

Agenda

Council Meeting
Wednesday 27 May 2026 at 7:00 PM
Gisborne Administration Centre
40 Robertson Street, Gisborne

Table of contents

1	Acknowledgement of Country	4
2	Recording of live streaming of this Council meeting	4
3	Present	4
4	Apologies	4
5	Conflicts of interest	4
6	Petitions	5
6.1	Petition in relation to the installation of a safe pedestrian crossing on Romsey Road, Woodend	5
7	Deputations and presentations to Council	6
8	Adoption of minutes	6
9	Mayor's report	7
9.1	Mayor's Report	7
10	Record of meetings of Councillors and Council staff	11
10.1	Record of Meetings of Councillors and Council Staff	11
11	Planning and Environment reports	20
PE.1	Draft Biodiversity Strategy 2026	20
PE.2	AGR/2026/1 - 4 Oasis Avenue Kyneton	43
PE.3	PLN/2025/144 - 1433 Bolinda Darraweit Road DARRAWEIT GUIM VIC 3756	62
PE.4	PLN/2020/225/C & AGR/2025/18 - 1, 3, 4, 6, 8, 10, 14, 16, 15, 17, 18, 19, 11, 12, 13, 21, 25, 23, 27 Trenchard Street Woodend	84
12	Corporate reports	150
COR.1	Quarterly Financial Report - January to March 2026	150
COR.2	Hybrid Council Meetings 2026	156
COR.3	Additional Council Meeting Date October 2026	159
13	Community reports	161
COM.1	Draft Affordable Housing Policy	161
COM.2	Community Engagement Policy 2026	179

14	Assets and Operations reports	195
	AO.1 Nature Strip Landscaping Policy Review	195
15	Notices of motion and rescission	218
	No. 18/2025-26: Notice of Motion - New Public Secondary Provision for Macedon Ranges Shire	218
16	Urgent business	219
17	Confidential reports	219
	Nil	

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 INSTALLATION OF A SAFE PEDESTRIAN CROSSING ON ROMSEY ROAD, WOODEND
Officer:	Talysha Dawson, Governance Officer
Council Plan relationship:	Our Performance

Summary

A petition has been received from Kathryn Tollerud in Woodend on behalf of 174 residents regarding the installation of a safe pedestrian crossing on Romsey Road stating:

“Mayor and Councillors of the Macedon Ranges Shire Council, we the undersigned, petition Macedon Ranges Shire Council from 5th February 2026.

We are calling for the installation of a formal pedestrian crossing on Romsey Road, at the intersection where High Street meets the Avenue of Honour (Map Reference: 37°20'53.9"S 144°32'08.6"E).

This section of Romsey Road is a well-used crossing point and is the only practical crossing option for children travelling from Woodend North to both Woodend Primary School and St Ambrose Primary School. For many pedestrians, crossing Romsey Road is unavoidable, yet there is currently no formal or consistently safe crossing at this location.

School children and adults regularly experience uncertainty at this crossing point, with drivers stopping informally to allow pedestrians through while other vehicles continue moving. Without a designated crossing, this unpredictability creates unsafe conditions for both pedestrians and motorists, particularly during peak travel times.”

Recommendation**That Council:**

- 1. Notes the petition from Kathryn Tollerud on the matter of the installation of a safe pedestrian crossing on Romsey Road, Woodend with 174 signatories;**
- 2. Notes that the petition has been circulated to all Councillors confidentially as it contains personal information; and**
- 3. Requests the Chief Executive Officer prepare a report in response to this petition to be presented at the July 2026 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 22 April 2026, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT****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 May Mayor's Report.

Over the past month, I've had the privilege of representing our community at a range of important events, advocacy meetings and engagement opportunities across the Ranges.

One of the highlights was presiding over our recent Australian Citizenship Ceremony. Congratulations to the 48 people who became Australian citizens at the ceremony held by Council – which I understand may be a record number for our Shire. This was my second ceremony as Mayor and continues to be one of the most rewarding parts of the role. It was a privilege to reflect on and share my own migration and citizenship journey and to welcome our newest citizens as they marked such an important milestone. On behalf of Council, congratulations once again and welcome to our community.

Councillors attended ANZAC Day commemorative services across the Shire. These services provide an important opportunity to reflect, remember and pay tribute to the service and sacrifice of those who have served our nation, while also recognising the ongoing contribution of veterans and defence families within our community.

Advocacy remains a key focus of the Mayor and CEO's role and during this period, we met with Ms Gaelle Broad MP, Ms Rikkie-Lee Tyrrell MP and Ms Georgie Purcell MP to discuss matters of importance to the Macedon Ranges and advance Council's advocacy priorities across a range of issues affecting our community, both within Council's remit and those in the State Government's.

It was also a pleasure to collaboratively open the Kyneton Showgrounds Pavilion and Netball Courts Project. Council acknowledges and thanks the Victorian Government for its contribution of \$1.5 million towards this project. Council contributed almost \$1.4 million, bringing the total investment in these facilities to more than \$2.8 million. This is a significant investment that will support the community for generations to come.

Council also hosted its Community Awards and Volunteer Celebration, recognising the individuals and groups who contribute so much to strengthening community life across the Macedon Ranges. Congratulations to all award recipients and thank you to the many volunteers whose generosity and commitment make such a difference every day.

Community engagement continued through the Councillor Budget Listening Post in Gisborne, where Councillors had the opportunity to hear directly from residents and discuss priorities and ideas as we work through Council's budget process. The budget survey closed on 22 May, and Council will now continue preparing the final budget ahead of its consideration and adoption at an upcoming Council meeting.

Council is also seeking community input to help guide future kindergarten planning across the Macedon Ranges. As demand for kindergarten services continues to grow, residents are encouraged to help shape the principles that will inform future planning, services and facilities across the Shire. The [survey](#) closes on 8 June.

Finally, I encourage residents to have their say on the Draft Macedon Ranges Planning Scheme Amendment – C164 for the development of [Clarkefield Township on the Engage Victoria consultation](#), which remains open until 1 June. Community input is an important part of shaping future planning and outcomes for our growing communities.

Thank you to everyone who has invited Councillors to events, provided feedback and continued contributing to our caring and engaged community.

Events

Councillors were pleased to be invited to the following events/meetings since the last Scheduled Council Meeting:

- 23 April Council Meeting Wrap Video: Springfield
- 23 April Kyneton Food Bank Visit
- 23 April Kyneton District Soccer Club Advocacy Video
- 23 April Kyneton Community House AGM
- 25 April Anzac Day Commemorative Services: Mt Macedon, Malmsbury, Kyneton, Gisborne, Romsey, Lancefield & Woodend
- 25 April Macedon Football & Netball Club Anzac Day Commemoration
- 26 April Malmsbury Village Fayre
- 26 April The Art of Sacrifice Closing Event Exhibition by George Petrou
- 26 April Movies on the Hill: We Visit Gallipoli
- 27 April *Meet the Mayor* session
- 27 April CEO & Mayor Advocacy Video
- 28 April State Advocacy Prospectus Discussion with Gaelle Broad MP
- 28 April Australian Citizenship Ceremony
- 29 April *Meet the Mayor* session
- 29 April Kyneton Saleyards Visit: Store Cattle Sale
- 29 April State Advocacy Prospectus Discussion with Rikkie-Lee Tyrrell MP
- 29 April Malmsbury Community Engagement Group Tour of Malmsbury Youth Justice Precinct
- 30 April Woodend Primary School 'Share the Dignity' Launch
- 30 April Woodend Primary School Visit: Romsey Road Intersection
- 30 April Harvest Autumn Festival Closing Night
- 1 May West Ward Resident Meeting: Noonan Grove Woodend
- 1 May West Ward Kyneton Skate Park Consultation Briefing
- 1 May ABC Statewide Drive: Woodend Intersection Interview

- 2 May Woodend Eagles Buffalo Stadium Season Kick Off
- 3 May Encourage Church Romsey Anzac Service
- 4 May *Meet the Mayor* sessions x 2
- 5 May Community Consultation Workshop Kyneton Skatepark
- 6 May Councillor Meeting: Campaspe River Dog Walking Group
- 7 May West Ward Meeting: Kyneton Football Netball Club
- 7 May Woodend Rotary Club Meeting: Mayor Guest Speaker
- 8 May Loddon Campaspe Group of Councils Meeting
- 8 May Victorian Goldfields World Heritage Regional Partnership Summit
- 8 May Eastern Macedon Ranges Business & Tourism Association Dinner
- 9 May All Councillor Budget Listening Post at Gisborne Mechanics Institute Hall
- 9 May The Midland Express DPO24 Advocacy Photo
- 11 May *Meet the Mayor* session
- 13 May West Ward Councillor Site Visit: Campaspe River Walk
- 14 May Municipal Fire Management Planning Committee Meeting
- 14 May Gather with the Women of the Macedon Ranges
- 15 May Lancefield Town Centre Action Plan Celebration Event
- 15 May U3A Talk on AI 2026 for Seniors
- 16 May Official Opening Kyneton Showgrounds Pavilion & Netball Courts Project
- 16 May Newham Fire Brigade CFA Annual Cake Bake Sale
- 16 May Kyneton Aero Club Biggest Morning Tea
- 16 May Queerthentic Art Prize Celebration
- 16 May East Ward Councillor Listening Post at Romsey Hub
- 17 May West Ward Councillor Listening Post at Malmsbury Market
- 18 May MRSC IDAHOBIT Day Flag Raising Event
- 18 May Malmsbury Youth Justice Community Engagement Group Meeting
- 19 May Macedon Ranges Sports Precinct Tour
- 19 May Resident Meeting: Macedon Ranges Sports Precinct
- 19 May Macedon Ranges Further Education Centre (MRFEC) AGM
- 20 May State Advocacy Prospectus Discussion with Georgie Purcell MP
- 21 May Central Victorian Greenhouse Alliance (CVGA) Board Meeting
- 21 May Australian Local Government Women's Association (ALGWA) AGM
- 21 May Macedon Ranges Wildlife Network Advocacy Video
- 21 May Site Visit: Macedon Football Netball Club
- 21 May Braemar College AGM

- 22 May MRSC Annual Community Awards & Volunteer Celebration
- 22 May Gisborne Golf Club Official Opening
- 23 May Zonta Club of Kyneton Birthing Kit Assembly Day
- 23 May Friends of Gisborne Botanic Gardens GANZ Week Celebration
- 25 May *Meet the Mayor* sessions x 2
- 25 May Victorian Small Business Awards
- 26 May Central Ranges Local Learning Employment Network (CRLLEN) AGM
- 26 May Destination Central Victoria (DCV) Hearts & Minds Conference
- 27 May Lost Dogs' Home State Election Priorities and Mobile Low-Cost Vet Clinic
- 27 May Small Business Friendly Councils Webinar
- 27 May Zonta Club of Kyneton Dinner

Have a great month ahead and see you around the Shire!

Mayor Kendall

Macedon Ranges Shire Council

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF****Summary**

Rule 66 of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councillors and Council staff to be reported to the next practicable scheduled Council Meeting and recorded in the minutes of that meeting. This report provides a summary of meetings of Councillors and Council staff held since the last Council Meeting.

