups.

There are also financial costs to Council associated with supporting the SPCAC. These are relatively minor but include for example the cost to certify the annual financial report (approximately \$400) required to be prepared by the SPCAC. Due to the SPCAC not being eligible for Council's annual Landcare, Friends Groups and Network Support Funding Grant, equivalent funding has been provided from the Environment Teams operating budget to support the SPCAC administrative costs.

Operating as a committee also means the SPCAC are not eligible for a range of external funding opportunities that would be available to other volunteer environment groups. As a committee the SPCAC have limited opportunities to raise funds which in turn limits their ability to satisfy their obligations to manage aspects of Stanley Park as required under the instrument of delegation.

Similarly operating as a formal committee places obligations and restrictions on the SPCAC and its members that are not present for other similar volunteer groups that are active in supporting the management of Council's bushland reserves. For example the SPCAC has no control over the membership of the committee and is required to meet a range of governance and financial obligations as outlined in its instrument of delegation.

These additional governance arrangements and costs do not appear to add value to the ongoing management of Stanley Park and appear unnecessary in order to enable the dedicated group of volunteers to continue to their valuable work in enhancing the environmental values of reserve.

As a Friends of Stanley Park group, the current volunteer members of the SPCAC could continue to make the positive contribution of supporting the management of Stanley Park without the obligations and limitations that are in place as a community asset committee. Similarly working with a Friends of Stanley Park group would reduce the administrative burden and risks to Council while still receiving the invaluable benefit derived from the

dedicated group of volunteers continuing their work in assisting with the ongoing management of Stanley Park.

Transitioning to a 'friends of' group would also bring Stanley Park in line with how other bushland reserves are very successfully managed in collaboration with the various volunteer environment groups.

For the reasons outlined above this report recommends that the SPCAC be dissolved and that the current committee members be supported to form a Stanley Park Friends of Group so they can continue to make their incredibly valuable and positive contribution to the ongoing management of this important and much cherished bushland reserve.

Consultation and engagement

Community consultation was undertaken in mid-2021 in regards to various options for the management of Stanley Park. This consultation indicated a preference for the establishment of community asset committee.

Internal consultation has occurred with teams and officers involved in supporting the SPCAC in developing this report.

Collaboration

There has been no collaboration with other councils or agencies in the preparation of this report.

Innovation and continuous improvement

Council is continuing to adapt to changes to the legislation relating to local government and finding new ways to work with the community. The cessation of the Stanley Park Community Asset Committee and creation of a 'Friends of Group' would lead to a more efficient and effective management approach for Stanley Park by removing the current onerous administrative requirements associated with a community asset committee.

Relevant law

The Local Government Act, 2020 sets out the requirements in terms of the establishment of a community asset committee and the delegation obligations of the Chief Executive Officer in relation to a community asset committee.

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

The proposed change to the management arrangements of Stanley Park aligns with Strategic Objective 1 "Connecting Communities" by continuing to support the ongoing positive contribution of a community volunteer group to the management of Stanley Park.

The proposal will also align with the Council Plan Strategic Objective 4 by ensuring Stanley Park is managed in the most financially and resource efficient way while optimising the environmental outcomes for the reserve.

The recently adopted update Stanley Park Environmental Management Plan and the future Stanley Park Infrastructure Master Plan will guide the ongoing management priorities for Stanley Park.

Financial viability

The cessation of the Stanley Park CAC will result in reduced financial and resourcing costs to Council in the ongoing management of Stanley Park. Specifically the administrative costs associated with supporting and monitoring the SPCAC will benefit both Council and the SPCAC volunteers and will result in a more efficient approach to the management of Stanley Park.

The creation of a new Friends of Group would also improve the volunteer's group access to external funding opportunities to support their contribution to the management of Stanley Park.

Sustainability implications

There are no sustainability implications as a result of the proposed changes to the management arrangements of Stanley Park.

Officer declaration of conflicts of interest

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

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	RECOGNITION OF AUSTRALIA DAY HONOURS RECIPIENTS 2024
Officer:	Lucy Olson, Senior Governance Officer - Council Business
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

The 2024 Australia Day Honours Awards included three people from the Macedon Ranges Shire Council Community:

- Ngaire Joy Elwood (AM)
- Mervyn Allan Cann (OAM)
- Shirley Ann Cann (OAM)

Associate Professor Ngaire Joy Elwood of Mount Macedon was recognised in the 2024 Australia Day Honours for significant service to medicine, particularly through stem cell research.

Mr Mervyn Allan Cann of Woodend North was recognised in the 2024 Australia Day Honours for his service to the community through a range of organisations.

Mrs Shirley Ann Cann of Woodend North was recognised in the 2024 Australia Day Honours for her service to the community through a range of roles.

Recommendation

That Council writes a letter of congratulations to Ngaire Joy Elwood (Am), Mervyn Allan Cann (OAM) and Shirley Ann Cann (OAM) for recognition of their 2024 Australia Day Honour award.

13 DIRECTOR CORPORATE REPORTS

COR.1	QUARTERLY FINANCIAL REPORT - OCTOBER TO DECEMBER 2023 AND MID YEAR BUDGET REVIEW 31 DECEMBER 2023
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

The purpose of this report is to provide Council and the community with a report on the financial position of the Macedon Ranges Shire Council to 31 December 2023 for the 2023/2024 financial year (Quarter 2), in accordance with the requirements of the *Local Government Act 2020*.

Recommendation**That Council:**

- 1. receives the Quarterly Financial report as at 31 December 2023, in accordance with the requirements of the Local Government Act 2020; and**
- 2. adopts the budget changes identified as part of the mid-year budget review.**

Background

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

Council is seeking to streamline the way we report to Council and the public, and the second Quarterly Financial Report for the 2023/24 financial year is in a simpler format, that allows a quick interpretation of key information related to council's financial performance.

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

Discussion

The Finance and Capital Management Report to 31 December 2023 provides an update on financial performance against the 2023/2024 budget, including the mid-year budget review.

The Income Statement reports an operating surplus of \$63.76m for the six months to 31 December 2023 compared to the budget of \$47.95m. In accordance with accounting standards, all rates income is recognised at the start of the financial year when the rates are struck. This results in Council reporting a large surplus at the start of the year which reduces as the year progresses, as expenditure is incurred evenly throughout the year.

Council's Income Statement as at 31 December 2023 is provided below with analysis of year-to-date material variances.

INCOME STATEMENT

6 months ended 31 December 2023

	2023/24 Dec YTD Adj. Budget* \$'000	2023/24 Dec YTD Actuals \$'000	2023/24 Dec YTD Variance \$'000
Income			
Rates and charges	61,609	61,459	(150)
Statutory fees and fines	1,555	1,333	(222)
User fees	3,545	3,432	(113)
Grants - operating	6,209	6,649	440
Grants - capital	17,562	16,529	(1,033)
Contributions - monetary	1,477	1,412	(65)
Other income	1,187	7,819	6,632
		-	
Total income	93,144	98,633	5,489
Expenses			
Employee costs	22,112	22,006	106
Materials and services	16,938	22,139	(5,201)
Depreciation and amortisation	8,532	8,220	312
Borrowing costs	133	116	17
Other expenses	1,736	1,849	(113)
Total expenses	49,451	54,330	(4,879)
Surplus/(deficit) Ex other adjustments	43,693	44,303	610
Other adjustments			
Contributions - non monetary	3,960	21,534	17,574
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	300	20	(280)
Writing off capital projects	-	(2,095)	(2,095)
Total surplus/(deficit)	47,953	63,762	15,809

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

Overall the operating surplus of \$63.7m is \$15.8m favourable to budget. The financial summary provides an explanation of key variances to budget.

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

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

Operational Revenue

Grants Capital: The \$1.0m unfavourable income in operating grants is mostly due to the increase in Financial Assistance Grants and the timing of grants received by key programs in the Community Directorate.

Other Income: Actual income is \$7.8m, this is \$6.6m favourable, due to unbudgeted income generated from timber processing as a result of the June 2021 storm.

Operational Expenditure

Materials and services: Actual expenditure of \$22.1m is unfavourable to budget by \$5.2m for the six months to 31 December 2023 mainly due to timber processing from the June 2021 storm. These costs are reimbursed by the contractor and offset as other income above.

Capital Works

YTD Capital Works Statement reports \$19.3M of works delivered to 31 December 2023 where the total budget including carry forwards for the 12-month period is \$70.4M. Infrastructure expenditure of \$17.2m is lower than budget of \$25.6m due to delayed construction. Three projects contribute a significant amount to this variance. They are the Macedon Ranges Shared Trail Project, Kettlewells Road rehabilitation and the Macedon Ranges Regional Sports Precinct.

CAPITAL WORKS STATEMENT				
As at 31 December 2023				
	2023/24 Annual	2023/24 December	2023/24 December	2023/24 December
	Budget \$'000	Budget \$'000	Actuals \$'000	Variance \$'000
Property				
Land and land improvements	1,060	0	0	0
Buildings and building improvements	7,099	3,058	1,612	1,445
Total property	8,159	3,058	1,612	1,445
Plant and equipment				
Plant, machinery and equipment	2,542	911	418	493
Fixtures, fittings and furniture	0	0	0	0
Computers and telecommunications	311	119	114	5
Total plant and equipment	2,853	1,030	532	498
Infrastructure				
Roads	15,504	6,637	5,133	1,505
Bridges	1,933	688	215	473
Footpaths and Cycleways	12,002	5,259	552	4,707
Drainage	736	422	334	88
Recreational, leisure and community facilities	26,059	11,507	10,441	1,066
Parks, open space and streetscapes	810	339	313	26
Other infrastructure	2,311	704	184	520
Total infrastructure	59,354	25,557	17,171	8,386
Total capital works expenditure	70,366	29,644	19,316	10,328

Investments

Investments held at 31 December total \$35.3M. Investments are earning adequate interest, with 51% of investments held with institutions that do not lend to organisations linked with

fossil fuel, compliant with the Investment policy requirement for at least 20%. Interest rates are expected to remain steady for the remainder of the financial year.

Storm Reports

The cost to Council for the June 2021 Storm is forecast to be \$5.4M. Costs incurred by Council to decommission pumps and rehabilitating the Ashbourne Road site have now concluded.

The Kettlewell's timber processing site continues to operate and the early financial arrangements for this site contribute considerably to reducing the cost to Council for storm clean up and recovery works. After considering the Kettlewell's site result, cost to Council is reduced to \$1.8M. These calculations have been made at 31 December and will continue to change until all claims are finalised and paid. It is forecast that material will cease being processed at the site during February 2024.

Loans

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

Mid-year Budget Review

The 2023/24 Mid-Year Budget Review (MYBR) has evaluated a number of variations that have occurred in the first 6 months, and those forecast to occur in the second half of the financial year.

- Increased revenue from investment interest due to higher interest rates
- Confirmation of Grants Commission funding, resulting in a higher amount to be received
- Revised draw down dates for budgeted new borrowings in line with project progress and forecast cash holdings
- Salary savings from vacant positions throughout the year
- The shortage of skilled arborists leading to an increase in the need to engage contractors to undertake work across the shire
- Increased contractor costs in line with annual increases of CPI
- Increase expenditure for staff as Aquatic services return to pre covid levels

Councillors have been briefed in detail on variances in the Operating and Capital budgets.

The MYBR Cash result after Capital expenditure, Reserve Transfers and Loan adjustments reports a cash deficit of \$197,393. Council staff will continue to work diligently during the remaining months of the financial year to improve the forecast cash position and reduce the forecast cash deficit of \$197,393.

In addition to the mid year forecast deficit, the carry forward deficit from the 2021/22 financial year \$4,776,744 continues to be monitored outside of the 2023/24 adopted budget process. The claims relating to the storm and is ending, this will enable a final position to be reported by 30 June 2024.