Recommendation

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

Record of meetings

Type of meeting	Councillor Briefing
Date and time	Tuesday 21 April 2026, 9:30am
Venue	Gisborne Administration Centre, 40 Robertson Street Gisborne
Present - Councillors	• Cr Kate Kendall (Mayor), • Cr Cassy Borthwick (Deputy Mayor) • Cr Jennifer Anderson • Cr Rob Guthrie • Cr Alison Joseph • Cr Janet Pearce • Cr Andrew Scanlon • Cr Daniel Young
Apologies - Councillors	• Cr Dominic Bonanno (on leave)
Present - officers	• Bernie O'Sullivan (Chief Executive Officer) • Rebecca Stockfeld (Director Planning and Environment) • Adele Drago-Stevens (Director Corporate) • Martin Collins (Director Community) • Jessica Clarke-Hong (Manager Governance and Performance) • Kylie Tatt (Manager People and Wellbeing)

	• Simon Finlay (Manager Parks, Civil Services and Resource Recovery) • Bodey Ditloff (Acting Manager Communications and Advocacy) • Bill Pemberton (Coordinator Resource Recovery) • Margaux Mckenzie (Coordinator Performance and Assurance) • Verity Games (Coordinator Statutory Planning and Subdivisions) • Alison Elliott (Senior Performance and Assurance Officer) • Lucy Olson (Senior Governance Officer) • Talysha Dawson (Governance Officer)
Apologies officers	• Dominic Testoni (Director Assets and Operations)
Presenters	• Rebecca McKenzie (Independent Advisor to the CEO Employment and Remuneration Committee)
Items discussed	• Localised FOGO Processing Report • Community Engagement Policy and Practice Review • Shaping the Ranges 2025 – 2035 – Draft Year 2 Actions • CEO ERC Mid-Year Review (Confidential) • Agenda Review • Other Business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Cr Andrew Scanlon declared a material conflict of interest with item PE.1 on the agenda review. Did they leave the meeting? He left the meeting from 2:49pm to 2:58pm whilst the item was discussed.
Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	Tuesday 28 April 2026, 9:30am
Venue	Gisborne Administration Centre, 40 Robertson Street Gisborne
Present - Councillors	• Cr Kate Kendall (Mayor), • Cr Cassy Borthwick (Deputy Mayor)

	• Cr Jennifer Anderson • Cr Rob Guthrie • Cr Alison Joseph • Cr Janet Pearce • Cr Andrew Scanlon • Cr Daniel Young
Apologies - Councillors	• Cr Dominic Bonanno (on leave)
Present - officers	• Bernie O'Sullivan (Chief Executive Officer) • Rebecca Stockfeld (Director Planning and Environment) • Adele Drago-Stevens (Director Corporate) • Dominic Testoni (Director Assets and Operations), • Martin Collins (Director Community) • Jessica Clarke-Hong (Manager Governance and Performance) • Rob Ball (Manager Strategic Planning and Environment) • Daniel Grigson (Manager Engineering, Asset Services and Civil Projects) • Bodey Ditloff (Acting Manager Communications and Advocacy) • Tania Macleod (Coordinator Environment) • Liz Johnston (Coordinator Community and Social Planning) • Cherry Stojanovic (Coordinator Governance) • Benup Neupane (Coordinator Engineering Services) • Emma Sodamaco (Community Engagement Lead) • Jaclyn Harris (Biodiversity Strategy Projects Officer) • Talysha Dawson (Governance Officer)
Apologies officers	Nil
Presenters	Nil
Items discussed	• Biodiversity Strategy 2026 • Affordable Housing Policy Review • Privacy and Engagement Workshop • Proposed Special Charge Scheme – Noonan Grove Woodend Formal Notice of Intention to Declare Survey Outcomes Update • Budget Discussion

	• Other Business • Delegation Review - 2026-04-28 - Road Management Act 2004 • Delegation Review - 2026-04-28 - Road Management Act 2004
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	Tuesday 5 May 2026, 9:30am
Venue	Gisborne Administration Centre, 40 Robertson Street Gisborne
Present - Councillors	• Cr Kate Kendall (Mayor), • Cr Cassy Borthwick (Deputy Mayor) • Cr Jennifer Anderson • Cr Rob Guthrie • Cr Alison Joseph • Cr Janet Pearce • Cr Andrew Scanlon • Cr Daniel Young
Apologies - Councillors	• Cr Dominic Bonanno (on leave)
Present - officers	• Bernie O'Sullivan (Chief Executive Officer) • Rebecca Stockfeld (Director Planning and Environment) • Adele Drago-Stevens (Director Corporate) • Dominic Testoni (Director Assets and Operations), • Martin Collins (Director Community) • Jessica Clarke-Hong (Manager Governance and Performance) • Rob Ball (Manager Strategic Planning and Environment)

	• David Bergin (Coordinator Strategic Planning) • Leanne Khan (Coordinator Strategic Planning) • Isabel Venables (Coordinator Community Development and Youth) • Cherry Stojanovic (Coordinator Governance) • Danielle Orr (Heritage Planner) • Mia Lobe (Youth Mental Health Programs Lead) • Bree Carlson (Senior Governance Officer) • Lucy Olson (Senior Governance Officer) • Anna Macfarlane (Mental Health Program Support Officer) • Zoe Hardiman (Governance Officer), • Talysha Dawson (Governance Officer)
Apologies officers	Nil
Presenters	• Keir Paterson (Neighbourhood House Victoria) • Renae Knight (RANCH Network Manager) • Claire Rawlinson (Kyneton Community House) • Pauline Fyffe (Maceon Ranges Further Education Centre Gisborne) • Melissa Baker (Woodend Neighbourhood House) • Michelle Balthazar (Romsey Neighbourhood House) • Vivienne Philpotts (Lancefield Neighbourhood House) • Mary Giordano (Riddells Creek Neighbourhood House)
Items discussed	• Requesting Ministerial Intervention in Planning and Heritage Matters – Application of an Interim Heritage Overlay to Woiorung Cottage, 111 Saunders Road, New Gisborne • Next Generation Mental Health Program – Council Briefing Consultation Workshop • Interactive Workshop Councillor Mark-Up – S6 – Instrument of Delegation from Council to Members of Staff • Neighbourhood House Presentation • Planning Matters • Other Business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter	Nil Did they leave the meeting? N/A

about which they declared the conflict of interest was discussed	
Conflicts of interest declared by officers	Adele Drago-Stevens (Director Corporate) declared a general conflict of interest with the shared trails update in other business. Did they leave the meeting? Adele left the meeting from 11:42am to 11:51am whilst the matter was discussed.

Type of meeting	Councillor Briefing
Date and time	Tuesday 12 May 2026, 9:30am
Venue	Gisborne Administration Centre, 40 Robertson Street Gisborne
Present - Councillors	• Cr Kate Kendall (Mayor), • Cr Cassy Borthwick (Deputy Mayor) • Cr Jennifer Anderson • Cr Rob Guthrie • Cr Alison Joseph • Cr Janet Pearce • Cr Andrew Scanlon • Cr Daniel Young
Apologies - Councillors	• Cr Dominic Bonanno (on leave)
Present - officers	• Bernie O'Sullivan (Chief Executive Officer) • Rebecca Stockfeld (Director Planning and Environment) • Adele Drago-Stevens (Director Corporate) • Dominic Testoni (Director Assets and Operations) • Martin Collins (Director Community) • Cherry Stojanovic (Acting Manager Governance and Performance) • Jarrod Westwood (Manager Aquatics, Recreation and Facilities) • Adele Hayes (Manager Statutory Planning) • Kristal Maynard (Manger Safer Communities) • Rob Ball (Manager Strategic Planning and Environment) • Verity Games (Coordinator Statutory Planning and Subdivisions)

	• Margaux McKenzie (Coordinator Performance and Assurance) • Leila Anstice (Coordinator Environmental Health) • Alison Elliott (Senior Performance and Assurance Officer) • Bree Carlson (Senior Governance Officer) • Lucy Olson (Senior Governance Officer) • Talysha Dawson (Governance Officer)
Apologies officers	Nil
Presenters	Nil
Items discussed	• The Future of Aquatics and Fitness • Shaping the Ranges 2025-2035 – Draft Year 2 Actions and Indicators • Delegation Review – Planning and Environment Act 1987 & Planning and Environment (Fees) Regulations 2016 • Delegation Review – Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 • Planning Matters • 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	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	Tuesday 19 May 2026, 9:30am
Venue	Gisborne Administration Centre, 40 Robertson Street Gisborne
Present - Councillors	• Cr Kate Kendall (Mayor), • Cr Cassy Borthwick (Deputy Mayor) • Cr Jennifer Anderson

	• Cr Rob Guthrie • Cr Alison Joseph • Cr Janet Pearce • Cr Andrew Scanlon • Cr Daniel Young
Apologies - Councillors	• Cr Dominic Bonanno (on leave)
Present - officers	• Bernie O'Sullivan (Chief Executive Officer) • Rebecca Stockfeld (Director Planning and Environment) • Adele Drago-Stevens (Director Corporate) • Dominic Testoni (Director Assets and Operations), • Martin Collins (Director Community) • Rob Ball (Manager Strategic Planning and Environment) • Adele Hayes (Manager Statutory Planning) • Leanne Khan (Coordinator Strategic Planning) • Scott Matheson (Coordinator Statutory Planning and Compliance) • Verity Games (Coordinator Statutory Planning and Subdivisions) • David Bergin (Coordinator Strategic Planning) • Jason Pullman (Senior Strategic Planner) • Jack Wiltshire (Senior Strategic Planner) • Vivek Anilkumar (Strategic Planner) • Talysha Dawson (Governance Officer)
Apologies officers	Nil
Presenters	• Dean Coxon (Elders) • Candice Cordy (Nutrien Ag Solutions Kyneton)
Items discussed	• Clarkefield Township Development • Statutory Planning Fee Waiver and Rebate Policy • Kerbside Collection and Associated Services Charge Policy • Presentation by Kyneton Salesyards Agents • Planning Scheme Review Workshop • Other Business
Conflicts of interest declared by Councillors and	Nil

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

11 PLANNING AND ENVIRONMENT REPORTS

PE.1	DRAFT BIODIVERSITY STRATEGY 2026
Officer:	Tania MacLeod, Coordinator Environment
Council Plan relationship:	Our Environment
Attachments:	1. Draft Biodiversity Strategy 2026 (under separate cover) 2. Biodiversity Strategy 2026 - Responses to Community Engagement ↓ 3. Biodiversity Strategy 2026 - Outline of Changes to Draft Strategy ↓

Summary

This report presents the final draft Biodiversity Strategy 2026 for adoption by Council replacing the current Biodiversity Strategy (2018) and providing the framework and strategic direction for Council in the conservation of biodiversity across the shire.

The draft Biodiversity Strategy 2026 (attachment 1) has been amended following community consultation and engagement with internal work areas.

Recommendation**Council**

- 1. Adopts the draft Biodiversity Strategy 2026.**
- 2. Notes that the draft Biodiversity Strategy 2026 replaces the Biodiversity Strategy 2018.**
- 3. Notes that Priority Project 1: “Protecting Wildlife, Protecting Us” is included in the Macedon Ranges Shire Council Advocacy Projects Prospectus 2026.**
- 4. Writes and thank all submitters of Council’s decision.**

BackGround

The Biodiversity Strategy was first adopted by Council in December 2018, establishing a shared vision: *‘We have flourishing and connected communities of native plants and animals, plentiful and accessible natural places, and healthy and vibrant waterways across the Macedon Ranges.’* This document was to be reviewed after five years.

Following an extensive internal review of the original document and an initial period of community consultation in August-September 2025, a draft refreshed Biodiversity Strategy was prepared. This draft was tabled at the December 2025 Scheduled Council Meeting, after which it progressed to a second round of community consultation for a ‘sense check’ of the document.

Discussion

The purpose of the second round of community consultation was: to understand the levels of support for the draft document; to refine the strategy’s priorities and to finalise the draft Biodiversity Strategy 2026 (draft Strategy) and its Action Plan.

A link to an online survey was distributed directly to respondents to the first round of engagement, local community environment groups, to the three Registered Aboriginal Parties, and to over 2000 environment eNews subscribers. The survey was open for 8-weeks from 18 December 2025 to 15 February 2026.

- There were 24 respondents to the online 'Your Say' survey, plus four written submissions provided by email.
- 62% of survey respondents indicated that they had also responded to the first round of community consultation.
- Survey data indicated that the draft Strategy did well to address the first round of community feedback.
- Respondents highlighted the positives of draft Strategy as being the coverage and focus of topics, considerable input from the community and clarity and flow of the document.
- When asked to identify the top three focus areas for future council action, respondents supported (in order of priority):
 - (1) 'Increasing resources to bolster conservation education and outcomes on private land'
 - (2) 'Delivering conservation training to relevant internal staff', and
 - (3) 'Addressing wildlife road strike'

Common areas of concern that were identified by respondents as needing further attention in the draft Strategy included:

- Need for greater planning controls and compliance
- Feral animal and weed control
- Greater community group and volunteer engagement
- Insufficient budget for environmental action
- Internal Council training and awareness of biodiversity issues
- Targets for the delivery of the action plan

A full report on the Your Say results and how the updated draft Biodiversity Strategy 2026 responds to these concerns can be found in attachment 2.

Key changes to the final draft following the final round of engagement include:

The inclusion of Priority Projects

Priority Projects were developed in response to community priorities highlighted during consultation. Given resource limitations, these projects will be elevated above other actions in the Strategy and will be the focus of officer time and for future funding opportunities over the life of the document.

- *Priority Project 1: Protecting Wildlife, Protecting Us* addresses the wildlife road toll in the Macedon Ranges, proposing an evidence-based project to trial wildlife roadstrike mitigation methods on Council roads. The project would involve collaboration and data collection with key stakeholders and incorporates recommendations from the recent Parliamentary Inquiry into this issue.
- *Priority Project 2: Strengthening Biodiversity Outcomes on Private Land* proposes extended engagement with private landholders across the urban to rural landscape.

With more than 80% of land in the shire in private ownership, this initiative could have significant conservation outcomes. This work would involve an extended on-property advisory service, the continuation of the Backyard Biodiversity program and guidance for monitoring and management of environmental assets and threatened species on private land.

- *Priority Project 3: Leading by Example: Building Biodiversity Capacity Across Council* this addresses Council's legislated requirements to consider biodiversity in decision-making. It also aims to provide staff with awareness of best practice approaches to care for and protect the environment relevant to their roles. This initiative can be achieved with existing resources.

Further explanation of each of these priority projects, the actions they tie into, and any additional resources that may be required for their delivery are provided in the new 'Priority Projects' section of the draft Biodiversity Strategy 2026 Action Plan.

Finalised Action Plan

There are now 69 Actions across five objectives in the draft Biodiversity Strategy 2026, consolidated down from 96 actions in the original strategy. Importantly, 49 actions can be delivered with existing resources.

Overall, the refreshed Action Plan consolidates related actions and places more emphasis on activities undertaken on Council-managed land or under Council's influence.

It also introduces seven new actions addressing climate change and extreme weather events (Actions 1.12 and 1.13), on-ground restoration (Action 1.08), increased participation of community members and environment groups (Actions 2.08, 3.07 and 3.08), strengthened partnerships with Traditional Owners (Action 2.03), and improved integration of biodiversity considerations across Council operations.

Priorities outlined in the action plan have been assigned based on community concern, available resourcing and the need for action. Where actions can be completed with existing resources this has been noted, otherwise action implementation is contingent on additional resourcing, whether staffing or funding.

Attachment 3 details the changes between the 2018 and 2026 action plans in response to feedback received from the community and from Council staff.

Implementation of the Action Plan will be led by Council's Environment Team, with successful implementation reliant on collaboration across multiple internal departments and teams.

Consultation and engagement

Outcomes from community engagement have been discussed above with a full report on the Your Say results and how the updated draft Biodiversity Strategy 2026 responds to these concerns can be found in attachment 2.

Additionally, internal work areas were consulted on to ensure document efficacy and that actions can be carried out collaboratively. The draft Biodiversity Strategy was sent to several teams for review and feedback including Strategic Planning, Statutory Planning, Local Laws, Arboriculture, Parks and Recreation, Engineering and Community Strengthening. Their feedback has shaped and refined the Biodiversity Strategy 2026.

Collaboration

Collaboration was not required in relation to this report.

Innovation and continuous improvement

The Biodiversity Strategy is scheduled to be reviewed and updated every five years. The draft Biodiversity Strategy 2026 follows an extensive review of the existing Strategy and two rounds of community engagement. It also incorporates new scientific knowledge, updates to relevant environmental legislation and responds to the latest threats to biodiversity.

Relevant law

- Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) – identifies and provides protection for matters of national environmental significance, including nationally threatened species and ecological communities.
- Flora and Fauna Guarantee Act 1988 (FFG Act) - key legislation in Victoria for protection of biodiversity. It identifies threatened taxa and communities of flora and fauna (see Appendix 1 Table A1), as well as identifying potentially threatening processes. Councils have a legal obligation to consider impacts to biodiversity as per a 2021 amendment. Specifically, under Part 1, Section 4B, a public authority (which includes local governments) must give proper consideration of the objectives of the Flora and Fauna Guarantee Act 1988 when performing any of their functions that can reasonably be expected to impact biodiversity. This consideration must include all potential impacts on biodiversity, including cumulative impacts and indirect impacts.
- Wildlife Act 1975 – all Victorian wildlife is protected this Act, which sets rules around how we conserve, manage and use wildlife. It is illegal to disturb or destroy wildlife without an appropriate authorisation.
- Planning and Environment Act 1987 - sets out the objectives for land use planning in Victoria and the legislative framework for achieving these objectives. The Act sets out to “provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity”.
- Catchment and Land Protection Act 1994 - sets out a framework for managing noxious weeds and pest animal matters to prevent degradation to catchments. The Act specifies management responsibilities for land managers, including Council’s responsibilities to manage declared noxious weeds and established pest animals on council managed land.
- Aboriginal Heritage Act 2006 and Aboriginal Cultural Heritage Act 2006 - These Acts establish legislative obligations to Traditional Land Owner groups that are paramount to managing Victoria’s natural resources. The Aboriginal Heritage Act recognises the Dja Dja Wurrung Clans Aboriginal Corporation (DJAARA), Taungurung Land and Waters Council 15 (TLWC), and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (Wurundjeri) as Registered Aboriginal Parties for land that encompasses the Macedon Ranges Shire. The Aboriginal Cultural Heritage Act 2006 limits management activities in areas of cultural heritage sensitivity which has relevance for known cultural sites and waterway management

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

- Australia’s Strategy for Nature 2024 – 2030
- Threatened Species Action Plan 2022 – 2032
- Protecting Victoria’s Environment – Biodiversity 2037

- North Central Regional Catchment Strategy 2021-2027
- Port Phillip and Westernport Regional Catchment Strategy
- Goulburn Broken Regional Catchment Strategy
- Dhelkunya Dja (Healing Country) - Dja Dja Wurrung Country Plan 2014 – 2034
- Taungurung Buk Dadbagi - Taungurung Country Plan
- Wurundjeri Woi-wurrung Whole of Country Plan 2025-2035

Relevant Council plans and policies

- Shaping the Ranges – Council Plan 2025-2035 – The actions of the Biodiversity Strategy are encompassed under the ‘Our Environment’ strategic theme, in particular objective 2.1 *Our natural environment, wildlife, biodiversity and water quality are cared for and protected.*
- Council’s Environment Strategy 2021 is the umbrella strategy that provides the framework for environmental management across the organisation regarding Climate Emergency, Biodiversity, Water and Waste. The Biodiversity Strategy guides Council action in the conservation of biodiversity.
- The Weed and Pest Animal Strategy, Roadside Conservation Management Plan and
- Conservation Reserve Management Plans sit underneath the Biodiversity Strategy.

Climate Impact Assessment

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

Adopting a refreshed biodiversity strategy will not increase energy usage or emissions. Actions within the strategy will contribute towards positive outcomes for climate change mitigation as conserving biodiversity is linked to positive climate outcomes. This strategy supports carbon-drawdown activities, such as tree planting, that seek to offset emissions while also generating local biodiversity outcomes.

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

A biodiverse ecosystem is more resilient to climate change, therefore lowering risks to council operations and services.

How will the recommendation help to prepare the community for future climate scenarios? As outlined in theme ‘Nurturing Nature’ in Council’s Climate Emergency Plan - Nurturing and conserving biodiversity will have positive climate outcomes in the future – more diverse ecosystems are more resilient to the impacts of climate change. Access to green and blue spaces also helps to limit climate anxiety for residents. Updating and improving the biodiversity strategy will therefore fulfil the dual purpose of climate actions and conservation actions. Additionally, climate change is more directly addressed in the proposed revision of the Biodiversity Strategy, with the creation of a new ‘Climate Change and Biodiversity’ theme that considers Council’s role in responding to climate driven extreme events impacting wildlife and providing community education accordingly.

Financial viability

Since the Biodiversity Strategy 2018, there has also been a reduction in the number of actions, and a renewed focus on the issues that are under Council’s purview. This has reduced resourcing requirements overall.

The majority of actions outlined in the Biodiversity Strategy 2026 (49 of 69 actions) can be completed with existing resources. For the remainder of actions, where additional resources are required, actions will be contingent on additional funding or staffing resources. This has been explicitly stated in the action plan for transparency. Additional funding may be sought through Council budget, external grants or partnerships with other agencies.

Sustainability implications

The Biodiversity Strategy 2026 will lead to positive outcomes for the natural environment across the Shire. Major objectives of the strategy include:

- (1) Protect existing biodiversity and native vegetation,
- (2) Improve existing biodiversity and native vegetation across public and private land,
- (3) Improve Council and the Community's understanding and connection to biodiversity,
- (4) Enhance the capacity of community groups to undertake conservation activities, and
- (5) Monitoring for landscape change.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- No AI tools were used in the preparation of this report.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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.

Biodiversity Strategy 2026

Round 2 Community Engagement – Summary of Outcomes

Engagement Period

A survey was available on Council's Your Say page for two months from 18 December 2025 to 15 February 2026. A summary of key themes from the first round of consultation and key changes to the proposed action plan as well as a copy of the draft Strategy were made available on the website.

The purpose of the second round of community consultation was to understand community support for the refreshed document, and to finalise the Biodiversity Strategy 2026 and Action Plan prior to adoption in 2026.

The survey was distributed directly to community environment groups operating in the shire, relevant Registered Aboriginal Parties, previous respondents and to over 2000 subscribers to the environment eNews.

Summary of Feedback

- There were 24 respondents to the online 'Your Say' survey, plus 4 more detailed written submissions provided by email
- 62% of survey respondents indicated that they had also responded to the first round of community consultation for the Biodiversity Strategy
- 58% of survey respondents indicated that they were existing members of environmental community groups or networks
- Survey data indicated that the draft Strategy addressed the first round of community feedback well (see Figure 1 below). Respondents highlighted the positives of draft Strategy including the coverage and focus of topics, considerable community input and clarity and flow of the draft.
- In addition to updating the strategy to address remaining areas of concern, and priority areas, the Biodiversity Strategy has been revised to fix up small mistakes, concerns around language and clarity where needed in response to community feedback.

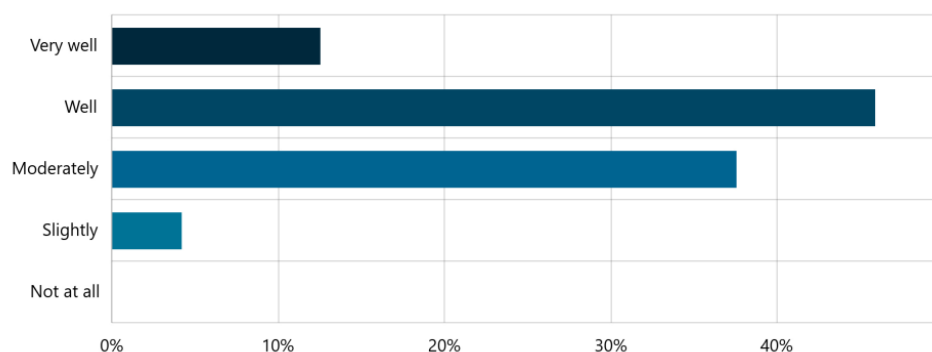


Figure 1. Survey responses to the question 'How confident are you that the Draft Strategy and Action Plan will achieve the objectives?'

Priority Actions

When asked to identify the top three priorities for future council work (Figure 2), respondents supported:

- 1) Increasing resources to bolster conservation education and outcomes on private land
- 2) Delivering conservation training to relevant internal staff
- 3) Addressing wildlife road strike in Macedon Ranges

A refinement of priority actions was necessary and this feedback has been used to narrow down the 10 priority actions to three priority projects.

1. Protecting wildlife, protecting us
2. Strengthening biodiversity outcomes on private land
3. Leading by Example: Building biodiversity capacity across Council

Detail has been provided in the strategy on what these priority projects entail

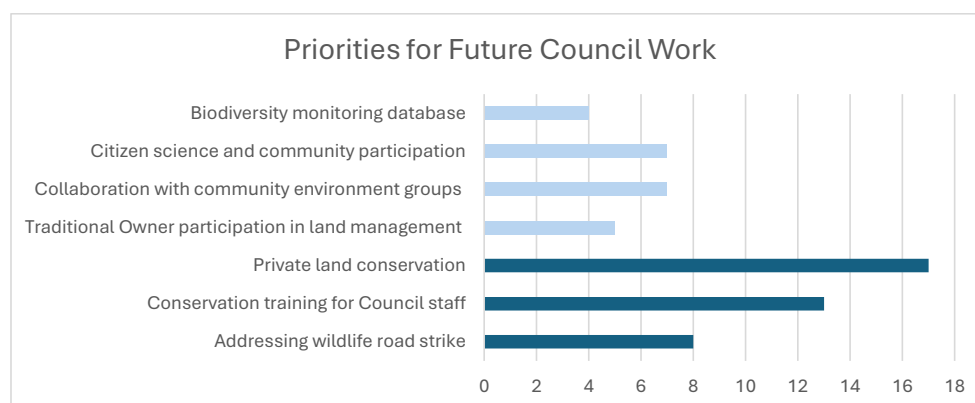


Figure 2: Survey responses to the question 'From the list below, please select up to 3 areas that you believe Council should focus on'.

Common Areas of Concern

When prompted about specific issues of concern that had been missed or that needed further attention in the draft strategy respondents identified several topics. Those mentioned multiple times are discussed further below.

Need for greater planning controls and compliance

What you told us

- Current practice does not do enough to prevent native vegetation clearing, especially of native grasslands
- Wildlife corridors should be incorporated into the Planning Scheme and in planning for new developments
- Frustration around continued vegetation clearing
- MRSC should introduce a Significant Landscape Overlay for major tributaries of the Maribyrnong River catchment like those that have been introduced in metro Melbourne

How we've responded

We have heard community concern on this area and have reworded and expanded Action 1.03 to provide explicit information on the direction and aims on specific amendments to the planning scheme to protect biodiversity.