Mid Year Budget Review Summary Key Variances to budget identified in December 2023 Review:			
<u>Additional Income/Expense Savings:</u>			
Interest Revenue	(1)	\$900,000	
Loan Drawdown	(2)	\$548,000	
Grants Commission grants	(3)	\$415,284	
Council Support Fund grant	(4)	\$237,400	
Debt collection	(5)	\$140,000	
			\$2,240,684
<u>Additional Expenses/Income Reduction:</u>			
Arboriculture	(6)	-\$749,286	
Rates Income	(7)	-\$558,808	
Cleaning contract	(8)	-\$345,498	
Aquatics positions	(9)	-\$263,770	
Corporate review	(10)	-\$188,000	
Economic impact assessment	(11)	-\$120,000	
			-\$2,225,362
Net other budget variances below \$100,000 identified in rev	(20)		-\$17,715
Transfer from financial reserves			\$0
Net Budget Variance identified in mid-year review			-\$2,393
Remaining budget deficit from 2022/23 (estimate due to storm recovery)			-\$195,000
Forecast Cash surplus/(deficit) for the 2023/24 budget			-\$197,393
Notes:			
(1) Additional interest revenue due to higher interest rates			
(2) Loan repayments lower than required as new loans deferred			
(3) Additional Commonwealth Government grants through the Grants Commission			
(4) Council Support Fund grant carried forward but not tied to expenditure			
(5) Changes to debt collection have resulted in the deferral of contractor costs.			
(6) Storms have contributed to additional works required			
(7) Reduction in municipal charge income for 2023/24			
(8) Increase in contracts for cleaning of facilities			
(9) Aquatics budgets were lower than required post Covid lockdowns			
(10) Funding required for corporate review			
(11) Report required for the economic impact of poker machines			

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

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

Relevant law

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

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

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

Macedon Ranges Shire Council Financial Plan 2021-2031

Macedon Ranges Council Budget 2023/24

Financial viability

The Quarterly Financial Report provides information on Council's operating and financial performance for the quarter ending 30 September 2023. The financial statements within the report indicate that Council remains in a sound financial position.

Sustainability implications

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

Officer declaration of conflicts of interest

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

COR.2	INSTRUMENT OF APPOINTMENT AND AUTHORISATION
Officer:	Fiona Lang, Governance Officer
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	<ol style="list-style-type: none"> 1. Instrument of Appointment and Authorisation - Karen Muscat ↓ 2. Instrument of Appointment and Authorisation - Shijun Chen ↓

Summary

This report seeks Council's approval to appoint authorised officers under the *Planning and Environment Act 1987* (the Act) by an Instrument of Appointment and Authorisation. Under the Act only Council, by a resolution, can appoint authorised officers who must be employees of Council. In addition, Council is required to revoke any appointments for authorised officers who are no longer employees of Council.

An Instrument of Appointment and Authorisation is required for two officers. In addition, an Instrument is required to be revoked as the authorised officer no longer works for Council.

Recommendation

That Council resolves that in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987:

1. **the Instruments of Appointment and Authorisation of Jacqueline Robson and Awais Sadiq be revoked;**
2. **Council Officers named in the Instruments of Appointment and Authorisation provided at Attachment 1 be appointed and authorised;**
3. **any previous Instruments issued to the officers in Attachment 1 by Council are revoked;**
4. **the Instruments of Appointment and Authorisation come into force upon signing and remain in force until Council determines to vary or revoke these; and**
5. **the Instruments of Appointment and Authorisation at Attachment 1 be signed.**

Background

The appointment of Authorised Officers allows certain Council staff to act on behalf of the Council in the administration and enforcement of various Acts, regulations or local laws in accordance with the powers granted to them. Under the *Planning and Environment Act 1987* staff represent the Council in enforcing the provisions of that Act.

Discussion

The following officers are required to be authorised officers under the *Planning and Environment Act 1987*:

- Karen Muscat, Environmental Planner
- Shijun (Sky) Chen, Statutory Planning Officer

The list of authorised officers includes staff previously appointed whose Instruments have not been reviewed for considerable time; and staff who need to be reissued with Instruments due to position changes.

All previous authorisations issued by Council to these people are to be revoked with the issuing of the new Instruments. Each authorised officer will receive an individual instrument as this is administratively efficient when authorised officers leave Council or transfer to another role. Council cannot partially revoke an Instrument so each time there is a change of staffing an Instrument issued to several officers has to be re-issued to continuing staff. Individual Instruments will reduce the regular re-issuing of Instruments.

The Instrument of Appointment and Authorisation for the following officers is to be revoked as they are no longer employed by Council:

- Jacqueline Robson
- Awais Sadiq

This will be achieved with the revocation of the previous Instrument of Appointment and Authorisation that authorised these people.

Consultation and engagement

Not applicable

Collaboration

Not applicable

Innovation and continuous improvement

Not applicable

Relevant law

This report has been prepared in accordance with *Local Government Act 2020* and the *Planning and Environment Act 1987*.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of Human Rights and Responsibilities Act 2006.

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

Relevant regional, state and national plans and policies

Not applicable

Relevant Council plans and policies

This recommendation allows Council to maintain the Council Plan 2021-2031 requirement to deliver strong and reliable Government.

Financial viability

Not applicable

Sustainability implications

Not applicable

Officer declaration of conflicts of interest

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



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

Karen Muscat – Environmental Planner

By this instrument of appointment and authorisation Macedon Ranges Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be **an** authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on 13 December 2023

Signed:

Mayor, Councillor

Date:

Signed:

Chief Executive Officer

Date:



**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "**officer**" means -

Shijun(Sky) Chen - Environmental Planner

By this instrument of appointment and authorisation Macedon Ranges Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be **an** authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on 28 February 2024

Signed:

Mayor, Councillor

Date:

Signed:

Chief Executive Officer

Date:

COR.3	CONTRACTS TO BE AWARDED AS AT FEBRUARY 2024
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

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

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

Recommendation

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C2024-59 Provision of Mulching Services Retendered**
 - (b) **C2024-60 Integrated Water Management Plan**
 - (c) **C2024-61 Gisborne Fields Stage 5 Landscaping**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C2024-62 Supply Panel Plant and Equipment Hire**

Background information

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

Opportunity to review delegated authority

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

C2024-59 Provision of Mulching Services Retendered

This contract has been retendered. The contract 2024-56 Provision of Mulching Services closed on 12 December 2023. It has been retendered due to the lack of responses. This is a Panel contract to provide mulching services for green waste and timber material generated by Council Transfer Stations and roadside vegetation clearance. This contract will replace the existing contract for these services that will expire in February 2024.

The CEO has delegated authority to award this contract.

C2024-60 Integrated Water Management Plan

This project will develop an Integrated Water Management (IWM) Plan for towns in the Northern section of the Macedon Ranges Shire Council, to identify whole water cycle solutions to ensure sustainable development in the region.

The CEO has delegated authority to award this contract.

C2024-61 Gisborne Fields Stage 5 Landscaping

Macedon Ranges Shire Council is seeking the services of a Landscape Construction Contractor to complete works for Stage 5 of the Gisborne Fields Landscape Plan adopted by Council in 2018.

The CEO has delegated authority to award this contract.

C2024-62 Supply Panel Plant and Equipment Hire

This contract replaces the existing contract which is due to expire in April 2024. This is a supply panel for the hire of various plant and equipment for use by the maintenance and construction teams in the provision of works across the shire.

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

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

Relevant Law

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

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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

COR.4	AUDIT AND RISK COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER
Officer:	Adele Drago-Stevens, Director Corporate
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

The Audit and Risk Committee comprises two Councillors and four independent members. This report Council's approval to appoint the preferred independent member following the conclusion of the term held by Peter Matthews.

To protect the privacy of the candidates, the Panel's appointment recommendations are included as a confidential attachment to this report. The successful appointees' details will be made public once all candidates have been advised of the outcome of their application.

Recommendation

That Council:

1. **Approves the appointment recommended in the confidential attachment to this report in line with table 1 of this report;**
2. **Writes to the unsuccessful candidates, thanking them for being willing to offer themselves in service to the community; and**
3. **Makes the appointment public once all candidates have been informed of the outcome of their application.**

Background

The Audit and Risk Committee, established as an independent Advisory Committee of Council and formally appointed under Section 53(1) of the *Local Government Act 2020*, serves a crucial role in offering structured and systematic oversight of the Council's governance, risk management, and internal control procedures. As outlined in Section 53(6), the Council has the authority to provide payment to non-Councillor members of the Audit and Risk Committee.

Section 4 of Council's Audit and Risk Committee Charter sets out the requirements for the Composition of the Committee.

Discussion

Recruitment Process for a new Independent Member

As noted by Council at its November Council Meeting, a recruitment process was undertaken to fill the vacancy.

This vacancy was advertised using Council's online recruitment platform, accompanied by advertising included in local papers and through Council's website and social media platforms.

The recruitment period was extended, due to the festive period and officially closed at 5pm on Wednesday 17 January 2023, with a total of 27 applications being received and 24 being assessed after removal of duplicates and incomplete applications.

A selection panel consisting of the two Councillor representatives being Cr Neil and Cr Ridgeway, the Chief Executive Officer and the Manager People and Wellbeing undertook a short-listing meeting to shortlist candidates to be interviewed adhering to the criteria and skills matrix aligned to the Charter.

The shortlisting process selected 5 applications for a panel interview. These interviews were undertaken by the Chair of the Audit and Risk Committee, Cr Neil, the Chief Executive Officer and the Director Corporate (as secretariat) using a series of questions to align to the skills matrix.

Reference checks were then undertaken by the Director Corporate and a request for a successful police check was also requested.

The confidential attachment to this report outlines a summary of this process and the recommended candidate to be appointed by Council.

Independent Member positions

The Audit and Risk Committee is composed of four independent members who are elected for four year terms, and two Councillor delegates who are nominated annually. Due to the resignation of one member, it is recommended that the nominated Independent Member be appointed for the period of four years, as per the Audit and Risk Committee’s Charter.

Consultation and engagement

Referee checks were undertaken on the preferred candidates, which reiterated the skills and experience which had been demonstrated throughout the selection process. A successful police check was also sought.

Collaboration

Internal consultation with the Chair of the Audit and Risk Committee and CEO was undertaken as part of the preparation of this report.

The following people were included in this process.

Cr Mark Ridgeway	Shortlisting	Councillor Delegate – Audit and Risk Committee
Cr Geoff Neil	Shortlisting Panel Interviews	Councillor Delegate – Audit and Risk Committee
Vinitha Pinto	Panel Interviews	Chair and Independent Member – Audit and Risk Committee
Bernie O’Sullivan	Shortlisting Panel Interviews	Chief Executive Officer
Kylie Tatt	Shortlisting	Manager People and Wellbeing
Adele Drago-Stevens	Panel Interviews Secretariat	Director Corporate

Innovation and continuous improvement

The selection process for the Audit and Risk Committee introduced the use of a skills matrix aligned with the Committee Charter. This was introduced to provide an understanding of, and ensure a good spread of, skills and capabilities in the Committee's independent members. The skills matrix informed the selection criteria for the candidates.

Relevant law

This Committee is established and conducted as per the requirements of the *Local Government Act 2020*.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was carried out and included in the November 2023 report to Council to ensure that the remuneration and recruitment process is equitable and free from gender bias. Recommended actions from this assessment were completed which included a diverse panel being involved in this process, using gender-neutral language through the process to ensure the language does not discourage certain cohorts from applying, particularly women and people from culturally diverse backgrounds.

As part of this process and to ensure that there was a mechanisms for feedback and reporting available that ensure gender-related concerns or discrimination issues are promptly addressed, it was noted that future recruitment processes for the Audit and Risk Committee should be undertaken with the methodology of blind recruitment to collectively ensure that the process further aligns and improve with the principles of gender equality, fostering inclusivity, diversity, and fairness – especially where there may unconscious bias.

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The conduct of the Audit and Risk Committee is identified in the Council Plan 2021- 2031 under *Strategic Objective 4 - delivering strong and reliable government*.

This process whilst not internal, has been undertaken in alignment with Council's internal Recruitment and Selection Policy as good practice.

Financial viability

The operation of the Audit and Risk Committee is within Council's operating budget. The position is remunerated as outlined in November 2023 report to Council, with the cost for independent members will be absorbed by Council's operating budget.