Action 1.03a: New planning controls were introduced in Victoria in early 2026 to protect waterways for landscape value, as biodiversity corridors and to recognise waterways as living, connected entities. As part of these changes, SLOs were introduced 17 waterways in the greater metropolitan area to safeguard natural environments and community amenity as Melbourne continues to grow. While state planning policies now apply to all waterways across Victoria, the introduction of a Significant Landscape Overlay only covers waterways in the Melbourne metropolitan area. Only a small fraction of Deep Creek in the south-east of the Shire is covered by this new overlay (SLO3). It was suggested multiple times in feedback received that the SLO be extended to include the length of Deep Creek and Jacksons Creek to recognise the value these waterways play in the Upper Maribyrnong catchment as a significant natural system with high cultural, ecological and recreational values. Protecting waterways has an important role in maintaining connectivity of habitat to benefit flora and fauna. Extending these SLOs would therefore also align with Council's work with biolinks in the shire – and contribute to further protection of the Deep Creek Biolink and Riddells and Jacksons Creek Biolink.

Action 1.03b: As was highlighted in the 2018 Biodiversity Strategy, there are inconsistencies in how VPOs are applied across the shire. For example, the locations of threatened Black Gums (*Eucalyptus aggregata*) have not been ground-truthed, and an effective VPO should cover all individuals. This concern was specifically brought up in community consultation. There are also duplications in VPO coverage – for example VPO2 Roadside Vegetation and VPO6 Wildlife Corridors which can further confuse matters. Assessing the effectiveness of existing VPOs, and making appropriate amendments, is therefore needed.

Action 1.03c: In some VPOs, a permit is required to remove *any* vegetation, not just native vegetation. This greatly impacts Council's, and other landholders', ability to effectively and

efficiently manage weeds species. Allowing for permit exemptions when removing exotic vegetation would streamline on-ground works and management of conservation areas.

We have not included an action regarding the incorporation of wildlife corridors into the Macedon Ranges Planning Scheme. There are several reasons for this. Firstly, there is insufficient data of wildlife corridors to guide effective land use planning. Secondly, other strategy actions address the growing number of conflicts between wildlife and human activity in particular, the inclusion of a priority project to address wildlife road strike (Priority Project 1) and greater education and awareness on living with wildlife for employees (Priority Project 3). Lastly, waterways often act as corridors for many terrestrial and aquatic species, especially in urban areas, by providing connected, vegetated pathways for species to move through safely, find food, access water and breed. Waterways such as named creeks and rivers are frequently set aside in structure planning for new developments as public space both for conservation and recreational purposes (i.e. Amess Road). The acquisition of linear public open space along waterways in new urban areas has also been addressed in the recently adopted Open Space Strategy. Furthermore, there are often funding opportunities available through government grants and through on-ground works of water agencies and CMAs for waterway restoration (i.e. A Healthy Coliban Catchment).

Feral animal and weed control

What you told us

- Council needs to continue its role in advocacy to achieve landscape-scale weed and pest animal control across tenures and collaborate with other land managers and agencies (namely AgVic) to achieve effective outcomes
- A greater focus on rabbit control is needed
- There is frustration around continued presence of noxious weeds in the shire
- Some Council practices have contributed to the spread of weeds across the Shire such as the spread of Chilean Needle Grass through mowing and slashing activities

How we've responded

Council's Weed and Pest Animal Strategy is due to be reviewed and updated later in 2026. Specific concerns will be addressed during this process.

Nonetheless, frustration around weed and pest animal spread in the shire is a well-founded concern and somewhat mitigated by actions in the Biodiversity Strategy (Actions 1.03c, 2.01-2.03). Limited resourcing, as highlighted by the community ('Insufficient budget for environmental action'), hampers control and eradication efforts on council-managed land. Successful resourcing of on-ground works through Council budget or external grants as per Action 2.04 (Explore funding opportunities through budgeting processes, grant opportunities and partnerships to: a) adequately maintain newly acquired Conservation Reserves, b) implement actions in adopted strategic documents including Masterplans and EMPs for Council's Conservation Reserves) will help address this.

Action 3.05 (Deliver information and training for relevant Council staff, including as part of induction programs, providing information on conservation in the Macedon Ranges, environmental responsibilities and best practices to minimise impacts of Council operations on local biodiversity) and the inclusion of Priority Project 3 – a program of staff education

and awareness of biodiversity issues - will also help address concerns around internal practices that contribute to weed spread.

Community group and volunteer engagement

What you told us

- Concerns around meaningful integration of volunteer knowledge
- Concern that formal agreements in the form of Memorandums of Understanding for groups doing works in Council Reserves may inhibit works by adding unwanted administrative tasks
- Requests for an Environmental Advisory Committee with stakeholders and community members.

How we've responded

We understand that MoUs are not favoured by groups – however formal agreements are required to adequately outline roles and responsibilities; volunteers are conducting work on Council owned or managed land and actions need to be within an agreed upon set of works, so they align with EMPs and ensure the safety of volunteers and public users of the space. This community concern will be kept front of mind when engaging with community groups, and further recognition of the role volunteers play in achieving biodiversity outcomes has been provided under the 'Community Environment Group' section.

"The hard work of community environment groups is essential for biodiversity outcomes. To support this Council is committed to the continued delivery of grant funding and capacity building of community environment groups. Council also recognises the importance of the collaborative efforts of community environment groups. Formal agreements between community environment groups and Council will be established to recognise the work and knowledge of community groups, maximise biodiversity outcomes and consider the safety of volunteers."

The establishment of an Environmental Advisory Committee is outside of our current capability, as it requires a significant amount of staff time to administer, and the intention and purpose of such a group are unclear. We do understand the importance of collaboration with community groups, and this is reflected in Actions 2.06, 2.08 and 4.06. Action 4.06 introduces more frequent forums for both Council staff and environmental groups and volunteers to come together for the purposes of sharing information and fostering collaboration.

Insufficient budget for environmental action

What you told us

- There is a need to increase in resources (staff and funding) for the management of conservation reserves and roadsides. Funding for the maintenance of conservation reserves has not increased in many years and has not kept up with increases to CPI nor expanded to cover additional sites acquired by Council. Successful implementation of the Strategy will require the allocation of sufficient resources (funds and staff).

How we've responded

The strategy's action plan outlines the financial and human resources required to implement each action. Many actions can be delivered with existing resources. Others are dependent on additional resources being secured either through Council's budget, through partnerships or through grant funding. The Strategy and the accompanying action plan will be used to support future budget bids, grant applications and explore investment and partnership opportunities to realise its full implementation.

This concern is addressed directly in Action 2.04 (*Explore funding opportunities through budgeting processes, grant opportunities and partnerships to: adequately maintain newly acquired Conservation Reserves, b) implement actions in adopted strategic documents including Masterplans and EMPs for Council's Conservation Reserves*). Updated wording in the strategy document provides more information on why the additional funding is needed, and where funding may be sourced from.

Internal Council training and awareness of issues*What you told us*

- All Council departments should engage with the Biodiversity Strategy, this should be a Council-wide commitment
- Frustration around council practices that contribute to issues, such as weed spread during mowing and damaged caused through project delivery

How we've responded

Your Say responses emphasised the importance of Council staff across departments being educated on conservation issues and the need for the Biodiversity Strategy to be applied across Council operations. These concerns have led to internal staff education becoming one of the Biodiversity Strategy priority projects – '*Leading by Example: Building Biodiversity Capacity across Council*'. Further explanation on what internal education and awareness may entail has now been added to this Priority Project within the action to address community concern.

Targets for action and monitoring*What you told us*

- The strategy needs to have targets for actions, rather than just monitoring trends. It is necessary to hold Council accountable.

How we've responded

Setting fixed quantitative targets for environmental outcomes is not appropriate in our context. The ecological outcomes addressed by this strategy are influenced by a complex range of factors, including climate variability and a changing climate, management practices on private land, and actions/legislation administered by State and Federal governments. Council does not directly control these influential drivers, and as such setting fixed outcome targets may not provide a reliable measure of program effectiveness. Targets without context can also be misinterpreted. For example, a small observed decrease in weed extent may still represent a positive outcome if management actions have prevented a much larger increase

that would otherwise have occurred. Without a clear baseline or counterfactual scenario, fixed reduction targets may therefore misrepresent program performance. As such, the Biodiversity Strategy includes a shift towards adaptive management, that considers effort and on-ground action in monitoring, rather than strict outcome targets.

Internal Engagement

The draft Biodiversity Strategy was sent to several teams internally for review and feedback including Strategic Planning, Statutory Planning, Local Laws, Arboriculture, Open Space, Recreation, Engineering Services and Community Strengthening. Their feedback has shaped and refined the Biodiversity Strategy 2026.

Revisions were made where needed to improve readability and improve accuracy of sections (e.g. on planning issues) based on general feedback. The wording of the Traditional Owner section was also shaped with feedback from Council's Community Partnerships Officer.

Where actions had identified other partner units within Council, feedback was also sought to confirm that teams were supportive. In some cases, this led to small tweaks in wording (e.g. Action 1.04, 1.05) and in others generated new actions that could be worked on across multiple teams (e.g. Action 2.16).

Biodiversity Strategy 2026

Outline of Changes

Changes from the draft Biodiversity Strategy, which went out for community consultation in late 2025, are outlined below. Details of community consultation feedback are contained in Attachment 2 – Responding to Consultation Feedback

Context and Information Changes:

Strategy Section	Page No	Changes, reasoning and source of feedback Where the driver is not listed, the change was initiated by Environment Officers.
General Changes		- General improvements to clarity of language - Removing references to 'draft' strategy - Changes to action numbers throughout the strategy to align with edited action plan.
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	15	Additional information on the EPBC Act reforms that will come into place in 2026 has been provided here.
Traditional Owners	18-21	Wording of the Traditional Owner section has been reviewed to be more culturally appropriate and to consider the RSA agreements that have been brought into place since the 2018 strategy. An additional paragraph has been included to guide the overarching approach Council will take in engagement with Traditional Owners in natural resource management. Driver: DJAARA, Community Partnerships team
Shaping the Ranges - Council Plan 2025-2035	22	Updated to include the finalised version of the council plan
Macedon Ranges Planning Scheme – Zones	24-25	Provides a more up-to-date description of planning zones and permits may be required for activity in respective zones.

		Driver: Strategic Planning team
Macedon Ranges Planning Scheme - SLOs	29	Amendment VC278 made several changes to the Planning Policy Framework, including: Updated two state policies, Clause 12 and 14 to ensure a consistent approach to waterway protection across Victoria. Introduced a series of Significant Landscape Overlays to 17 waterways across metro Melbourne.
Community Environment Groups	36	- There was concern from community groups that Memorandums of Understanding would be implemented. There is a need however for formal agreements between Council and those undertaking works on Council-managed land, and this has been clarified here. - Macedon Ranges Wildlife Network has also been included to the list of networks operating in the shire.
		Source: Community engagement
Case Study 4: Healthy Landscapes	57	Elaboration on the role that the established Healthy Landscapes program plays in private landholder education. This context has been provided as a comparison to Priority Project 2: Conservation on Private Land
Case Study 5: Backyard Biodiversity Program	62	Outcomes of the pilot project and surveys has been included in the case study. This information was not available at the time of the previous draft.
Vegetation and Habitat Destruction	63	Updated information to include 2023 changes to the community local law on firewood collection.
Living alongside Wildlife and Case Study 6: Living with Wildlife	65-66	- Community consultation identified concerns that native wildlife, and what residents can do to help them, was not sufficiently covered in the draft strategy. - Tips on how to live with wildlife and on urban-adapted native species are provided to address this
		Driver: Community consultation, Macedon Ranges Wildlife Network
Action Plan preamble		- Explanation has been provided on overall changes to the action plan since 2018 for transparency - Explicitly stated that unless resourcing is categorised as “existing”, actions are contingent on additional funding

Priority Actions List changed to Priority Projects	73-78	- Round 2 of community consultation was used to narrow down priorities for work. When asked to identify the top three areas for priorities for future council work, respondents supported: - Increasing resources to bolster conservation education and outcomes on private land - Delivering conservation training to relevant internal staff - Addressing wildlife road strike - Refinement of priority actions was needed and feedback has been used to narrow down the 10 priority actions to three focus areas. - Priority projects have been developed to address the more specific concerns that were brought up through community consultation. - Priority Project 1: "Protecting Wildlife, Protecting Us" addresses the wildlife road toll, proposing an evidence-based pilot project to trial roadstrike mitigation methods on Council roads. - Priority Project 2: Strengthening Biodiversity Outcomes on Private Land proposes extended engagement of landholders across the urban to rural landscape - Priority Project 3: Leading by Example: Building Biodiversity Capacity Across Council addresses Council's requirements to consider biodiversity in decision-making and aims to provide staff with best-practice approaches to care for the Macedon Ranges environment relevant to their roles. Driver: Community consultation, Macedon Ranges Wildlife Network, Wildlife Victoria
Monitoring program	87-88	- Aligned vegetation removal to reporting already required by DEECA. - Also changed flora monitoring plots to vegetation monitoring – broader vegetation and habitat monitoring will provide more useful information to our Conservation Team when making management decisions. - Made a note on why targets would not be used for monitoring Driver: Statutory Planning team, community consultation
Appendix 1: Threatened Species and Communities List	92-95	Updated in 2026 to keep track of state and federal legislative changes

Outline of Action Plan changes:

Outlines changes to the wording, priority or resourcing for each action and the reasoning for each. In addition to these changes, since the draft Strategy, partner units have been individually identified for each action, rather than theme, for clarity. Only actions that have been edited from the draft Biodiversity Strategy (that went out for community consultation) are included here.