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

14 DIRECTOR COMMUNITY REPORTS

COM.1	GAMBLING HARM PREVENTION POLICY
Officer:	Julius Peiker, Coordinator Arts, Culture and Community Development
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	<ol style="list-style-type: none"> 1. Draft Gambling Harm Prevention Policy ↓ 2. Draft Gambling Harm Prevention Policy - Background Paper ↓

Summary

The purpose of this report is to present a draft Gambling Harm Prevention Policy (**Attachment 1**) to Council, such that it can be released for public comment prior to formal endorsement at a later Council meeting.

Recommendation

That Council endorses the draft Gambling Harm Prevention Policy to be released for public comment.

Background

In 2009, Council endorsed the Electronic Gaming Machine (Pokies) Community Policy¹. Much has changed in the 15 years since that policy was endorsed, including:

- A dramatic rise in poker machine losses across the country, causing significant gambling harms in the community.
- A significant increase in community members participating in online and sports gambling, which is also responsible for increased gambling harm in the community.
- New research has provided insights into how the gambling industry strategically designs products and advertising to maximise their profits, thereby increasing gambling harms.
- Local governments are now adopting a public health approach to inform their gambling harm prevention policies.

Additionally, Council's Municipal Public Health and Wellbeing Plan 2021-2025 has nominated preventing harm from gambling as a new priority. As a result, Goal 4 of the plan is articulated as *a community that strives to reduce harm resulting from gambling, tobacco, alcohol and other drugs*.

In view of these issues, it is timely that the Electronic Gaming Machine (Pokies) Community Policy be reviewed and redrafted to reflect current best practice in relation to preventing gambling harms.

¹ <https://www.mrsc.vic.gov.au/About-Council/Our-Council/Policies/Electronic-Gaming-Machine-Pokies-Community-Policy>

Discussion

Policy development process

The process of redrafting the policy involved undertaking research and consultation that resulted in the development of the Gambling Harm Prevention Policy 2024: Background Paper (**Attachment 2**).

The background paper presents information on:

- A population summary of Macedon Ranges townships and areas of disadvantage.
- Policy drivers such as:
 - the Local Government Act (2020).
 - Council Plan.
 - Municipal Public Health and Wellbeing Plan.
 - community attitudes to gambling and gambling harm.
- The impacts of gambling on people's health and wellbeing.
- The importance of a public health approach to preventing gambling harms.
- Recent government initiatives in response to gambling harm.
- Local electronic gaming machine data illustrating losses in the Macedon Ranges.

This background paper has informed the draft Gambling Harm Prevention Policy.

Public health approach to inform Gambling Harm Prevention Policy

Adopting a public health approach to this issue has been the most significant change local government organisations have made to their policies in recent years. Council's draft policy has also adopted a public health approach. Generally, public health seeks to:

- Engage in organised efforts to improve health outcomes.
- Focus on those who are at risk of poorer health.
- Address health inequalities.
- Tackle the wider determinants of health and wellbeing.
- Develop strategies to protect the population from hazards to health.

A public health approach to gambling recognises that there is a complex interplay of social, economic, and environmental factors in play. These factors contribute to people's health and potential harm from gambling. By adopting this approach, it allows for coordinated and comprehensive actions that work to prevent gambling harm for the whole population, not just individuals experiencing significant harm from gambling. Council's actions can play an important role in this approach, however multiple stakeholders must come together on this issue, including individuals, community groups, businesses, and government at all levels.

Potential impacts on EGM venues on Council land

The draft Gambling Harm Prevention Policy has three policy statements that directly impact EGM venues on Council owned or managed land, which currently includes only the Kyneton Bowling Club. Those policy statements are:

- Not permit new or additional EGMs on Council owned or managed land.
- Work with current EGM licence holders leasing Council owned or managed land to relinquish their EGM licence and divest themselves of EGMs.

- Ensure when all Council leases come up for renewal, new leases clearly state that any form of gambling is not permitted. New leases will have a clearly defined exit period (supported by a Council approved exit plan) for those currently holding an EGM licence.

Given that EGM losses represent a large amount of income for the Kyneton Bowling Club each year, preventing these losses may have significant operational implications.

The club is an important community resource for its members and visitors. As stated in the policy, Council wishes to work with current EGM license holders on Council land to facilitate their divestment. The divestment process may take several years to achieve.

Council officers will work with all affected tenants to ensure compliance with the proposed Gambling Harm Prevention Policy.

Consultation and engagement

Consultation was undertaken with community, internal stakeholders, the Victorian Local Governance Association (VLGA) and other local governments (LGAs) to inform the draft Gambling Harm Prevention Policy.

Across October to November of 2022 (coinciding with Gambling Harm Awareness Week), officers facilitated an online community survey that explored attitudes to gambling and gambling harms. There were 77 responses from across the Macedon Ranges to this survey. There was an overwhelming opposition from respondents to gambling and gambling products. A significant majority of respondents expressed concern about gambling harms and indicated a belief that local government has a role to play in reducing gambling-related harms.

Further consultation with community will be undertaken once Council approves the release of the draft policy for public comment. The community will be able to view the draft policy on Council's website and provide written submissions over a four-week period. This feedback will inform the final policy that will be presented to Council for adoption.

Collaboration

In developing the policy positions, officers participated in workshops led by the VLGA's Local Government Working Group on Gambling. Academics from Deakin University's School of Health and Social Development participated in the sessions, providing advice on informing policy with recent research on gambling harms. Representatives from other LGAs attended these sessions and were also consulted about their respective gambling harm prevention policies.

Innovation and continuous improvement

Adopting a public health approach to the draft Gambling Harm Prevention Policy is considered best practice in local government.

Relevant law

All relevant legislation has been listed in the draft Gambling Harm Prevention Policy.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The findings of this are summarised below:

- Research into gambling related harm has predominantly focussed on young males who are seen as the most likely to engage in gambling behaviour. As such, the needs, access issues and challenges faced by women are not as well understood and can be

based on gender-based assumptions. There is a growing issue of gambling exposure and normalisation amongst young women.

- The impact of gambling harm is compounded amongst people with co-existing mental health difficulties, Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people with a disability, LGBTQIA+ and veterans.

Relevant regional, state and national plans and policies

There are no relevant regional, state, or national plans or policies applicable to the draft Gambling Harm Prevention Policy.

Relevant Council plans and policies

All relevant Council plans and policies are listed in the draft Gambling Harm Prevention Policy.

Financial viability

The development of the draft policy has been achieved within budget parameters. The implementation of the policy will require additional resources (subject to Council approval) whenever an application for new or additional Electronic Gaming Machines (EGMs) is made within the municipality.

Sustainability implications

By adopting a public health approach to the draft Gambling Harm Prevention Policy, the social implications are that health and wellbeing of the community will be enhanced.

Officer declaration of conflicts of interest

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

Policy



Gambling Harm Prevention Policy

Date of Adoption	TBC 2024		
Adoption Method	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> CEO	<input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Community Strengthening		
Nominated Review Period	<input type="checkbox"/> Annually	<input checked="" type="checkbox"/> Every 4 years	<input type="checkbox"/> Other (<i>please specify</i>)
Last Endorsement Date	Not applicable (replaces Electronic Gaming Machine (Pokies) Community Policy 2009)		
Next Endorsement Date	TBC 2028		

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

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

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DRAFT

Gambling Harm Prevention Policy

Purpose

This policy outlines Council's commitment to preventing harm from gambling within the Macedon Ranges. It replaces Council's Electronic Gaming Machine (Pokies) Community Policy 2009.

Objective

The policy's objectives are to prevent the negative social and economic impacts of gambling on the Macedon Ranges community.

Role of Council

Council's policy direction focuses on four key roles in relation to preventing gambling harms:

- Lead:** Council will provide leadership by clearly stating its position on gambling and setting an example through actions in relevant strategic documents.
- Regulate:** Within Council's sphere of influence, it will regulate to reduce gambling harms.
- Advocate and partner:** Where appropriate, Council will partner with key stakeholders and advocate to state and federal governments and institutions to legislate and/or regulate to reduce gambling harms.
- Inform:** Council will keep the community informed and raise awareness about gambling harms that might affect them.

Policy

Council will:

Lead

1. Acknowledge gambling as a public health issue and, where appropriate, integrate harm prevention and reduction into future planning and programming. This includes the Council Plan, the Municipal Public Health and Wellbeing Plan and the Macedon Ranges Planning Scheme.
2. Continue to promote a variety of non-gambling events, activities and programs that encourage residents to lead active and healthy lives.
3. Not provide financial support or provision of grants for activities that take place in gambling venues.
4. Not provide Council financial support or provision of grants for activities that receive sponsorships from gaming venues, online betting companies or other gambling providers.
5. Not accept any financial or in-kind contributions from commercial gambling or electronic gaming machine (EGM) operators.
6. Not organise any Council meetings, functions or programs in venues with Electronic Gaming Machines.

Regulate

1. Oppose any planning and licensing application for additional EGMs and the transfer of EGMs within the Macedon Ranges when there is reliable evidence that the application will cause net social or economic detriment (as measured by an independent Social and Economic Impact Assessment) to the local area. When Council opposes an application, it will resource the representation at the Victorian Gambling and Casino Control Commission and subsequent representation at Victorian Civil and Administrative Tribunal (VCAT) hearings, if required.
2. Actively discourage new or additional EGMs in small communities and settlements where there are minimal or no alternative forms of recreation.
3. Not permit new or additional EGMs on Council owned or managed land.
4. Work with current EGM licence holders leasing Council owned or managed land to relinquish their EGM licence and divest themselves of EGMs.

5. Ensure when all Council leases come up for renewal, new leases clearly state that any form of gambling is not permitted. New leases will have a clearly defined exit period (supported by a Council approved exit plan) for those currently holding an EGM licence.
6. Not permit new or additional advertising and/or the promotion of gambling of any form at Council owned or managed facilities. Council will support clubs to exit existing sponsorship arrangements that involve the advertising or promotion of gambling.
7. Prevent access to gambling websites and explore options to block advertising from major online gambling companies on Council's information technology resources used by staff and the community.
8. Work with current community groups to divest themselves of gambling related sponsors and advertising arrangements.

Advocate and partner

1. Advocate to state and federal governments for regulatory and legislative reforms that prevent gambling harms from all forms of gambling in local communities.
2. Partner with other local government organisations, local government peak bodies and gambling networks to advocate for reforms that prevent gambling harms.
3. Consider making a submission on any EGM licence application for new gaming venues or additional EGMs in adjacent municipalities that are located within 15 kilometres of the municipal border.
4. Partner with key local community health and support agencies to prevent gambling harms in the Macedon Ranges.
5. Engage and partner with local communities to explore solutions that prevent gambling harms in their local communities.
6. Work with sporting clubs to deliver gambling free environments including online betting and gambling sponsorship and advertising.
7. Work with research bodies to understand the impact of gambling on the local community and specific community groups, including young people, women, LGBTQIA+, Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds and people with a disability.

Inform

1. Take a public health approach in all gambling-related communication. Ongoing Council communication will utilise terms such as 'gambling', 'people harmed by gambling', 'gambling losses' and 'EGM/Poker machine operators' and 'gambling industry' as opposed to 'gaming', 'gaming expenditure', 'problem gamblers' and 'pokie venues'.
2. Provide public notice to the community when there is an application for new EGMs licences, an increase in, or transfer of EGMs, and consult to understand the community's view.
3. Raise awareness of the gambling harms occurring locally by communicating gambling losses, EGM numbers, gambling prevalence, current public health research and health and wellbeing impact.
4. Support and promote gambling support services and programs in local communities, including specialist services for diverse community groups.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this policy. The findings of this have been summarised below:

- Research into gambling related harm has predominantly focussed on young males who are seen as the most likely to engage in gambling behaviour. As such, the needs, access issues and challenges faced by women are not as well understood and can be based on gender-based assumptions. There is a growing issue of gambling exposure and normalisation amongst young women.
- The impact of gambling harm is compounded amongst people with co-existing mental health difficulties, Aboriginal and Torres Strait Islanders, people from culturally and linguistically diverse backgrounds, people with a disability, LGBTQIA+ and veterans.

Definitions

Term	Definition
People harmed by gambling	Terminology shift from 'problem gambling' to refer to people experiencing harm as a result of gambling, to recognise responsibility of gambling industry.
Safer gambling	Shift from 'responsible gambling', to include responsibility of gambling industry policies and protocols in implementing protective factors.
Gambling harms	Refers to any and all harms experienced as a result of gambling, including monetary loss, mental health and wellbeing, relationships, work and social outcomes.
Gambling	For the purposes of this policy 'gambling' refers to activities involving electronic gaming machines, casino games, lotteries, race betting, sports betting and similar activities. It excludes activities such as card games, raffles, sports tipping competitions, sweeps and bingo for club social activities and fundraising.
Gambling losses	Refers to monies lost through gambling.

Electronic Gaming Machines (EGMS)	Refers to gaming machines as defined by the <i>Gambling Regulation Act 2003</i> .
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- > Bush, R., Russell, A. M. T, Waling, A., Staiger, P.K & Dowling, N.A (2020). *Examining risk and protective factors for the development of gambling related harms and problems in Victorian LGBTQIA+ communities.* Victorian Responsible Gambling Foundation, Melbourne, Australia.
- > Victorian Responsible Gambling Foundation (2018). *Reducing gambling harm in First Nations communities – a guide for health workers.*
- > Women's Health in the North. *Understanding the link between Family Violence and Gambling: Information for Local Government.* Melbourne, Australia.

Related Policies

- > Council Plan 2021-2032
- > Electronic Gaming Machine (Pokies) Community Policy 2009
- > Community Engagement Policy 2022
- > Macedon Ranges Planning Policy Framework
- > Municipal Public Health and Wellbeing Plan 2021-2025
- > Macedon Ranges Statement of Planning Policy
- > Victorian State Government Planning Policy Framework
- > Wyndham City Council, Gambling Harm Minimisation Policy and Action Plan 2018-2022

- > City of Greater Bendigo, Reducing Harm from Gambling Policy, 2021

Related Legislation

- > *Planning and Environment Act 1987*
- > *Gambling Regulation Act 2003*
- > *Gambling Regulation (Pre-commitment and Loyalty Scheme) Regulations 2014*
- > *Gambling Regulations 2015*
- > *Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017*
- > *Gambling Legislation Amendment Act 2018*
- > *Local Government Act, 2020*



Gambling Harm Prevention Policy 2024

Background Paper

Introduction

In 2009, Council endorsed the Electronic Gaming Machine (Pokies) Community Policy¹. Much has changed in the 14 years since that policy was endorsed:

- There has been a dramatic rise in poker machine losses across the country, causing significant gambling harms in the community;
- There has been a significant increase in community members participating in online and sports gambling, which is also responsible for increased gambling harm in the community;
- New research has provided insights into how the gambling industry strategically designs its products and advertising to maximise their profits, thereby increasing gambling harms; and
- Local governments are now adopting a public health approach to inform their gambling harm prevention policies.

To understand the need for Council to update and adopt a Gambling Harm Prevention Policy, a range of factors require further investigation.

Population summary

Macedon Ranges Shire is on the Country of the Dja Dja Wurrung, Taungurung and Wurundjeri Woi wurrung Peoples. Covering an area of approximately 1,747 square kilometres, the shire is located in central Victoria, about one hour's drive north-west of Melbourne. It is a semi-rural municipality known for its beautiful natural landscapes. The Macedon Ranges Shire population forecast for 2023 is 52,975 and is forecast to grow to 65,771 by 2036.

There are nine main townships and a number of smaller settlements spread throughout the shire, with the largest towns being Gisborne, Kyneton, Romsey and Woodend. Industries providing local

¹ <https://www.mrsc.vic.gov.au/About-Council/Our-Council/Policies/Electronic-Gaming-Machine-Pokies-Community-Policy>



employment in the shire include healthcare and social assistance, education and training, retail trade, agriculture, forestry and fishing.

Population of townships within the Macedon Ranges

Town	Estimated resident population ²
Gisborne	11,806
Kyneton	5,114
Lancefield	1,703
Macedon	1,654
Malmsbury	905
Mount Macedon	1,284
Riddells Creek	3,607
Romsey	4,224
Woodend	4,445

The population of townships across the Macedon Ranges (listed above) demonstrate that they are small communities. The nature of these villages is that they often have a limited range of recreation options within the township. Consequently, these small communities are more vulnerable to gambling harms if Electronic Gaming Machine (EGM) venues are located within them, or if EGM numbers are increased in already established EGM venues.

The Australian Bureau of Statistics (ABS) Socio-Economic Indexes for Areas (SEIFA) Index of Relative Socio-Economic Disadvantage indicates the shire as a whole has a relatively low level of disadvantage. However, there are pockets of disadvantage, such as in and around the townships of Kyneton, Lancefield and Romsey.

² The most accurate count of the total population is Estimated Resident Population, which factors in an estimate of those missed in the Census and those who were overseas on Census night. <https://profile.id.com.au/macedon-ranges/population?WebID=170>



Policy drivers

In understanding why Macedon Ranges Shire Council is pursuing a Gambling Harm Prevention Policy, a number of 'drivers' need to be examined. These drivers provide the context and the authority for local government's involvement.

Local Government Act

The *Local Government Act 2020* is the first point of reference. In the first instance, the Act states that "*The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.*" Section 9 of the Act further articulates the overarching governance principles and supporting principles that underpin its role. The relevant governance principles include:

- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted; and
- the municipal community is to be engaged in strategic planning and strategic decision making.

These principles direct local governments to seek the best economic, social, and environmental outcomes for the community. In doing so, it expects local government to engage with that community to achieve these outcomes.

Council Plan

The Council Plan Strategic Objective, *Healthy environments, healthy people* clearly states: *We will contribute to positive health and wellbeing in our community, by proactively supporting mental health, the prevention of violence against women, healthy lifestyles for all ages and abilities, social connection and inclusion, community safety, and arts and culture.*

Additionally, in the actions associated with the priority *Encourage active and healthy lifestyles for people of all ages and abilities*, the Council Plan states that it will continue to deliver the actions for the Municipal Public Health and Wellbeing Plan 2021–2025.



Municipal Health and Wellbeing Plan

The Municipal Public Health and Wellbeing Plan 2021-2025 has nominated preventing harm from gambling as a new priority. As a result, Goal 4 of the plan is articulated as *A community that strives to reduce harm resulting from gambling, tobacco, alcohol and other drugs.*

In providing the evidence for the inclusion of this new priority for Gambling: While most people who gamble show no sign of harm, almost one in five (around 550,000) Victorians who gamble may be experiencing harm from gambling³. For these people, gambling can have a ripple effect, impacting others. From a public health perspective, gambling-related harms may include relationship difficulties, health problems, emotional or psychological distress, financial problems, issues with work or study, cultural problems and criminal activity.

Community

From October to November 2022 (coinciding with Gambling Harm Awareness Week), officers facilitated an online community survey that explored attitudes to gambling and gambling harm. There were 77 responses received from across the Macedon Ranges, indicating an overwhelming opposition to gambling and gambling products. A significant majority of respondents additionally expressed concern about gambling harms and indicated a belief that local government has a role to play in reducing gambling-related harms.

Impacts of gambling on health and wellbeing

Research published by the Victorian Responsible Gambling Foundation⁴ has found that gambling harms could be divided into seven dimensions:

- financial harm;
- relationship disruption, conflict or breakdown;
- emotional or psychological distress;
- decrements to health;

³ Victorian Responsible Gambling Foundation, Assessing gambling-related harm in Victoria: a public health perspective, 2016

⁴ <https://responsiblegambling.vic.gov.au/resources/publications/assessing-gambling-related-harm-in-victoria-a-public-health-perspective-69/>



- cultural harm;
- reduced performance at work or study; and
- criminal activity.

The study also found that varying levels of harm are experienced across the population, including for low-risk and moderate-risk gamblers. It found that 85 per cent of the total harm from gambling in Victoria arises from low-risk gambling and moderate-risk gambling.

Harm from gambling is experienced not only by individuals, but also by families, friends, workplaces and local communities. At an individual level, gambling harm is known to exacerbate and contribute to other issues such as mental ill-health, use of alcohol, tobacco and other drugs, family violence and homelessness.⁵ At the population level, the estimated cost to Victorian communities has been estimated at \$7 billion for 2014/15, which includes the costs to our governments, local communities, businesses, families and the individual.⁶

Higher availability and accessibility of gambling venues and EGMs contributes to increased harm. Data and research show that locations with higher numbers of EGMs generally experience higher losses⁷ and research has also linked a higher concentration of EGMs to higher rates of family violence.⁸ Availability and access to EGMs is also a key factor that normalises gambling in local communities, particularly for vulnerable groups such as children and young people.⁹

Research also indicates that some groups in our community are more likely to experience harm from gambling. Compared to people who do not experience harm from gambling, the following groups are significantly over-represented amongst those who do experience harm¹⁰:

- men;
- people aged 18-29;

⁵ <https://responsiblegambling.vic.gov.au/resources/publications/hidden-harm-low-risk-and-moderate-risk-gambling-15/>

⁶ <https://responsiblegambling.vic.gov.au/resources/publications/the-social-cost-of-gambling-to-victoria-121/>

⁷ [Expenditure data | Victorian Gambling and Casino Control Commission \(vgccc.vic.gov.au\)](https://www.vgccc.vic.gov.au/expenditure-data/)

⁸ [The relationship between electronic gaming machine accessibility and police-recorded domestic violence: A spatio-temporal analysis of 654 postcodes in Victoria, Australia, 2005–2014 - ScienceDirect](https://www.sciencedirect.com/science/article/pii/S0926641014000000)

⁹ [Children's attitudes towards Electronic Gambling Machines: an exploratory qualitative study of children who attend community clubs | Harm Reduction Journal | Full Text \(biomedcentral.com\)](https://pubmed.ncbi.nlm.nih.gov/26111111/)

¹⁰ <https://aifs.gov.au/research/research-reports/gambling-activity-australia>



- First Nations people;
- people who are unemployed or not in the labour force;
- people who are single, renting, living in stressed communities, and living on low incomes or receiving income support payments.

Social and personal factors such as mental ill-health, social isolation, financial insecurity, mortgage stress, and socioeconomic disadvantage all increase the risk of experiencing gambling harm.¹¹

A public health approach

With gambling harms having such a significant impact on the health and wellbeing of people adversely affected by gambling, a public health approach to the issue is considered necessary. Generally, public health seeks to:

- Engage in organised efforts to improve health outcomes;
- Focus on those who are at risk of poorer health;
- Address health inequalities;
- Tackle the wider determinants of health and wellbeing; and
- Develop strategies to protect the population from hazards to health.

A public health approach to gambling recognises that there is a complex interplay of social, economic and environmental factors in play. These factors contribute to people's health and potential harm from gambling. By adopting this approach, it allows for coordinated and comprehensive actions which work to prevent gambling harm for the whole population, and not just individuals experiencing significant harm from gambling. Council's actions can play an important role in this approach, however multiple stakeholders must come together on this important issue including individuals, community groups, businesses and government at all levels.¹²

¹¹ <https://aifs.gov.au/research/research-reports/gambling-suburban-australia>

¹² [using-a-public-health-approach-in-the-prevention-of-gambling-related-harm.pdf \(responsiblegambling.vic.gov.au\)](#)



A public health approach is also consistent with Council's role to protect, improve and promote public health and wellbeing, as required under the *Public Health and Wellbeing Act 2008*.

Recent government initiatives in response to gambling harms

In an acknowledgement of gambling harms suffered by community, as well as intense lobbying organisations such as the Alliance for Gambling Reform¹³ the federal and state governments have recently announced a number of measures to address gambling harms in the community.

Federal government

On 28 June 2023, The House of Representatives Standing Committee on Social Policy and Legal Affairs tabled the report of its inquiry into online gambling and its impacts on those experiencing gambling harm, *You win some, you lose more*.

The report provides 31 recommendations that apply a public health lens to online gambling to reduce harm to Australians. This includes the Australian Government developing and implementing a comprehensive national strategy on online gambling harm reduction, supported by national regulation, an online gambling ombudsman, a harm reduction levy on online wagering service providers (WSPs), a public education campaign, more independent research and improved data collection. Additionally, a phased, comprehensive ban on online gambling advertising is recommended within three years.