	Action	Change Type	Reasoning
1.01	Consider re-zoning Council managed conservation and bushland reserves to Public Conservation and Resource Zone (PCRZ) where applicable to protect natural values.	Wording Updated from draft version: Consider re-zoning Conservation Reserves to Public Conservation and Resource Zone (PCRZ) where applicable to protect natural values	Improves clarity
1.03	Investigate amendments to the Macedon Ranges Planning Scheme to better protect biodiversity. a) Investigate the expansion of SLO3 <u>to include the length of Deep Creek and Jacksons Creek to recognise the value these waterways play in the Upper Maribyrnong catchment</u> and as a significant natural system with high cultural, ecological and recreational values b) Assess current Vegetation Protection Overlays for efficacy and redundancies and extend VPOs aimed at protecting threatened species to protect all known populations excluded from current coverage c) Investigate permit exemptions for the removal of exotic plant species for conservation management in VPO2, VPO3, VPO5, VPO6 and VPO9.	Wording Updated from draft version: Review the local policy content within the Macedon Ranges Planning Scheme to include the policy directions outlined in the strategy Also incorporates the action: Introduce an exemption for removal of exotic vegetation in cases where a permit is triggered by planning zones and overlays. Priority Updated from AOA to High	Specific details on the proposed changes are now included. Greater direction in the action. Combined planning scheme amendment actions together Meets community concern around planning controls highlighted during consultation.
1.04	In partnership with Statutory Planning, explore opportunities to increase Council's resources for pro-active compliance activities to ensure implementation of planning permit conditions relating to environmental matters such as tree protection, native vegetation offset and land management plans.	Wording Updated from draft version: In partnership with Statutory Planning, adequately increase Council's resources for pro-active compliance activities to ensure implementation of planning permit conditions relating to environmental matters such as tree protection, native	Changed with feedback from Statutory Planning team.

		vegetation offset and land management plans.	
1.05	Formalise a procedure to capture and report on native vegetation removal.	Wording Updated from draft version: Formalise a procedure to capture and report on illegal native vegetation removal.	Aligns with reporting required by DEECA. With feedback from Statutory Planning team.
1.06	Continue to raise awareness amongst landholders and internal Council departments about the legal requirements associated with native vegetation clearing.	Wording Updated from draft version: Continue to raise awareness amongst landholders and Council departments about the legal requirements associated with native vegetation clearing.	Improves clarity
1.11	Cooperate and support other agencies to assist the community to restore their land after extreme events (e.g. fire, flood, drought, storm)	Resources Updated from Internal to TBA	The resources required for this are dependant on the severity and extent of the event.
1.13	Continue to develop Council's ecological and cultural burn program	Resources Updated from \$\$ to \$\$\$	Underestimate of likely costs associated with this action
1.14	Actively address and plan for climate risk in the review of Environmental Management Plans and other conservation reserve management plans.	Wording Updated from draft version: Actively address and plan for climate risk to ecosystems in all strategic and on-ground work	More specific action
1.15	Explore opportunities to protect and enhance biodiversity values on public land and reserves managed by other agencies, through advocacy or collaborative projects with landholders, public authorities and government departments	Wording Updated from draft version: Take opportunities to protect and enhance biodiversity values on public land and reserves through advocacy or collaborative projects with landholders, public authorities and government departments.	Improves clarity

1.16	Continue to encourage covenanting of high priority private land through Trust for Nature with targeted promotion in identified biolink areas.	Wording Continue to encourage covenanting of high priority private land through Trust for Nature with targeted promotion in biolink areas.	More specific action
1.18	Explore and promote opportunities for landholders in the shire to generate carbon and biodiversity offsets that also provide environmental, social, and economic benefits to the local community (i.e. Grow Towards Zero).	Wording Updated from draft: Explore and promote opportunities for landholders in the shire to engage in offset programs (e.g. third party native vegetation offsets or biodiverse planting for carbon offsets) on their land.	Highlights the Grow Towards Zero program that MRSC already supports.
1.19	Continue to promote the acquisition of private lots in Barrm Birm for the creation of a public conservation reserve (i.e. through "gift-back" program and advocacy) and support biodiversity values at the site.	Resources Updated from Internal to TBA	While this process does not entail Council paying for the parcel of land, there are still costs associated with legal processing of the land parcel. Costs are dependant on the number of parcels.
		Wording Updated from draft: Continue to facilitate acquisition of Barrm Birm for the creation of a public conservation reserve (i.e. through "gift-back" program and advocacy) and support biodiversity values at the site	More accurately describes Council's role in this space
1.22	In partnership with the community, Traditional Owners and agencies, undertake specific threatened species protection measures on Council managed or other public land when need or opportunity arises.	Wording Updated from draft: In partnership with the community and agencies, undertake specific threatened species protection measures on Council managed or other public land when need or opportunity arises.	Includes traditional owners in this action after feedback from DJAARA

		Resources Updated from \$\$ to TBA	Highly variable – measures are dependant on the species and location.
1.23	Survey for and monitor threatened species populations on Council managed land to inform future management actions.	Resources: Updated from \$\$ to \$\$\$	Updated to align with community priorities for biodiversity outcomes on private land.
2.03	Collaborate with Traditional Owners to achieve pest management outcomes in culturally sensitive areas	Wording Updated from draft: Engage in dialogue with Traditional Owners to achieve pest management outcomes, especially in culturally sensitive areas	Wording changed after feedback from DJAARA
2.04	Explore funding opportunities through budgeting processes, grant opportunities and partnerships to: a) adequately maintain newly acquired Conservation Reserves. b) implement actions in adopted strategic documents including Masterplans and EMPs for Council's Conservation Reserves.	Wording Updated from draft: Increase funding to implement on-ground works, as determined by strategic documents e.g. EMPs, in Conservation Reserves.	Updated to include the specifics of why more funding is needed.
2.08	Establish formal agreements with community groups operating in Council Conservation reserves to ensure on-ground activities align with priorities outlined in respective management plans and the Biodiversity Strategy to maximise biodiversity outcomes.	Wording Updated from draft: Establish formal agreements with community groups to ensure on-ground activities align with priorities outlined in respective EMPs and the Biodiversity Strategy to maximise biodiversity outcomes.	Improves clarity.
2.09	Continue to implement the Roadside Conservation Management Plan and integrate outcomes into council work practices. Review Roadside Conservation Management plan every 10 years.	Wording Updated from draft: Continue to implement the Roadside Conservation Management Plan and integrate outcomes into council work practices. Review Roadside	More succinct. The Roadside Conservation section now has a link to the relevant plan.

		Conservation Management plan every 10 years. Refer to plan for specific actions.	
2.10	Alongside wildlife and environment groups and road managers, work towards better understanding and reducing the wildlife road toll. Explore multiple approaches like education, advocacy or innovative technology and use data to inform management decisions.	Resources: Updated from \$\$ to \$\$\$\$\$	More resources are required as this has now been elevated as a priority project after community consultation.
2.11	Increase staff resources to promote conservation and biodiversity outcomes on private land beyond the Healthy Landscapes program.	Wording Updated from draft: Increase staff resources for conservation and biodiversity outcomes on private land beyond the Healthy Landscapes program. Resources Updated from Internal to \$\$\$\$/\$0.6 FTE	Clearer language Community consultation identified this as a priority project and therefore more resources are required
2.12	Continue to deliver the Healthy Landscapes program for private landholders, adapting to future challenges. This will be done in partnership with Traditional Owners, local groups and agencies. Continue to explore opportunities to co-fund the program with other agencies.	Wording Updated from draft: Continue deliver the Healthy Landscapes program for private landholders, adapting to future challenges. This will be done in partnership with Traditional Owners, local groups and agencies. Explore opportunities to co-fund this with other agencies.	Clearer language
2.14	Review design guidelines to promote native plantings in new development design and public open space where possible, promoting understory and midstory vegetation.	Wording Updated from draft: Promote the use of native plants in backyards, new development design and public spaces where possible. Roll out Backyard Biodiversity following successful pilot.	Split actions. Now there are two actions - one for community work and the other for council action.
2.15	Increase awareness and the opportunity for township residents to contribute to urban biodiversity, including through the Backyard Biodiversity program		

	Investigate methods for best protecting and enhancing waterways and biodiversity values in urban areas	Deleted	Vague action
2.16	Explore opportunities for enhancing biodiversity through general maintenance activities such as retaining hollow-bearing stags in the landscape, and repurposing logs and branches for habitat.	New	Internal consultation with arboriculture team identified this action
2.17	Collaborate with and actively support environment groups in the development and implementation of revegetation and restoration works in biolink areas.	Wording Updated from draft: Collaborate with and actively support environment groups in the development and implementation of works in biolink areas.	Clearer language
2.18	Contribute to improving connectivity by aligning Council's conservation works program with private landholder works in identified biolink areas.	Wording Updated from draft: Contribute to improving connectivity by aligning on-ground works on council managed land within biolink areas	Clearer and more actionable language
2.20	Update available mapping layers to inform landscape connectivity planning and make publicly available.	Wording Updated from draft: Updating available mapping to support landscape connectivity plan (including updated biodiversity values) and make publically available	More concise action
3.04	Continue to update or create information sheets, brochures, and webpages to increase broader environmental understanding and awareness	Resources Updated from \$ to Internal	The use of more online resources reduces printing costs to within existing resources

3.05	Deliver information and training for relevant Council staff, including as part of induction programs, providing information on conservation in the Macedon Ranges, environmental responsibilities and best practices to minimise impacts of Council operations on local biodiversity.	Wording Updated from draft: Deliver information and training for relevant Council staff, including as part of induction programs, providing information on conservation in the Macedon Ranges, environmental responsibilities and best practices to minimise impacts of works on local biodiversity.	More specific action
4.01	Encourage and assist with community-initiated biodiversity programs and projects through partnerships, mapping, networks, and support with funding applications.	Wording Updated from draft: Encourage and assist with community-initiated biodiversity programs and projects. This may be through partnerships, mapping, landholder contacts, and support with funding applications.	More succinct. Also against policy to share private landholder details.
4.05	Encourage groups to engage with Traditional Owners, enhance their cultural understanding, and meet cultural heritage obligations if working on public land.	Resources Updated from internal to \$\$	Traditional Owner groups need to be paid for engagement
5.05	Continue to upload biodiversity data into the Victorian Biodiversity Atlas and where possible advocate for robust citizen science to also be included.	Wording Updated from draft: Continue to upload biodiversity data into the VBA and where possible advocate for robust citizen science to be included in the VBA.	Clearer language
5.09	Increase staff resources to implement strategy and associated monitoring program. Convert the ongoing Biodiversity Officer role from 0.8 FTE currently to 1 FTE.	New	Accounts for staff resourcing that is required to implement the strategy.

PE.2	AGR/2026/1 - 4 OASIS AVENUE KYNETON
Application Details:	Ross Closter - St.Leonards Property Holdings Pty Ltd
Officer:	Clinton Smith, Senior Statutory Planner
Council Plan relationship:	Our Places
Attachments:	AGR/2026/1 - 4 Oasis Avenue Kyneton - Copy of Section 173 agreement AX337016J ↓
Triggers for a planning permit	Section 178A of the Planning and Environment Act 1987
Zones and Overlays	Low Density Residential Zone Environmental Significance Overlay, Schedule 4
No. of objectors	One
Trigger for report to Council	Request from three Councillors for the application to proceed to a Council Meeting for decision.
Key Considerations	Whether the proposal to amend the Section 173 Agreement AX337016J would result in an acceptable planning outcome when considering the matters set out in the Planning and Environment Act 1987.
Conclusion	Having regard to the matters set out in Section 178B (2) of the Planning and Environment Act 1987, and supported by relevant VCAT authority, the Responsible Authority is satisfied that the proposal to amend the Section 173 Agreement is justified.
	The proposal is minor in nature and continues to meet the purpose and intent of the agreement as it relates to Lot 61.
Date of receipt of application:	8 January 2026

Summary

Council is in receipt of an application to amend the wording of Clause 2.1.4 of Section 173 Agreement AX337016J as it applies to 4 Oasis Avenue, Kyneton (Lot 61 on PS903976) to allow for a single storey roof to exceed a height of 6 metres within the required first floor setbacks.

Section 178B of the *Planning and Environment Act 1987* outlines the matters to be considered in considering a proposal to amend an agreement.

The application has been considered against these matters as outlined in this report and is recommended to be supported on this basis.

Councillors have requested that the application proceed to a Council Meeting for decision.

Recommendation

That Council support the application to Amend a Section 173 Agreement AGR/2026/1 and a Notice of Decision to amend the Section 173 Agreement AX337016J for the land at 4 Oasis Avenue, Kyneton (Lot 61 on PS903976) be issued in accordance with Section 178(F) of the Planning and Environment Act 1987.

Existing conditions and relevant history

Subject land

The site is located on the south-east corner of Harpers Lane and Oasis Avenue and is generally rectangular in shape with a total area of 2,995sqm. The site is part of a 65-lot subdivision, known as Ambrosia Estate, that was approved under Planning Permit PLN/2022/421 issued on 27 June 2023.

The lot (no. 61) is located within Stage 1 of the approved permit, noting that there is a total of two stages which form part of the approval. The site is located south of the township, within the protected settlement boundary for Kyneton. The site is currently vacant and is void of vegetation, noting that street trees are located along the Oasis Avenue and Harpers Lane road reserves.

Surrounds

The site is adjoined by Oasis Avenue to the north, Harpers Lane to the west, and other vacant residential lots within the same subdivision (also located within the Low Density Residential Zone) to the east and south. West of Harpers Lane are larger rural-style properties located within the Rural Living Zone.

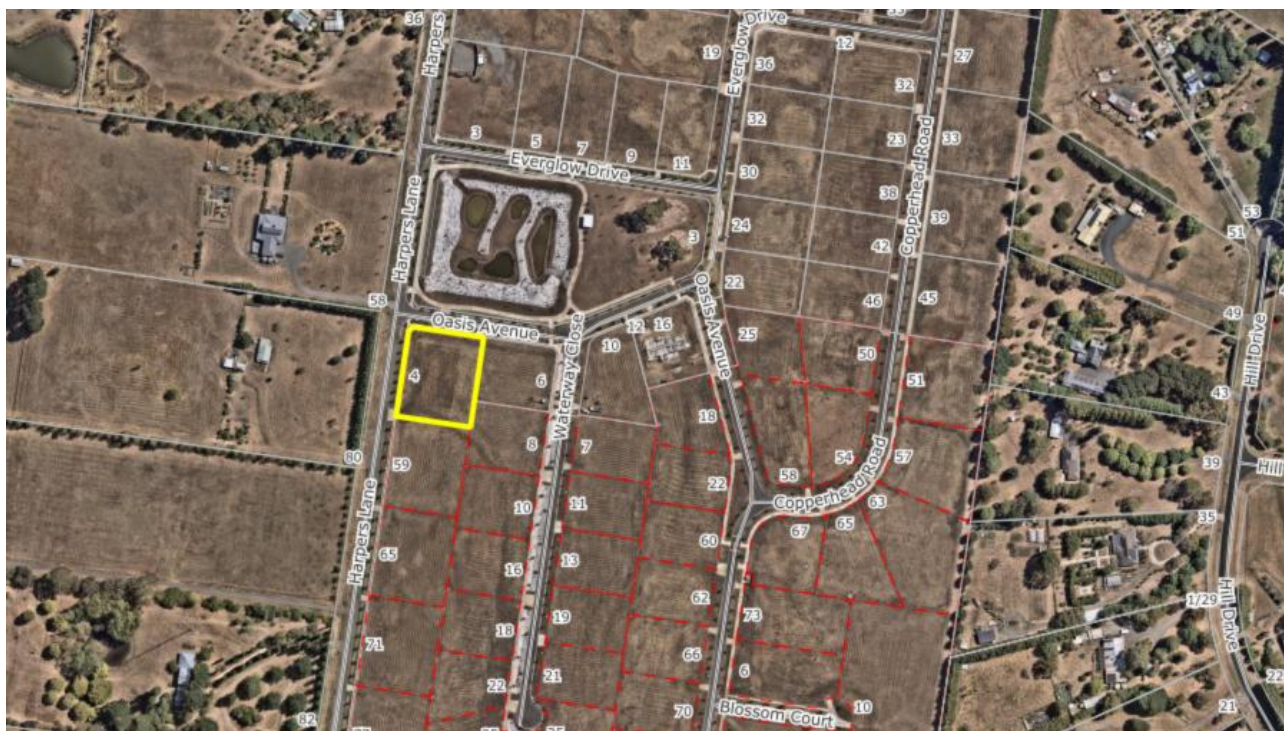


Figure 1: Aerial photo of site and surrounds

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

Section 173 Agreement AX337016J affects the site and contains restrictions requiring all buildings to be located within building envelopes, limiting the extent of earthworks, limiting the height of buildings, limiting the height of front and boundary fencing, limiting the number of crossovers, minimum size of rainwater tanks and tree protection and maintenance requirements.

This application seeks to vary this agreement as discussed in the 'Proposal' section of the report.

Previous planning permit history

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

Permit No.	Description
AGR/2026/2	A request was lodged to amend the Section 173 Agreement AX337016J for Lots 3, 62, 63 and 64. This application was withdrawn on 17 February 2026.
PLN/2022/421	A planning permit was issued on 27 June 2023 authorising a 65 lot staged subdivision, native vegetation removal, and removal of easements E-1 and E-4. The subject site (Lot 61 on PS903976) was created within Stage 1 of this planning permit.
PLN/2020/291	An application for subdivision of the land into 87 residential lots in three stages was refused by Council. The decision was upheld by VCAT on 12 January 2022 in application P2000/2020.

Proposal

The application proposes an amendment to the Section 173 Agreement AX337016J as it relates to 4 Oasis Avenue, Kyneton (Lot 61 on PS903976).

The application seeks to amend the wording of Clause 2.1.4 of the Agreement to allow for a single storey roof to exceed a height of 6 metres within the required first floor setbacks. The changes sought are detailed below with the wording proposed to be deleted crossed out and the new wording underlined.

Clause 2.1.4

The maximum height of any buildings (dwellings, outbuildings and otherwise) on Lots 3 and 61- 64 must be no more than six (6) metres above natural ground level with the exception that dwellings (but no other buildings) may ~~include a second storey with a maximum height of no more than eight (8) metres in height~~ exceed 6 metres in height (but with a maximum height of no more than 8 metres) where the upper floor or roof area is no more than 40% of the proportion of the ground floor area and all upper floor or roof areas are recessed behind all ground floor facades by minimum 1.5m.

This change would relate solely to 4 Oasis Avenue, Kyneton (Lot 61) and would not change the requirements for Lots 3 or 62-64 mentioned in Clause 2.1.4. For clarity however it is proposed to adjust the wording of Clause 2.1.4 to solely reference Lot 61 to better reflect that this change solely relates to Lot 61.

The maximum height of any buildings (dwellings, outbuildings and otherwise) on Lots ~~3 and 61-64~~ must be no more than six (6) metres above natural ground level with the exception that dwellings (but no other buildings) may ~~include a second storey with a maximum height of no more than eight (8) metres in height~~ exceed 6 metres in height (but with a maximum height of no more than 8 metres) where the upper floor or roof area is no more than 40% of the proportion of the ground floor area and all upper floor or roof areas are recessed behind all ground floor facades by minimum 1.5m.

As the agreement is already registered on the Certificate of Title for Lots 3 and 62-64, any changes to the Agreement as it effects these lots would be subject to separate applications.

The process to date

Referral

There is no statutory requirement within the planning scheme to consult with any referral authorities on a proposal of this nature.

Advertising

Pursuant to Section 178C of the *Planning and Environment Act 1987*, the application was advertised by sending notices to all parties to the agreement and the owners and occupiers of surrounding/adjoining land.

One objection was received from a nearby landowner which raised concerns that the amendment would threaten visual amenity and dilution of the VCAT settled agreement. No further details were provided. These concerns have been considered as part of the assessment and are discussed in greater detail below.

Officer assessment

When considering an application to amend a Section 173 Agreement, the following relevant matters set out in Section 178B (1) of the *Planning and Environment Act 1987* must be considered:

- *The purpose of the agreement*
- *The purpose of the amendment*
- *Whether any change in circumstance necessitates the amendment*
- *Whether the amendment would disadvantage any person, whether or not a party to the agreement*
- *The reasons why the responsible authority entered into the agreement; and*
- *Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988*
- *Any other prescribed matter*

Each of these matters are addressed in turn below.

The purpose of the agreement

The Section 173 Agreement was entered into in accordance with the requirements of Condition 7 of Planning permit PLN/2022/421 which approved the 65 lot staged subdivision, native vegetation removal, and removal of easements E-1 and E-4 at 85 Harpers Lane, Kyneton. The subject site (Lot 61 on PS903976) was created within Stage 1 of this planning permit.

The site is located within the Low Density Residential Zone and is affected by an Environmental Significance Overlay - Schedule 4.

The purpose of the agreement was to regulate the development of the land for nominated allotments, ensuring all buildings are located within building envelopes, limiting the extent of earthworks, limiting the height of buildings, limiting the height of front and boundary fencing, limiting the number of crossovers, minimum size of rainwater tanks and tree protection and maintenance requirements.

The section of the Section 173 Agreement that is relevant to this application, is Clause 2.1.4 relating to the height limitations of buildings (which applies to Lots 3 and 61-64). Within the Officer's Report recommending approval for the subdivision, permit conditions were recommended to limit the height of buildings along the lots facing Harpers Lane that are on a higher topography to ensure future development is not visually dominant. The Officer's report includes the following wording:

Treatment of development on visually sensitive lots on higher topography within the site as well as along the Harpers Lane interface would be achieved by permit conditions specifying maximum heights for buildings as well as limiting earthworks.

Other requirements throughout the subdivision to ensure appropriate neighbourhood character and landscape response would specify buildings to be contained within building envelopes, rural fencing, and limitations for driveways.

It is understood that these requirements were intended to address the following broader planning considerations which apply to an application of this nature:

- Ensuring subdivision and future development is site responsive and responds appropriately to its context.
- Neighbourhood character.
- Landscape response.
- Visual amenity.

The proposed amendment is not seeking to change the maximum building height allowed, rather it is seeking a more flexible approach to achieve the same end.

Officer assessment is that the proposed amendment remains consistent with the purpose and intent of the Agreement.

The purpose of the amendment

The proposed amendment seeks to modify the Section 173 Agreement by rewording Clause 2.1.4 to allow for a single storey roof to exceed a height of 6 metres but retain the same requirements as constructing a second storey which limits the height to 8 metres for 40% of the ground floor area and setback 1.5 metres from all ground floor facades.

Clause 2.1.4 within the agreement only allows construction of a second storey to exceed the 6 metre height limitation, not a roof to a single storey building. The purpose of the amendment is to provide a more flexible approach to allow the roof form of a single storey building to encroach into the same area that a second floor is currently allowed within.

The proposed amendment still meets the purpose and intent of this part of the agreement which is to ensure the buildings are not visually dominant and respond appropriately to their context.

It is noted that administrative amendments are proposed to the agreement to ensure the agreement is specific to the subject site given the agreement was entered into on the parent title, prior to separate titles being issued for the subdivided lots.

Whether any change in circumstance necessitates the amendment

Changes in circumstances primarily relate to changes to the physical characteristics of the site or surrounding area or relevant Planning Scheme changes. There have been no changes in circumstance since the planning permit was issued on 27 June 2023 that would necessitate the amendment to the Section 173 agreement. The Macedon Ranges Planning Scheme and physical characteristics of the site and adjoining sites have not altered in a way which requires the agreement to be amended.

Whether the amendment would disadvantage any person, whether or not a party to the agreement

The potential to disadvantage any person, whether or not a party to the agreement, must be carefully considered and is a core aspect of the public interest aspect of the assessment of the proposal.

As outlined above, one objection was received which raises concerns that the amendment would threaten visual amenity and dilution of the VCAT settled agreement. In essence, the stated disadvantage is loss of visual amenity and undermining the agreed planning outcome.

Of key consideration to potential disadvantage is whether the amendment would undermine the original planning purpose that the agreement sought to achieve/address in a way that affects others.