State government

On 16 July 2023 the Victorian Government announced new reforms to protect Victorians from gambling harm. These reforms include:

- All EGMs in Victoria will require mandatory pre-commitment limits and carded play;
- Load up limits – how much money an individual can put into an EGM at a time – will be capped at \$100, down from the current limit of \$1,000;

¹³ <https://www.agr.org.au/> The Alliance for Gambling Reform collaborates with organisations concerned about the harmful effects of gambling in Australia. As a registered health promotion charity, we strive to make Australia a safer, healthier, and more equitable society by reducing gambling harm. We prioritise policies that prevent and minimise gambling harm and base our policies on lived experience and public health evidence. We believe that lived experience is critical to developing informed solutions.



- By mid-2024, mandatory closure periods will be enforced for all gaming machine areas in a venue, except the casino, between 4am and 10am; and
- The government will make it mandatory for all new EGMs to spin at a rate of three seconds per game, slowing the pace of the game down and limiting the amount that can be lost.

Advocates for gambling reform argue that while the initiatives announced by the federal and state governments are welcome, they do not go far enough.

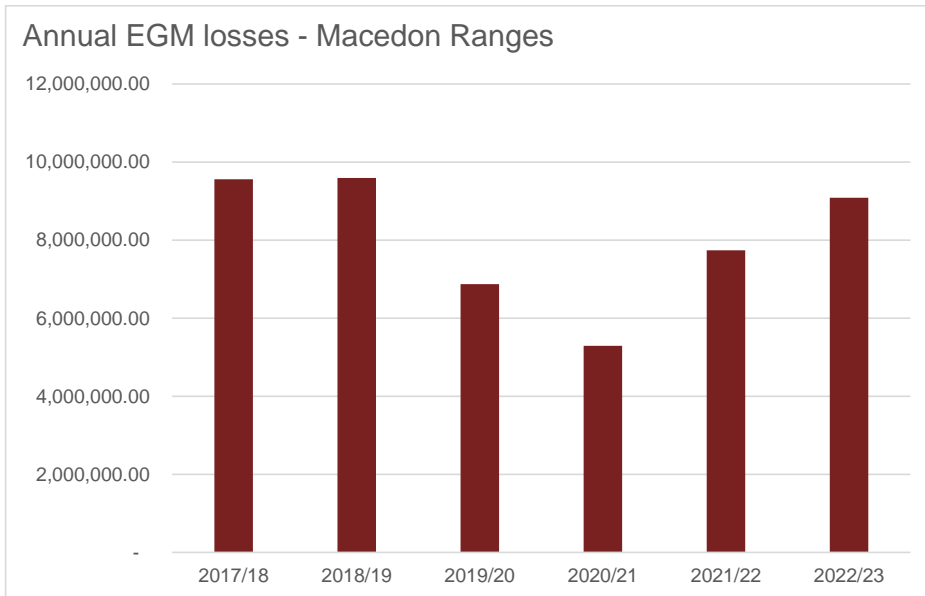
These initiatives also demonstrate the level of concern governments have about the effects of gambling harm in the community.

Local EGM data

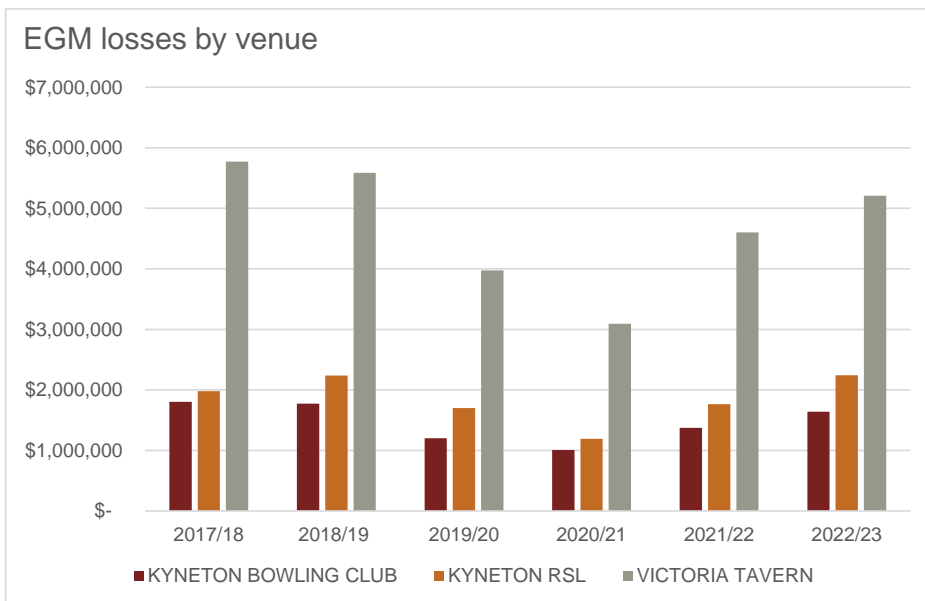
There are three EGM operators located in the Macedon Ranges. The total number of EGMs within the shire are 103. In 2022/23 these machines generated a total loss of \$9,089,731. The table below illustrates losses over the last six years. As can be seen, losses are returning to 'normal' after a significant reduction in losses, due to COVID-19 lockdowns. While there are 103 EGMs located in the shire, the Ministerial Order dated 20 September 2017 caps the "maximum permissible number of gaming machine entitlements under which gaming may be conducted in the region determined under section 3.45A.5(3A)" for Macedon Ranges Shire at 355 EGMs. That is an additional 252 EGMs to what already exists.

In 2022/23, the total EGM losses in the Macedon Ranges can also be understood as;

- each EGM generated on average \$88,250 in losses in that year;
- each day, on average \$24,903 was lost;
- losses were equivalent to \$225 being lost by every adult in the shire in that year;
- losses were equivalent to feeding 3,330 children for an entire year.



There are three EGM operators located in the Macedon Ranges. They are Kyneton Bowling Club (25 EGMs), Kyneton RSL (28 EGMs) and the Victoria Tavern in Gisborne (50 EGMs). The losses they have generated over the last six years is illustrated in the graph below.





Compared to other LGAs across Victoria, EGM losses and gambling harms incurred by the Macedon Ranges community (excluding any harms resulting from online/sports betting) are not considered extreme. Although EGM losses in excess of \$9M for the Macedon Ranges in the last financial year still appears to be too high for the community to sustain. Consequently, the policy positions listed in the Gambling Harm Prevention Policy are aimed both at protecting local communities from being exposed to new EGM venues and/or increased numbers of EGMs, and improving the health and wellbeing of residents where their health is being compromised by gambling harms.

Conclusion

EGMs and online gambling are legal activities in Australia. Nevertheless, concerns about their harms to the community have been acknowledged by federal, state, and local governments across the country. Numerous academic institutions have additionally undertaken peer reviewed research that demonstrate a significant negative impact on the health and wellbeing of people affected by gambling.

A Gambling Harm Prevention Policy is required for Council if it is to meet its obligations under the Local Government Act 2020 and the Municipal Public Health and Wellbeing Plan.

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

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

Summary

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

Recommendation**That Council:**

1. **Adopts the following changes to the Financial Year 2023/24 budget relating to the following infrastructure projects:**
 - (a) **Project 100590 – Gisborne Skate Park Concept Design: Return \$5,449.00 to the consolidated capital works program budget;**
 - (b) **Kyneton Airfield Masterplan: Provide a budget of \$15,000.00;**
 - (c) **Project 100258 – Yellow Brick Toilet Demolition – Kyneton Botanic Gardens: Return \$4,563.00 to the consolidated capital works program budget;**
 - (d) **Project 100690 – Kinders Acoustic Design and Plan: Increase budget by \$7,943.92;**
 - (e) **Project 101029 – Footpath – Howey St, Gisborne: Return \$91,377.00 to the consolidated capital works program budget;**
 - (f) **Project 100236 – Cultural Venue Event Management System: Provide a budget of \$23,500.00;**
 - (g) **Project 100566 – GAC Modular Change Room Upgrade: Return \$250,000.00 to the consolidated capital works program budget;**
 - (h) **Project 100630 – Gisborne EV Charging for Council fleet: Return \$27,500.00 to the consolidated capital works program budget;**
 - (i) **Project 100324 – Gisborne Bowls Club Synthetic Rink: Increase budget by \$40,000.00;**
 - (j) **Project 100141 – Romsey Recreation Reserve Clubrooms: Increase budget by \$5,000.00;**
 - (k) **Project 100878 – Renewal – Drainage Unplanned: Increase budget by \$50,000.00;**
 - (l) **Project 101034 – Roads – Three Chain Road: Increase budget by \$317,781.11;**

- (m) **Project 101221 – Bus Hard Stand, Main Street Romsey: Increase budget by \$47,616; and**
2. **Notes that recommendation 1 (above) results in a deficit of \$171,563.00 to the financial year 2023/2024 consolidated capital works program budget.**
-

Background

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

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

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

Discussion

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

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

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

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

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

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

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
Financial position following previous decisions	N/A	N/A	Bring forward a -\$43,610.97 balance resulting from the resolution of the December 2023 Scheduled Council meeting	(\$43,610.97)
100590 Gisborne Skate Park – Concept Design	Completed	\$18,952.00	Projects have been completed with a surplus budget.	\$5,449.00
Kyneton Airfield Masterplan	Yes	\$0.00	The Kyneton Airfield Master Plan identifies the need for an eyewash and shower facility near the aviation fuel bowser. Initially planned for delivery in 24/25, to comply with OHS regulations, this is required now.	(\$15,000.00)
100258 Yellow Brick Toilet Demolition – Kyneton Botanic Gardens	Yes	\$39,150.00	The building demolition project has been completed under budget, leaving \$4,563.23 in surplus.	\$4,563.00
100690 Kinders Acoustic Design and Plan 2024	Yes	\$20,000.00	The project was initially scoped as a design project for future acoustic upgrades of several kinders. Only one site (Romsey) was identified as requiring an upgrade. A Request for Quotation (RFQ) to install acoustic ceiling panels at Romsey exceeds the budget. Officers looked to value manage the project;	(\$7,943.92)

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			<p>however, it is still over budget.</p> <p>The completion of the acoustic upgrade is also a change of project scope.</p>	
<p>101029 Footpath – Howey St, Gisborne</p>	<p>No</p>	<p>\$101,530.00</p>	<p>The project proposed constructing an approximately 122m long, 1.5 m wide new concrete footpath and Kerb & Channel works at the northern side of Howey Street in front of two properties, no. 56 Howey Street and 60 Prince Street. The planning delegated committee refused a planning permit for 56 Howey Street, which impacts their development contribution to this footpath project.</p> <p>The officer recommends cancelling and revisiting the project once the planning issues are resolved.</p> <p>The design is complete, with \$10,143.00 covering design and project management.</p>	<p>\$91,377.00</p>
<p>100236 Cultural Venue Event Management System</p>	<p>Yes</p>	<p>\$0.00</p>	<p>There is \$16,000 for this project in the 22/23 budget. Unfortunately, it was not carried forward. However, the project delivery is critical to gaining productivity and efficiency in booking</p>	<p>(\$23,500.00)</p>

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			<p>Arts and Culture facilities.</p> <p>As the project evolved, officers identified a requirement for additional funding.</p>	
<p>100566 GAC Modular Change Room Upgrade</p>	<p>Yes, with a revised scope and budget</p>	<p>\$489,385.00</p>	<p>Tenders received were significantly above the available budget, resulting in the tender being withdrawn.</p> <p>A revised scope (within the existing change rooms) will still meet the requirements of Child Safe Standards and will be consistent with current arrangements at Kyneton Sports and Aquatic Centre. Further funds may be returned following the finalisation of the scope and works.</p>	<p>\$250,000.00</p>
<p>100630 Gisborne EV Charging for Council fleet</p>	<p>Completed</p>	<p>\$220,331.00</p>	<p>The project is complete; return available funds. \$27,500 is returning to the council budget and \$16,410 is returned to the Department of Energy, Environment and Climate Action.</p>	<p>\$27,500.00</p>
<p>100324 Gisborne Bowls Club Synthetic Rink</p>	<p>Yes</p>	<p>\$449,108.60</p>	<p>Installation of a root barrier zone for the new rink is required due to roots when preparing the site. This is an additional \$46K. It is proposed to use the remaining contingency and seek a further \$40K to fund the root barrier cost.</p>	<p>(\$40,000.00)</p>