The amendment would not disadvantage any person, whether or not they are a party to the agreement for the following reasons:

- The amendment is minor in nature as it would allow a roof to a single storey dwelling to exceed a height of 6 metres, in the same way the current arrangement allows a double storey to exceed a height of 6 metres. The change would not alter the overall building height or bulk allowed under the Agreement, rather it would simply allow more flexibility as to how the built form responds to the overall height limitations.
- The amendment remains consistent with the relevant purpose of the Agreement which was to limit the height of buildings to ensure that future development is not visually dominant.
- No real or practical disadvantage has been identified as there would be no change to the height or bulk allowable under the agreement and thus no change to visual amenity.

It is important to note that the objector also raised concern that the amendment contradicts the Section 173 Agreement which was settled at VCAT. This application was decided by Council and not by VCAT. As discussed, the amendment is in alignment with the purpose of the Section 173 Agreement and is therefore appropriate.

The reasons why the responsible authority entered into the agreement

It is considered the agreement was entered into to ensure future built form outcomes, with height limitations of relevance to this proposal.

The height limitations within Clause 2.1.4 were established to protect the amenity values of lots which interface with Harpers Lane to a greater extent than the requirements of the Macedon Ranges Planning Scheme.

Expanding the 6 metre height limitation to include a single storey roof remains consistent with the function and purpose of the agreement. Visually, a roof to a single storey exceeding the 6 metre height limit would have an equivalent visual impact as a double storey exceeding the 6 metre height limit.

Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988

There are no other relevant permits or requirements of the land, other than the permit which required the Section 173 Agreement be entered into and as discussed previously.

Any other prescribed matter

There are no other prescribed matters.

Conclusion

Having regard to the matters set out in Section 178B (2) of the Planning and Environment Act 1987, and supported by relevant VCAT authority, the Responsible Authority is satisfied that the proposal to amend the Section 173 Agreement is justified. The proposal is minor in nature and continues to meet the purpose and intent of the agreement as it relates to Lot 61.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has

been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- No AI tools were used in the preparation of this report.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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.



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Instrument
Document Identification	AX337016J
Number of Pages (excluding this cover sheet)	11
Document Assembled	09/07/2024 11:59

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

Delivered by LANDATA®, timestamp 09/07/2024 11:59 Page 1 of 11

SECTION 173 AGREEMENT

between

MACEDON RANGES SHIRE COUNCIL

and

Advertised

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Local Lawyers
23 Lobelia Drive
ALTONA NORTH VIC 3025

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

SECTION 173 AGREEMENT

BETWEEN:

MACEDON RANGES SHIRE COUNCIL of 129 Mollison Street, Kyneton VIC 3444
(Responsible Authority)

AND



RECITALS

advertised

- A. The Owner is the registered proprietor and, for the purposes of the Act, the owner of the land in Lot 2 on Plan of Subdivision PS827043V, known as 85 Harpers Lane Kyneton, and being the land more particularly described in Certificate of Title Volume 12160 Folio 042 (**Land**).
- B. The Responsible Authority is the planning authority and responsible authority under the *Planning and Environment Act 1987* (**Act**) for the administration and enforcement of the Macedon Ranges Planning Scheme, which applies to the Land.
- C. The Responsible Authority has issued Planning Permit PLN/2022/421 (**Permit**). The Permit allows a 'Sixty Five (65) Lot Staged Subdivision, Native Vegetation Removal, and Removal of Easements E-1 and E-4'.
- D. Condition 7 of the Permit requires the Owner to enter into this Agreement with the Responsible Authority in order to set out certain restrictions in relation to the use of the 65 lots (**Lots**) which will be created as a result of the subdivision of the Land.
- E. The parties enter this Agreement:
 - a. to give effect to condition 7 of the Permit;
 - b. to achieve or advance the objectives of planning in Victoria and the objectives of the Macedon Ranges Planning Scheme in respect to the Land.

Advertised

THE PARTIES AGREE AND COVENANT AS FOLLOWS:-

Part I - Introduction and Interpretation

I.1 Operation

Without limiting any operation or effect which this Agreement otherwise has, the Responsible Authority and the Owner acknowledge that this Agreement is made under Division 2 Part 9 (and, in particular, section 173) of the Act, with the intent that the burden of the Owner's covenants runs with the Land.

I.2 Interpretation

In this Agreement, unless the contrary intention appears:-

- I.2.1 a word importing the singular includes the plural, and vice versa;
- I.2.2 a word importing a gender includes any other gender;
- I.2.3 where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- I.2.4 a covenant or obligation on the part of two or more persons binds them jointly and severally;
- I.2.5 a reference to the "Responsible Authority" includes its successors and assigns (including its successors as responsible authority under the Act);
- I.2.6 a reference to the "Owner" includes its successors, assigns and transferees in all respects to the whole or any part of the Land and, without limiting the scope of the preceding words, also includes a mortgagee which exercises a power of sale or foreclosure or enters into possession of the whole or any part of the Land;
- I.2.7 the word "Owner" (if the Owner holds the Land in a trust capacity) includes the beneficiaries of the trust in relation to which it holds that Land. Where such a trust relationship exists, the Owner in executing this Agreement does so intending to assume not only personal liability but also to bind the trust for which it acts as trustee;
- I.2.8 a reference to an Act of Parliament, a legislative enactment or a subordinate Instrument or any provision in any of them is a reference to that Act, enactment, Instrument or provision as amended, re-enacted or re-made (with or without modification) from time to time or a corresponding future Act, enactment, instrument or provision;
- I.2.9 headings are for guidance only and do not affect the interpretation of this Agreement; and
- I.2.10 a reference to a person by way of that person's position with the Responsible Authority includes a person;-
 - I.2.10.1 authorised to carry out the powers, duties and functions of that position at the Responsible Authority;

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

- 1.2.10.2 acting in that capacity; or
- 1.2.10.3 if that position in the Responsible Authority ceases to exist, any person exercising any power, duty or function of the previous position.

1.3 Proper Law

This Agreement is governed by, and the Owner submits to the jurisdiction of, the laws of the State of Victoria.

1.4 Commencement

This Agreement begins immediately upon execution by the parties.

1.5 Ending of Agreement

- 1.5.1 This Agreement shall end in accordance with Section 177 of the Act upon agreement by the parties to this Agreement, or otherwise in accordance with Section 177 of the Act.
- 1.5.3 Once this Agreement ends, the Responsible Authority will, within a reasonable time following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 (2) of the Act to cancel the recording of this Agreement on the register.

1.6 Severability

If a provision of this Agreement is void, or voidable by a party, unenforceable or illegal, but would not be so if read down or severed from the Agreement, it must be read down or severed accordingly.

Part 2. - Owner's Obligations

2.1 Use of the Lots

The Owner covenants and agrees that:

- 2.1.1 All buildings (dwellings, outbuildings and otherwise) must be located entirely within the Building Envelopes shown on the endorsed plans forming part of Planning Permit PLN/2022/421. The endorsed plans are set out at Annexure A of this Agreement.
- 2.1.2 All earthworks (ie. cut, fill, retaining walls, batter slopes) undertaken for the construction of buildings within all lots must be limited to no more than one (1) metre height above or below the natural ground level, with the exception of Lots 17 and 19 which may have

Advertised

- earthworks up to 1.5m height below (but maximum of one (1) metre above) the natural ground level.
- 2.1.3 The maximum height of any buildings (dwellings, outbuildings and otherwise) on Lots 1–2, 6–9, 20–24, 32–36, 42–45, and 65 (inclusive) must be no more than six (6) metres above natural ground level (*Note: buildings with split-level construction that meet this height limit are permitted.*)
- 2.1.4 The maximum height of any buildings (dwellings, outbuildings and otherwise) on Lots 3 and 61–64 must be no more than six (6) metres above natural ground level with the exception that dwellings (but no other buildings) may include a second storey with maximum height of no more than eight (8) metres in height where the upper floor area is no more than 40% of the proportion of the ground floor area and all upper floor areas are recessed behind all ground floor facades by minimum 1.5m.
- 2.1.5 All road frontage boundaries of lots or boundaries abutting public reserves within the same subdivision must be either unfenced or fenced with rural post and wire fencing (or similar visually permeable fencing) of no more than 1.3 metres in height. The rear and side boundaries of lots abutting existing properties not within the same subdivision must only be fenced with rural post and wire fencing (or similar visually permeable fencing) of no more than 1.5 metres in height with the exception of existing fencing along those boundaries.
- 2.1.6 A maximum of one (1) driveway crossing accessing adjacent roads is permitted for all lots (with the exception of Lots 3, 7, 21, 23, 32, 39, 40, 46, 47, 60 and 61 which may have one (1) driveway crossing to each adjacent road frontage).
- 2.1.7 Rainwater tank(s) must be provided for each dwelling constructed on any lot, providing for minimum capacity of 10,000 litres for firefighting water supply (including outlet fittings in accordance with Country Fire Authority connection) and 3000 litres to be connected for domestic supply for toilet flushing and outdoor usage.
- 2.1.8 Tree #1 within Lot 2 shown on the endorsed plans forming part of Planning Permit PLN/2022/421 must not be removed, destroyed or lopped, unless with the prior written consent of the Responsible Authority. The driveway for this lot and any service infrastructure such as power, water or otherwise must be aligned outside of the Tree Protection Zone for this tree. *Note: Planning permit requirements apply for the removal, destruction or lopping of native vegetation.*
- 2.1.9 The planted screening vegetation within the five (5) metre buffer along the eastern boundary of Lots 12–19 and 24, and the southern boundary of Lots 54 and 65 must be maintained and must not be removed, lopped or destroyed, unless with the prior written consent of the Responsible Authority. *Note: Planning permit requirements apply for removal, destruction or lopping of vegetation including native and exotic trees.*

Advertised

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

2.2 Notification

Without affecting the scope of clause 2.4, the Owner must disclose the existence and nature of this Agreement to any person proposing to own, occupy or use the Land prior to that person so owning, occupying or using the Land.

2.3 Land Registry

No Plan of Subdivision of the Land or any part of it, or Instrument of Transfer of the Land or any part of it, or mortgage or caveat relating to, or Plan of Consolidation affecting the Land may be lodged at the Land Registry for registration or approval until this Section 173 Agreement and the Section 181 Memorandum have been lodged by or on behalf of the Responsible Authority and entered on the Certificate of Title to the Land.

2.4 Disclosure of Agreement

The Owner must not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of it without first disclosing to its successors the existence and nature of this Agreement.

2.5 Costs

The Owner must pay all costs (including the Responsible Authority's costs) associated with preparation, execution and registration of this Agreement.

2.6 Default by the Owner

If the Owner fails to comply with any of the provisions in this Agreement, the Responsible Authority may cause to be served on the Owner a notice in writing specifying the Default. If the default continues for 60 days after the service of that notice, the Responsible Authority may by its staff, agents and contractors enter on to the Land and cause the Default to be remedied. Any notice or demand served on the Owner under this clause may set out the costs (as estimated by the Responsible Authority and stated in the notice) to remedy the default. If the Owner does not comply with the notice within 60 days, the Responsible Authority may cause to be served on the Owner a demand in writing for the amount of the costs estimated by the Responsible Authority and the amount must be immediately paid by the Owner to the Responsible Authority. As soon as practicable after the completion of the works required to remedy the Default, the Responsible Authority will certify that the actual costs of them to the Responsible Authority and the difference between the actual costs and the estimated costs (paid to the Responsible Authority under this clause) must be immediately paid by the Owner to the Responsible

Advertis

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

Authority or by the Responsible Authority to the Owner (as the case may require).

2.7 Implementing an obligation

Where this Agreement imposes an obligation on the Owner (whether or not that obligation is expressed by requiring the Owner to ensure that something is done or that something occurs):

- 2.7.1 The Owner must, to the reasonable satisfaction of the Responsible Authority, do whatever is necessary or appropriate to affect the happening, achieve the relevant outcome and carry out the obligation;
- 2.7.2 Those matters must be undertaken at the cost and expense of the Owner unless the Agreement specifically states that they are to be at the cost or expense of a person (whether or not specified) other than the Owner; and
- 2.7.3 If no time is specified for the occurrence of and giving effect to the obligation, it must take place within a reasonable time after the date of this Agreement unless a later date has been specified by Responsible Authority.

Part 3. — General

3.1 Obligation to run with the Land

An obligation imposed on the Owner takes effect as a covenant which is annexed to and runs at law and in equity with the Land and binds the Owner, its successors, assigns and transferees, and the registered proprietor for the time being of the whole or any part of the Land.

3.2 Owner's Warranty

The Owner warrants that:

- 3.2.1 It is the registered proprietor (or entitled to be so) of the Land;
- 3.2.2 There are no mortgages, liens, charges or other encumbrances affecting the Land which are not disclosed by the usual searches.