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
100141 Romsey Recreation Reserve Clubrooms	Yes	\$58,132.50	Working with the Romsey Recreation Reserve tenants, it is identified that a shipping container is required to store recommended club equipment. A skip is also required to hire a skip bin to dispose of unwanted goods at approx. \$7K. This approach is considered better than presenting a future business case. The remaining project contingency covers some of these costs.	(\$5,000.00)
100878 Renewal – Drainage Unplanned 2024	Yes	\$200,000.00	Officers manage emerging drainage issues based on a prioritisation process. The budget has already been expanded this year, with five months of the year remaining (at the time of writing).	(\$50,000.00)
101034 Roads Three Chain Road 2024	Yes	\$340,000.00	<p>The project needs an additional budget due to additional pavement depth and treatment required based on the Geotech report, and additional vegetation removal, guard rail renewal and drainage improvement works. The project is funded through the Roads to Recovery Program, with Council required to cover any additional costs.</p> <p>There are recurring maintenance issues at a bend in Three Chain</p>	(\$317,781.11)

Infrastructure Project	Progress with Construction	Original budget	Reason for Progression or Non-Progression	Change to the budget – () is an additional cost to the budget
			Road, and the works are a priority	
101221 – Bus Hard Stand, Main St, Romsey	Yes	\$76,200.00	The project needs an additional budget due to the changes in the bus stop location now fronting DTP Main Street. It needs to go ahead as this project is funded through LRCI Stage 2, with its deadline at the end of June 2024.	(\$47,616.00)
			Net Total	(\$171,563.00)

This recommendation currently results in a **deficit of \$171,563.00** in the 2023/2024 Capital Works Program budget, which can be used for future projects requiring additional funding.

Consultation and engagement

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

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

Collaboration

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

Innovation and continuous improvement

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

Relevant law

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

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

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

Financial viability

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

Sustainability implications

There are no direct sustainability impacts resulting from this report.

Officer declaration of conflicts of interest

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

AO.2	BARKLY SQUARE MULTIPURPOSE FACILITY OPTIONS
Officer:	Steven Williams, Acting Coordinator Recreation
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	1. Option 1 - Beauchamp Street Site ↓ 2. Option 2 - Western Site ↓

Summary

Council has endorsed the development of a multipurpose facility for the Kyneton and District Soccer Club and Kyneton Obedience Dog Club at Barkly Square, Kyneton. Following an investigation of site location options, officers propose constructing the new facility on the western side of Barkly Square. This report is presented to Council for consideration and endorsement.

Recommendation

That Council

- 1. Notes the western option as the officer preferred location for the future development of a new multipurpose facility at Barkly Square, Kyneton; and**
- 2. Endorses a four-week consultation period seeking community feedback on the preferred site for the Barkly Square multipurpose facility.**

Background

Barkly Square is home to the Kyneton and District Soccer Club, Kyneton Obedience Dog Club and the Kyneton Small Bore Rifle Club. The Rifle Club is housed in a standalone building, and they do not use the sports ground.

The initial scope aimed to design a multipurpose facility adjacent to Beauchamp Street to replace aging infrastructure (Obedience Dog Club rooms, old soccer change rooms, social room area and public toilet block). However, the location of heritage-listed trees raised significant concerns and constraints. The proposed facility's construction would require the removal of branches and the establishment of building foundations within the Tree Protection Zone, both of which pose potential long-term issues to the trees' structure and overall health.

Officers reviewed options to construct the facility in a modified form at this location. It was identified that constructing the facility without detriment to the trees would inflate construction costs and necessitate the building to be smaller than scoped, making it incapable of fully accommodating the requirements of the user groups.

This has prompted a site review to determine the most appropriate location for constructing the multipurpose facility.

Discussion

Officers explored alternative options within Barkly Square in response to the challenges posed. The western side emerged as a possible candidate, leading officers to investigate the feasibility of constructing the multipurpose facility adjacent to the soccer pitches. This

comprehensive assessment involved collaboration with consultants and internal stakeholders.

The initial geotechnical consultant feedback confirmed the suitability of the western side of Barkly Square as a feasible building site. Subsequently, officers consulted with the user groups, presenting the following options:

- (1) Constructing the facility on a reduced building footprint adjacent to Beauchamp Street or
- (2) Construction of the full scope on the western side.

A decisive consensus in favour of the Western side emerged during these discussions.

Significantly, the proposed Western option is supported by the Council's Heritage Advisor. Preliminary cost estimates also favour the western side option. The alignment of stakeholders positions the western side option as the pragmatic location for constructing the multipurpose facility at Barkly Square.

The 2012 Council endorsed Barkly Square Master Plan, which does not identify the western side as an option for a proposed building. The Master Plan listed three possible locations for a new multi-purpose building, as listed below, noting there was no reference to the western side of the reserve throughout the report.

- (1) At the northern side of the reserve, pending the removal of the BMX track;
- (2) A new facility on the South East corner of the reserve (which is where the 2015 change rooms were ultimately built) and
- (3) Demolish part of the existing facility and rebuild in the same area as a staged approach.

The Master Plan recommended new Obedience Dog Club rooms to be incorporated into the multi-purpose building, which would free up the reserve's open space/parking areas, noting that lack of parking has long been an issue at the site. Having a new facility on the western side may open additional options for parking in the future.

In reference to the northern side option, the recently adopted *Skate and BMX Strategy* recommends retaining and upgrading the BMX track at its current location, ruling out this site for the multipurpose facility.

Given the above considerations and the challenges with the Beachamp Street location, Councillor endorsement of construction on the Western boundary is required to advance with the project. This will ensure that the multi-purpose facility meets the community's needs while respecting heritage considerations.

If, following consultation, there is support for the Western location, the masterplan will need to be updated to reflect this. This would occur through an officer recommendation and council endorsement.

It should be noted there is no impact on the existing soccer pavilion or the Kyneton Small Bore Rifle Club resulting from the consideration of this report. They will remain in their current location.

Consultation and engagement

The initial design consultation meeting, held on 19 June 2023, included representatives from Kyneton and District Soccer Club and Kyneton Obedience Dog Club, as well as officers and the appointed architect. During this meeting, design concepts were reviewed, and it was assumed that the new building would be located on the southern side in the approximate area of the existing social rooms and public toilets.

After receiving an arborist report on 4 August 2023, meetings were conducted with Council's Arborist and Heritage Advisor. It was then decided to assess the site's western side as an option. Following this decision, the architect met with Officers on 29 August 2023 to present the pros and cons of both locations. At that time, it was provisionally agreed that the Western option represented the best outcome. The architect proceeded to carry out feature surveys on both options.

On 13 October 2023, Officers met with the Kyneton and District Soccer Club and Kyneton Obedience Dog Club. Subsequently, both groups confirmed the Western option as their preferred choice.

Public consultation focussing on the building location will be required following the Council resolution. The consultation will also highlight that any demolition of current buildings will occur after constructing the new multipurpose building. It is also noted that the Barkly Square Master Plan will require updating to reference the new location.

Collaboration

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

Innovation and continuous improvement

The Barkly Square design plan represents continuous improvement as it identifies a long-term planned approach to future improvement options at the site.

Relevant law

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment was conducted concerning the subject matter of this report.

Specifically, it recommends that:

- Development of a multipurpose facility at Barkly Square, Kyneton will provide increased gender equitable opportunities for participation in formal sport and recreation through suitable facilities for active recreation through improved infrastructure in public open space.

This recommendation will deliver a planned and well-considered facility with a range of equitable and access requirements realised, providing an important community health and well-being function.

Relevant regional, state and national plans and policies

The Victorian Government's Fair Access Policy Roadmap aims to develop a state-wide foundation to improve access to and use of community sports infrastructure for women and girls.

From July 2024, all Victorian Councils will need to ensure fair access to sporting facilities for people of all genders to be considered eligible to receive infrastructure funding.

The Roadmap features three key phases: education, readiness, and progress. In the first phase, the Office for Women in Sport and Recreation will provide training, education and support to local councils, peak bodies, and facilities to help them implement the Roadmap.

Relevant Council plans and policies

The Barkly Square multipurpose facility upgrade relates to the Council Plan 2021-2031 strategic objectives, as follows:

Connecting Communities: Council will continue to maintain all the roads, paths, buildings, and open spaces in our built environment in a financially, environmentally, and socially sustainable way.

Healthy environment, healthy people: to promote a healthy environment, healthy people Council aims to support mental health, prevent violence against women, and improve healthy lifestyles, social connection and inclusion, community safety, and arts and culture.

Other relevant Council plans and strategies that relate to this report include:

- Sport and Active Recreation Strategy 2018-28;
- Open Space Strategy 2013;
- Gender Equality Action Plan 2022-25
- Events Strategy 2021-25
- Council Asset Plan 2021-2031.

Financial viability

The architect has compiled preliminary cost estimates, including professional fees, project management, cost escalations and contract contingency. These estimates significantly exceed the anticipated costs for the construction on site.

The architect is currently reviewing the estimates in collaboration with the Quantity Surveyor. Based on current estimates, there is a \$1.1million difference between the Beauchamp Street and western options with the former more expensive.

Sustainability implications

To support Council's commitment to achieving zero net emissions by 2030, all design elements will ensure the inclusion of sustainable design features.

Officer declaration of conflicts of interest

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



SUMMARY

- THE EXISTING CHANGE ROOM BUILDING (SOUTH EAST CORNER OF RESERVE) IS RETAINED
- THE EXISTING SOCCER CLUB ROOM (SOUTH SIDE OF RESERVE) IS DEMOLISHED
- THE EXISTING CHANGE ROOMS + PUBLIC TOILETS (SOUTH SIDE OF RESERVE) IS DEMOLISHED
- THE EXISTING OBEDIENCE DOG CLUB BUILDING (SOUTH SIDE OF RESERVE) IS DEMOLISHED
- A NEW MULTI PURPOSE BUILDING IS TO BE CONSTRUCTED OVER THE (SOUTH SIDE OF RESERVE - BEAUCHAMP STREET FRONTAGE) LOCATION OF THE EXISTING SOCCER CLUBROOMS AND CHANGE ROOMS - PUBLIC TOILETS

ADVANTAGES

1. THE SCOPE OF NEW BUILDING WORK IS LIMITED
2. THE LOCATION OF NEW BUILDING WORK IS OVER TWO EXISTING BUILDINGS (PROPOSED FOR DEMOLITION) EXISTING SERVICES ARE SITUATED CLOSE BY

DISADVANTAGES

4. THE PROPOSED MULTI PURPOSE BUILDING HAS BEEN LOCATED IN AN AREA THAT HAS A NUMBER OF CONSTRAINTS AND THUS IS THE BUILDING FOOTPRINT WILL BE IRREGULAR IN FORM - THIS WILL EQUATE TO A MORE DIFFICULT AND COSTLY BUILD
5. THE PROPOSED BUILDING ENCRROACHES INTO THE DESIGNATED "TREE PROTECTION ZONE" OF THE EXISTING NEARBY HERITAGE LISTED TREES
6. THE EXISTING NEARBY HERITAGE LISTED TREES WILL NEED TO HAVE BRANCHES REMOVED TO ALLOW THE NEW BUILDING TO BE CONSTRUCTED
7. THE PROXIMITY OF THE NEW BUILDING TO THE EXISTING TREES MAY CAUSE LONG TERM ISSUES TO ITS STRUCTURE AND SERVICES
8. THE PROXIMITY OF THE PROPOSED BUILDING TO THE EXISTING TREES MAY AFFECT THE LONG TERM HEALTH OF THE TREES
9. THE OFFSET DISTANCE FROM THE FRONT OF THE NEW BUILDING TO THE EXISTING PLAYING FIELD FENCE LINE IS REDUCED DUE TO THE EXISTING HERITAGE TREE LOCATIONS
10. THE LOCATION OF THE NEW CHANGE ROOMS IS OFFSET FROM THE PLAYING FIELD LOCATED ON THE WEST SIDE OF THE RESERVE
11. THE LOCATION OF THE NEW BUILDING INCREASES THE EXTENT OF BUILDING MASS FRONTING BEAUCHAMP STREET DUE TO THE LIMITED SITE AREA AVAILABLE. THE PROPOSED BUILDING FOOTPRINT WILL BE SMALLER THAN DESIRED. SOME ROOM SIZES MAY BE REDUCED AND SOME AREAS - EG STORAGE - MAY NEED TO BE CREATED AS SEPARATE BUILDINGS ON THE RESERVE
12. THE VIEWING ASPECT FROM THE NEW BUILDING IS FROM THE END OF THE PLAYING FIELD RATHER THAN THE SIDE. THEREFORE A LINE OF SIGHT TO THE FAR END OF THE FIELD IS LIMITED
13. THE PROMINENT CORNER OF THE RESERVE BECOMES MORE DEVELOPED AND THIS MAY BE A CONCERN FOR EXISTING RESIDENTS OF THE AREA

Option 1 - Beauchamp Street Site

MRSC - BARKLY SQUARE MULTIPURPOSE BUILDING



SITING PLAN OPTION 01

F.01
ISSUE: A



SUMMARY

- THE EXISTING CHANGE ROOM BUILDING (EAST END OF RESERVE) IS RETAINED
- THE EXISTING SOCCER CLUB ROOM (SOUTH SIDE OF RESERVE) IS DEMOLISHED
- THE EXISTING CHANGE ROOMS + PUBLIC TOILETS (SOUTH SIDE OF RESERVE) IS DEMOLISHED
- THE EXISTING OBEDIENCE DOG CLUB BUILDING (SOUTH SIDE OF RESERVE) IS DEMOLISHED
- A NEW MULTI PURPOSE BUILDING IS CONSTRUCTED ON THE WEST SIDE OF THE RESERVE, WITH ITS LOCATION CENTRAL ALONG THE LONG SIDE (WING) OF THE PLAYING FIELD

ADVANTAGES

1. THE SCOPE OF NEW BUILDING WORK IS LOCATED WELL AWAY FROM THE BEAUCHAMP STREET FRONTAGE
2. THE NEW DEVELOPMENT IS WELL AWAY FROM THE EXISTING HERITAGE LISTED TREES
3. OBSOLETE BUILDING STOCK IS DEMOLISHED AND THE BEAUCHAMP STREET BOUNDARY VISTA BECOMES MORE OPEN TO VIEWS
4. THE DEMOLITION OF THE EXISTING BUILDINGS NEAR THE HERITAGE LISTED TREES (BEAUCHAMP STREET FRONTAGE) MAY ASSIST THE LONG TERM HEALTH OF THE TREES
5. THE MOST RECENT BUILDING ON SITE (CHANGE ROOMS @ SOUTH EAST CORNER OF THE RESERVE) IS RETAINED TO SERVICE THE EASTERN PLAYING FIELD
6. THE LOCATION OF THE SOCIAL ROOM IS WELL AWAY FROM THE RESIDENTIAL AREA
7. THE PROPOSED BUILDING AREA IS A GREENFIELD SITE WITHOUT THE CONSTRAINTS LISTED FOR SITING OPTION 01
8. THE LOCATION OF THE NEW BUILDING IS CENTRAL ALONG THE SIDE OF THE PLAYING FIELD - THUS BETTER VIEWING IS OBTAINED
9. THE BUILDING CAN BE DESIGNED AS ONE TYPE OF ARCHITECTURE WITHOUT RISK OF CREATING DIFFERENT ARCHITECTURAL TYPES ALONG THE BEAUCHAMP STREET FRONTAGE
10. THE AREA ON THE BEAUCHAMP STREET FRONTAGE, WHERE EXISTING BUILDING ARE PROPOSED FOR DEMOLITION, CAN BE RECLAIMED AS LANDSCAPED OPEN SPACE
11. THE PROPOSED BUILDING LOCATION PROVIDES AN OPTION FOR CAR PARKING OFF STREET AT THE SOUTH WEST END OF THE SITE AS WELL AS DISABILITY COMPLIANT ACCESS
12. THERE IS AN OPTION FOR TIERED SEATING AT THE NORTH SIDE OF THE PROPOSED BUILDING, IF DESIRED
13. EACH PLAYING FIELD HAS ITS OWN SET OF CHANGE ROOMS
14. THIS PROPOSAL PROVIDES THE OPPORTUNITY TO ALIGN THE DESIGN WITH THE VISION OF THE EXISTING MASTERPLAN, MITIGATE ANY RISKS TO HERITAGE LISTED TREES AND PROVIDE EACH PITCH WITH CLOSE-BY CHANGE ROOM ACCESS

DISADVANTAGES

14. THE NEW BUILDING IS LOCATED A DISTANCE AWAY FROM THE EXISTING CHANGE ROOMS, HOWEVER A LANDSCAPING SOLUTION WILL ALLOW PEDESTRIAN MOVEMENT BETWEEN EACH BUILDING

Option 2 - Western Site

MRSC - BARKLY SQUARE MULTIPURPOSE BUILDING



SITING PLAN OPTION 03

F.03
ISSUE: A

AO.3	RIDDELLS CREEK MOVEMENT NETWORK STUDY
Officer:	Eng Lim, Manager Engineering and Resource Recovery
Council Plan relationship:	1. Connecting communities 2. Healthy environment, healthy people
Attachments:	Draft Riddells Creek Movement Network Study Report 2024 (under separate cover)

Summary

This report highlights the key findings from the penultimate study report for Riddells Creek Movement and Network Study (RCMNS). Included is a list of recommendations identified and refined following initial engagement with a small group of residents. The final list is ranked using a multi-criteria analysis.

Officers are planning for broader community consultation in March.

Recommendation

That Council endorses the release of the draft Riddells Creek Movement Network Study for four weeks of consultation in March 2024.

Background

The RCMNS aims to provide a strategic transport plan proposing infrastructure to accommodate long-term population growth within the Riddells Creek township boundary and to address the local community's transport concerns.

The study was conducted in three stages: Stage 1, Stage 2A, and Stage 2B. The table below summarises the four objectives of this study and the related tasks to achieve them.

Objectives	Tasks
Network aspiration (Stage 1)	Create an ultimate movement network plan that outlines the vision for the transport network in Riddells Creek. Analyse all inputs to the ultimate movement network, including Council documents, planning schemes and community feedback.
Gap Analysis (Stage 2A)	Identify gaps between this plan and the existing infrastructure in Riddells Creek.
Project Identification (Stage 2A)	Identify projects that will close the identified gaps and upgrade existing transport infrastructure to meet the specifications of the ultimate movement network.
Project Prioritisation (Stage 2B)	Define criteria to rank the list of projects in order of priority. Prioritise projects to assist Council with a multi-year capital works program.

During Stage 1 (financial year FY21/22), officers investigated relevant concerns and issues and prepared a desktop report. Subsequently, in 2022, officers conducted workshops and consultations with the community to gather insights and understand specific concerns related to transport infrastructure.

In the financial year FY22/23, Stage 2A works involved the development of the likely future township movement network, including mapping aspirational walking and cycling networks. Gaps between the existing transport infrastructure and the aspirational network were listed, and a long list of recommendations was produced to address these gaps. These recommendations include pedestrian projects, cycling projects, intersection upgrades, speed limit reductions, and amenity and streetscape improvements.

In the current financial year (FY23/24), Stage 2B works collected data via traffic and parking surveys between August and September 2023. The survey identified that there is ample parking to accommodate an increase in traffic volumes and parking demand within Riddells Creek. The survey data informed the prioritisation of the Stage 2B list of recommendations using a 'Multi-Criteria Assessment' (MCA) approach, which is described under the Discussion section.

Discussion

The multi-criteria analysis (MCA) process adopts the following six key areas:

(1) Feasibility:

- Prioritise routes within Council land where Council has greater control over implementation and decision-making.
- Prioritise routes with minimal environmental and cultural heritage impacts, avoiding disruption to natural habitats or culturally significant sites.
- Prioritise projects that require minimal construction or infrastructure upgrades, ensuring earlier implementation and cost-effectiveness.

(2) Connectivity:

- Prioritise routes that connect to key destinations within the Riddells Creek town centre, enhancing accessibility and convenience for residents and visitors.

(3) Safety:

- Prioritise projects that improve safety for all road users, including pedestrians, cyclists, and motorists. This may involve traffic calming measures, improved signage, or dedicated pathways.

(4) Alignment with Movement and Place aspirations:

- Prioritise projects that address identified gaps in the existing movement and place network performance within Riddells Creek.

(5) Alignment with local strategy and policy:

- Prioritise projects that support the Council's objectives for walking and cycling, promoting active transportation and healthier lifestyles.
- Prioritise projects that provide additional community benefits, such as boosting tourism, supporting local businesses, or creating a safe route to school.
- Prioritise projects that have already been partially developed, reducing overall project time and cost.

(6) Stakeholder and community sentiments:

- Prioritise projects that have received strong support from the Riddells Creek community, reflecting the needs and preferences of residents.
- Prioritise projects that require minimal external stakeholder approvals, facilitating faster implementation and minimising potential delays.

The MCA process involved assigning weights and scores to various criteria based on their relative importance. Additionally, key performance indicators (KPIs) were developed for

each assessment criteria, with each KPI assigned a score between 1 and 5 based on a pre-defined scoring guide.

The complete weighting and scoring guide for the MCA is presented in Appendix C of the RCMNS draft report. This guide provides further details about the evaluation process and the specific criteria used to prioritise projects.

Impact of Amess Road Development

The consultant was requested to assess the impact of any Amess Rd development as per the developer's current proposal as a conservative approach.

The assessment showed that due to the ongoing development of Amess Road and the expected 22.02% increase in overall traffic volume in 20 years (by 2043), several key intersections within the Riddells Creek township will require significant upgrades to maintain smooth traffic flow and facilitate safe pedestrian movements. Regardless of the ultimate increase in traffic, the increase figure used is expected to be within an acceptable tolerance level for use in the RCMNS.

The consultant conducted a comprehensive traffic analysis to identify these critical intersections and recommend specific high-level treatments, such as signalisation or roundabout construction, to ensure their efficient operation in the future.

The table below shows a list of key intersections reviewed with the result of intersection performance in 20 years, based on two likely future options. The Department of Transport and Planning will be invited to provide feedback as part of the consultation process, as some of the recommendations fall within their jurisdiction for further action.

Intersection	Base case	Proposed roundabout option	Proposed signals option
Riddell Road and Kilmore Road	well over capacity in both peaks significant congestion on Riddell Road	at capacity in the PM peak	near capacity in the AM peak
Station Street and Kilmore Road	over capacity in the PM peak	near capacity in the AM peak	below capacity in both peaks
Bolithos Road and Kilmore Road	over capacity in the AM peak at capacity in the PM peak	below capacity in both peaks	not required nor nominated as a project
Gap Road and Kilmore Road	well below capacity	not required nor nominated as a project	not required nor nominated as a project
Sandy Creek Road and Kilmore Road	well below capacity	well below capacity	not required nor nominated as a project

Table 1 – Key Intersection Analysis

Consultation and engagement

Following Stage 1 community consultation and consideration of critical issues highlighted in the previous briefing paper, Council officers involved in the study were contacted by the Riddells Creek Community Planning Group (RCCPG) in June 2023. The RCCPG, having reviewed the August 2022 Council report outlining draft recommendations for the Riddells

Creek community, expressed awareness through the project's website timeline of further community engagement opportunities related to the analysis stage.

As part of their commitment to enhanced collaboration with Council, the RCCPG has been actively developing a community-driven vision and critical infrastructure priorities for Riddells Creek town to inform Council planning works.

Two Council engineering officers met with the RCCPG on two occasions, on 6 July 2023 and again on 9 November 2023. Key summaries from those meetings include:

- In the July meeting, Council officers presented the draft recommendations from Stage 2A of the Study, an aspirational plan containing over 90 recommendations for further investigation and prioritisation.
- They explained that Stage 2B (2023 - 2024) will involve the development of a multi-criteria analysis (MCA) supported by a traffic and parking analysis (August - September 2023) and a broader community consultation (February - March 2024).
- The RCCPG presented their "What Riddell Wants (Infrastructure)" priorities, focusing on transport, pedestrian, and bike movement. They acknowledged significant alignment between their priorities and the community feedback received to date.
- Both parties agreed to a follow-up meeting to further discuss prioritisation.
- The RCCPG committed to collating feedback and providing input to Council officers by October 2023.
- In the November 2023 Meeting, the RCCPG shared their work (Appendix D) detailing their thought process, emphasis on walkability, top 10 and 30 prioritised projects and proposed project assessment criteria.
- Council officers confirmed that the RCCPG's top 30 projects would serve as an initial input to the MCA process, which already incorporates "Stakeholder and community sentiments" as one of its six assessment criteria.
- Additionally, the community group identified 15 new projects they desired for the township, outlined in Table 12 of the attached Riddells Creek Movement Network Study, which were also included in the prioritisation process.

The consultants and Council officers met several times to consider the following carefully:

- A detailed review of the traffic and parking survey.
- The development and application of the Multi-Criteria Assessment (MCA) approach on all recommendations, including new ones suggested by the community group.
- Incorporate the community group's vision for walkability and the "What Riddell Wants" initiative.

This has resulted in the RCMNS producing 112 comprehensive projects to be evaluated, prioritised, and scored based on the MCA criteria and associated cost estimates.

Appendix B of the draft RCMNS summarises the recommendations.

The Council's MCA framework addresses a broader scope of traffic and transport needs along with active transport considerations, ensuring fairness and equal opportunity for projects addressing different aspects of movement within the community.

The process followed by officers in the RCMNS demonstrates the council's commitment to transparency and community engagement. Officers ensured that diverse perspectives were considered in the project prioritisation process by providing the Riddells Creek Community Group (RCCG) with an opportunity to offer their feedback. It is worth noting that the RCCPG provided their list of top 30 prioritised projects focusing primarily on walkability.

This collaborative approach demonstrates a balanced perspective, considering specific community priorities and the overall Council's vision for the Riddells Creek transport network.

Officers ranked the 112 projects in priority order and identified the top 30. This review includes validating each project against the traffic and parking survey while balancing prioritisation with other transport modes for Riddells Creek. 16 of the RCCG's top 30 projects have remained in the final top 30 priority list, as indicated in the table below.

Project Number	Rank	Project Type	Location/Road Name	Road Name Start	Road Name End	Community Rank
99	1	SHARED PATH	SUTHERLANDS ROAD	RACECOURSE ROAD	LIONS PARK	2
85	2	WOMBAT CROSSING	SUTHERLANDS ROAD	STATION STREET		22
84	3	WOMBAT CROSSING	STATION STREET	SUTHERLANDS ROAD		22
75	4	SPEED LIMIT REDUCTION 50 KM/H TO 30 KM/H	STEPHEN STREET	SUTHERLANDS ROAD	HAMILTON STREET	9
74	5	SPEED LIMIT REDUCTION 50 KM/H TO 30 KM/H	MAIN ACTIVITY AREA	STATION STREET / HAMILTON STREET / FITZGERALD STREET		9
33	6	SHARED PATH	BOLITHOS ROAD	ROYAL PARADE	KILMORE ROAD	20
88	7	P.O.S. CROSSING	SUTHERLANDS ROAD	NO. 5		
43	8	SHARED PATH	AMESS ROAD	WOHL COURT	SUTHERLANDS ROAD	13
35	9	SHARED PATH	AMESS ROAD	KILMORE ROAD	WOHL COURT	12
44	10	SHARED PATH	SUTHERLANDS ROAD	YELLOWGUM AVENUE	AMESS ROAD	14
37	11	SHARED PATH	MELVINS ROAD	ROYAL PARADE	MAHONEYS ROAD	21
34	12	SHARED PATH	RACECOURSE ROAD	AMESS ROAD	SOUTHBOURNE ROAD	29
32	13	SHARED PATH	GAP ROAD	ROYAL PARADE	SOMERVILLE LANE	5
71	14	SPEED LIMIT REDUCTION 50 KM/H to 40 KM/H	KILMORE ROAD	FILMER PLACE	MELVIN ROAD	9
36	15	SHARED PATH	GAP ROAD	SOMERVILLE LANE	KILMORE ROAD	5
112	16	SHARED PATH & WOMBAT CROSSING	RIDDELLS CREEK PRIMARY SCHOOL CAR PARK	RIDDELLS CREEK PRIMARY SCHOOL CAR PARK		30
104	17	PEDESTRIAN CROSSING	SANDY CREEK ROAD	SANDY CREEK ROAD		10
30	18	SHARED PATH	SANDY CREEK ROAD	BUSH COURT	KILMORE ROAD	
67	19	SHARROWS	STEPHENS STREET	SUTHERLANDS ROAD	HAMILTON ROAD	
58	20	SHARROWS	HAMILTON STREET / FITZGERALD STREET	STEPHEN STREET	SUTHERLANDS ROAD	
24	21	REGIONAL TRAIL	KILMORE ROAD	FLOUR MILL LANE	RIDDELLS CREEK	11
38	22	SHARED PATH	MAHONEYS ROAD	NO. 7	MERRIFIELD STREET	28
11	23	FOOTPATH	SEXTON STREET	NO. 13	KILMORE ROAD	18
46	24	SHARROWS	STATION STREET	KILMORE ROAD	STEPHEN STREET	
101	25	P.O.S. CROSSING	MAIN ROAD	MAIN ROAD		6
54	26	SHARROWS	MERRIFIELD STREET	SOMERVILLE LANE	KILMORE ROAD	
19	27	FOOTPATH	SUTTON STREET	SOMERVILLE LANE	MAHONEYS ROAD	
4	28	FOOTPATH	SOUTHBOURNE ROAD	RACECOURSE ROAD	PARKVIEW TERRACE	3
1	29	FOOTPATH	SOMERVILLE LANE	MELVINS ROAD	SANDY CREEK ROAD	15
76	30	STREETSCAPING	STATION STREET	SUTHERLANDS ROAD	HAMILTON STREET	

Table 2 – Top Thirty Priorities

Since an early version of the RCMNS has already been out for consultation to a small community group in 2023, officers recommend the whole document be provided for consultation allowing the community to see the finished product before Council considers adopting it.

Collaboration

Officers prepared this report with the assistance of external stakeholders (material provided from the consultation and engagement process with Riddells Creek community members) and internal staff, including key contributions from the Strategic Planning team and The Department of Transport and Planning (DTP) on arterial roads.

As part of the upcoming community consultation, officers will share the findings of the study with DTP for further comment, particularly on the advocacy section for future arterial road and intersection upgrades.

Innovation and continuous improvement

The Riddells Creek Movement Network Study reflects Council's commitment to identify and address the community's concerns about transport, infrastructure development and population growth in Riddells Creek now and into the future. Once the study is adopted, officers will look at opportunities for innovation and continuous improvement when designing and constructing the recommendations.

Relevant law

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report.

The gender impact assessment recommends that, as far as it is practical, the document be planned to provide equity of access for all current and future users. The Mobility and Road Safety Strategy applies to all residents and visitors.

It also endeavours to provide equity of consideration of issues and opportunities to all, including gender considerations. Officers will seek gender-specific feedback as a part of the final consultation process.

Relevant regional, state and national plans and policies

The following documents informed the RCMNS:

- Road Management Act 2004
- Victorian Road Safety Strategy 2021 to 2030
- Towards Vision Zero
- Movement and Place Framework

Relevant Council plans and policies

The RCMNS will seek to improve connectivity and movement and provide transport choices to the community, including walking trails and bike paths. It relates to two of the Council Plan 2021-2031 strategic objectives: *Connecting Communities and Healthy Environment, Healthy People*.

Other relevant Council plans and policies include:

- Mobility and Road Safety Strategy 2023 - 2032
- Shirewide Footpath Plan 2023
- Positive Aging Strategy 2020
- Disability Action Plan 2021 – 2024
- Walking and Cycling Strategy 2014

Financial viability

The study is funded by this financial year's budget. The recommendations from this study will result in potential new capital projects, subject to future budget decisions and planned for within the long-term financial plan.

At the same time, officers will be exploring opportunities from multiple sources of funding to fund some of these actions through external State and Federal grants such as the Transport Accident Commission (TAC), the Department of Transport and Planning, as well as any other applicable grants based on the grant selection criteria specific to each funding source.

Some recommendations are the responsibility of other agencies (such as the Department of Transport and Planning), and staff would engage in advocacy to promote the related RCMNS recommendations.

Sustainability implications

This study intends to support the Council's commitment to managing its infrastructure, considering long-term environmental and financial sustainability, and ensuring that the traffic and transport network supports a sustainable community and environment.

Any project to be developed from this study's recommendations will consider any social and/or environmental impact specific to each project and the affected community members will be consulted before its implementation.

Officer declaration of conflicts of interest

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

16 NOTICES OF MOTION AND RESCISSION

No. 1/2023-24: NOTICE OF MOTION - 2024-25 RATE CAP

I, Councillor Geoff Neil, give notice that at the next Meeting of Council to be held on 28 February 2024, I intend to move the following motion:

That Council:

- 1. writes to the Minister for Local Government, Melissa Horne MP, expressing profound disappointment and concern regarding the Rate Cap set by the State Government for the 2024-2025 financial year (being less than CPI), and outlining the potential negative impacts on Council's provision of community amenities and services.**
- 2. sends a copy to the State Member for Macedon, Mary-Anne Thomas MP, Municipal Association of Victoria, Victorian Local Governance Association and Rural Councils Victoria.**
- 3. advises the Mayors of all other Rural and Regional Councils of our action.**

No. 2/2023-24: NOTICE OF MOTION - MINISTERIAL GOOD PRACTICE GUIDELINES FOR SERVICE RATES AND CHARGES

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 28 February 2024, I intend to move the following motion:

That Council:

- Writes to the Premier of Victoria, The Victorian Treasurer, Minister for Energy and Resources, Minister for Environment, Minister for Local Government, and the Member for Macedon regarding the impact on the delivery of local government community services resulting from the directions contained in the Ministerial Good Practice Guidelines for Service Rates and Charges**
- Provides the following motion to be considered at the Municipal Association of Victoria State Council Meeting – Friday 17 May 2024:**

That the MAV advocates to the Victorian Government on behalf of the Local Government Sector to:

- defer the implementation of the Ministerial Good Practice Guidelines for Service Rates and Charges until at least the 2025/26 Financial Year;**
- undertake proper consultation with the local government sector, ensuring that the impact of the guidelines does not undermine Local Government's ability to continue to deliver services to the community;**
- ensure any consultation period with Local Government enables proper consultation with residents so that local ratepayer sentiments can be included in any Local Government feedback.**

Background:

Late December 2023 the Victorian Government released the *Ministerial Good Practice Guidelines for Service Rates and Charges*. This arrived with no notice, 3 days before Christmas, on 22 December 2023, and without direct communication to Councils, only via a Victorian Government Media Release from Melissa Horne, Minister for Local Government.

It is understood that 'minimal' consultation was undertaken with industry groups, however not with individual Local Government Authorities. For Macedon Ranges Shire Council (MRSC), it is estimated that approximately \$1.89M of the waste service charge will need to be sourced from rates revenue rather than the waste service charge. This exacerbates the compound effect of recent rate caps, which has seen Council's spending power reduce by almost 11% over the last 5 years when compared with CPI.

Councils must exercise good governance. Good governance mandates that Councils' need to operate within their financial capacity. Implementing the guidelines at little to no notice does not allow Council to carefully consider how services are adjusted and to seek informed community feedback on any planned changes. Implementation for the FY 2024/25 is not achievable without a significant impact on the local community.

The MRSC motion is asking for MAV assistance, as under the *Municipal Association Act 1907* the MAV is the 'voice of local government in Victoria' (www.mav.asn.au).

17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS

Nil