3.3 General Acknowledgment

The Responsible Authority and the Owner expressly acknowledge that any obligation imposed upon the Responsible Authority under this Agreement does not fetter the future exercise of any statutory discretion by the Responsible Authority, whether in relation to the Permit or otherwise, and the provisions of this Agreement must be read accordingly.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

3.4 Further Documents

The Responsible Authority and the Owner will do all things, and prepare and sign all further documents, reasonably necessary to give effect to this Agreement and to ensure that this Agreement is fully carried out.

3.5 Recording

Without limiting the scope and generality of clause 3.4, the Owner must do all things necessary to enable the Responsible Authority, in its discretion, to record this Agreement with the Registrar of Titles in accordance with Section 181 of the Act.

3.6 Alteration of Agreement

This Agreement may only be altered or modified by a subsequent agreement in writing executed under seal of the Council and signed by the Owner, or otherwise in accordance with Section 178 of the Act.

3.7 Notice

Any notice or document under this Agreement may be served on the Responsible Authority or the Owner by being left at or posted by prepaid letter addressed to the person at its address stated at the commencement of this Agreement (or any other address which is notified to all parties from time to time) and is conclusively regarded as having been served at the expiration of 5 business days from the time of posting.

3.8 GST

The Owner must pay any GST payable in respect to this Agreement or anything done in relation to it and must indemnify the Responsible Authority against any such GST.

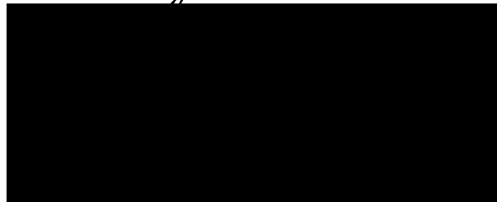
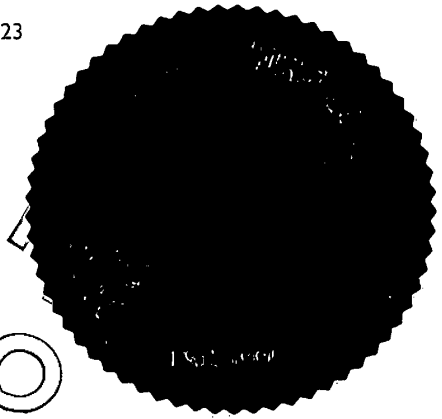
Advertised

Delivered by LANDATA®, timestamp 09/07/2024 11:59 Page 9 of 11

Advertised

EXECUTED AS A DEED on 4th day of OCTOBER 2023

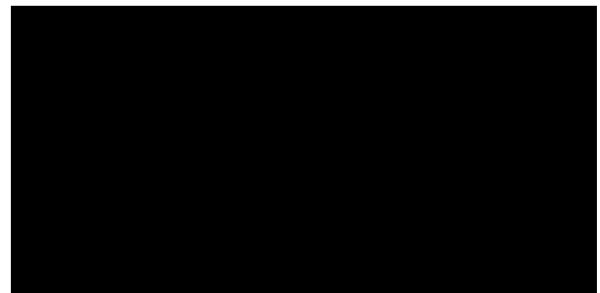
THE COMMON SEAL of MACEDON
RANGES SHIRE COUNCIL is hereto affixed
in the presence of:



EXECUTED BY ST LEONARDS
PROPERTY HOLDINGS PTY LTD
pursuant to section 127 Corporations Act
(Cth) 2000 by being signed by the persons
authorised to sign



Full name



MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Delivered by LANDATA®, timestamp 09/07/2024 11:59 Page 10 of 11

ANNEXURE A
ENDORSED PLANS

AX337076J

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

Delivered by LANDATA®, timestamp 09/07/2024 11:59 Page 11 of 11

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

**Advertis**

PE.3	PLN/2025/144 - 1433 BOLINDA DARRAWEIT ROAD DARRAWEIT GUIM VIC 3756
Application Details:	Accommodated Building Solutions Pty Ltd
Officer:	Glen Meyer, Senior Statutory Planning Officer
Council Plan relationship:	Our Places
Attachments:	1. PLN/2025/144 - 1433 Bolinda Darraweit Road DARRAWEIT GUIM VIC 3756 - Recommended Conditions ↓ 2. Attachment 2 - Plans ↓
Triggers for a planning permit	Clause 32.05-2: A permit is required to use the land for a warehouse
Zones and Overlays	Township Zone Rural Living Zone – Schedule 1
No. of objectors	Six
Trigger for report to Council	An application with five or more objections
Key Considerations	Whether the proposal is in accordance with the broader planning policy framework. Whether the proposal is an acceptable planning outcome with regard to the purposes and objectives of the Township Zone and whether amenity impacts are acceptable.
Conclusion	The proposal to use the land for a warehouse is an acceptable planning outcome, subject to the recommended permit conditions. The proposal aligns with the purpose and decision guidelines of the zone, local and state planning policies, and is unlikely to result in any unacceptable amenity impacts to adjoining properties and to the surrounding area with suitable permit conditions.
Date of receipt of application:	5 June 2025

Summary

The application seeks approval to change the use of the building located in the northwestern corner of the lot from a domestic outbuilding to a warehouse.

Following the receipt of 6 objections, a formal consultation meeting was held to further discuss the concerns raised. The concerns were not resolved as a result of the meeting.

The proposal to use the land for a warehouse is an acceptable planning outcome, subject to the recommended permit conditions. The proposal aligns with the purpose and decision guidelines of the zone, local and state planning policies, and is unlikely to result in any unacceptable amenity impacts to adjoining properties and to the surrounding area with suitable permit conditions.

Recommendation

That Council support the Planning Permit Application PLN/2025/144 and a Notice of Decision to Grant a Permit be issued for the Use of the land for a warehouse at 1433

Bolinda Darraweit Guim Road, Darraweit Guim subject to the conditions outlined in Attachment 1.

Existing conditions and relevant history

Subject land

The site is an irregular rectangular shape with an area of approximately 4073sqm and located on the north-western side of Bolinda Darraweit Road. The property is legally described as Lot 6 on Plan of Subdivision 131105. The site has a frontage of approximately 71.3m and a depth of approximately 63.9m.

The site contains a single storey detached dwelling and two ancillary outbuildings located to the rear.

The two outbuildings comprise as follows:

- One outbuilding is located in proximity to the south-west corner of the dwelling, is set on the south-western side property boundary, and is setback approximately 30m from the front property boundary. This outbuilding is approximately 148.5sqm in size (16.5m long x 9m wide) and is single storey.
- The second outbuilding is a larger structure and is located in the north-east corner of the site and was developed between February and December 2024. This outbuilding is approximately 360sqm in size (30m long x 12m wide). The building has an overall height of approximately 6.61 metres to the roof apex. Planning permission was not required to develop this building as at the time it was constructed as an outbuilding ancillary to the existing dwelling on site.

Vehicular access to the site is via two unsealed crossovers to Bolinda Darraweit Road. The site is generally flat in topography.

The subject land is contained within two zones; the Township Zone is applied to most of the site and a portion of the site along the south-western and north-western property boundaries is within the Rural Living Zone – Schedule 1.



Figure 1: Subject site.



Figure 2: Subject site zoning.



Figure 3: Outbuilding location at the rear of the site as viewed from Bolinda Darraweit Road. Note this photo was taken by the assessing officer during a site visit on 20 January 2026.

Surrounds

The subject land is at the southern end of the Darraweit Guim township and is adjoined to the south and west by larger Rural Living Zone properties.

- North of the site is 1443 Bolinda Darraweit Road, Darraweit Guim. This site is used and developed for residential purposes with a single storey detached dwelling and ancillary outbuilding.
- A single irregular shaped property adjoins both the north-western and south-western property boundaries. This site is approximately 11.034 hectares in size and used and developed for rural residential purposes and agriculture (animal grazing). The site is developed with a single storey detached dwelling, ancillary outbuilding to the dwelling, and an agricultural building.
- The eastern side of Bolinda Darraweit Road is 1442 Bolinda Darraweit Road, Darraweit Guim. This property is within the township zone and used and developed for residential purposes. This site is developed with a single storey detached dwelling and ancillary outbuildings.

Within the wider surrounding area to the east, south, and west, the properties transition to larger landholdings which are generally used and developed for mixed use rural residential and agricultural purposes. The Darraweit Guim township is located generally to the northeast of the subject site.

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

A copy of title was provided with the application materials which did not show any covenants, Section 173 Agreements, or restrictions are registered on title.

Previous planning permit history

A search of Council's records has found no planning permit history for the site.

Proposal

The application proposes to change the use of the building located in the north-western corner of the lot from a domestic outbuilding to a warehouse. The applicant describes the use as follows:

We would like ... to seek use for the shed under (Warehouse – Store) this will include the business of Gifting Tree a hamper business in bay 6 as previously stated. Along with store for Brar wardrobes PTY LTD.

The storage for BRA wardrobes will include 2 vehicles (van & forklift) and the storage of goods as previously stated - prepacked pallets that are already designed and prepared by the supplier and delivered on pallets, which then gets taken to client's external sites for installation and finishing.

I feel that this application falls under the guidelines of warehouse and all relevant authorities have been sought and included in this application.

74 LAND USE TERMS 26/11/2015 VC107 Warehouse Land used to store or display goods. It may include the distribution and the wholesale selling of the goods. Commercial display area Fuel depot Mail centre Milk depot Store Store Land used to store goods, machinery, or vehicles. Boat and caravan storage Freezing and cool storage Rural store Shipping container storage Vehicle store.

The application details the operation hours as follows:

Hours of business: Monday – Friday: 9am-6pm.

Deliveries via trucks are proposed to be limited to once per month, and otherwise via a work van. No customer pickups are proposed.

No dangerous goods are proposed to be kept on the land.

No changes are proposed to the vehicular access to the site.

The application materials include a proposed building layout plan, a vehicle turning path plan for deliveries entering and exiting the property, a statement of use, and a waste management plan.

The floor layout is proposed to be as follows:

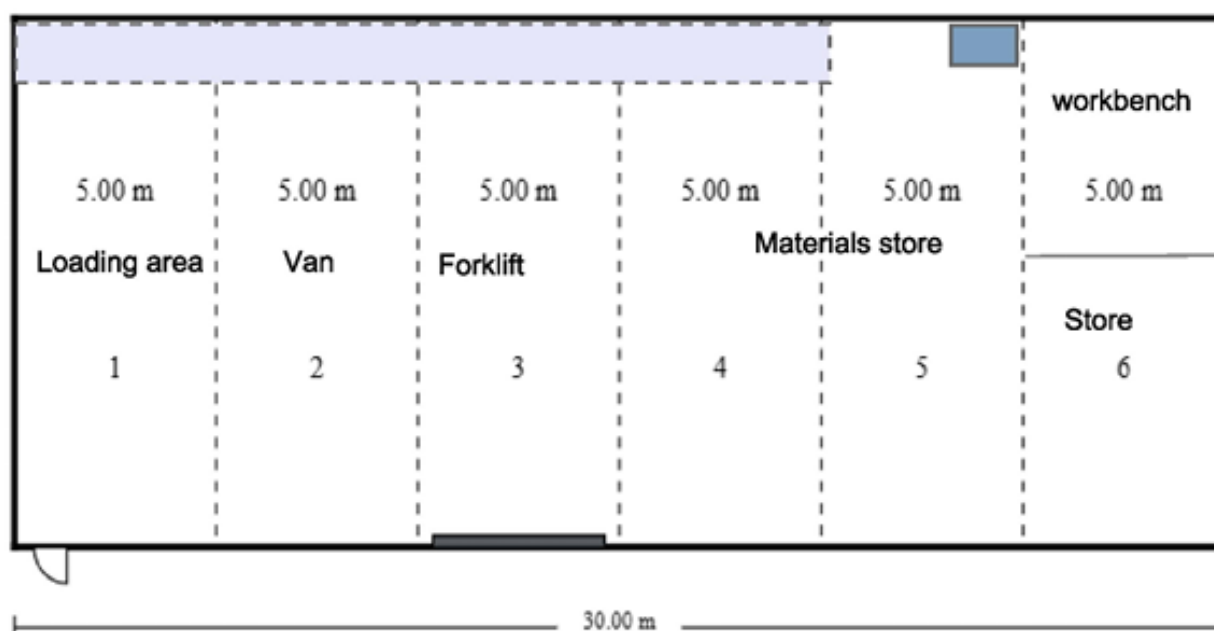


Figure 4: Floor layout for proposed use of the existing outbuilding for a warehouse.

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 requires Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
13.05	Noise
13.07	Amenity, Human Health and Safety
17.03	Industry

Zoning

Clause no.	Clause name
32.05	Township Zone – Schedule
35.03	Rural Living Zone – Schedule 1

Overlay

Clause no.	Clause name
Nil	N/A

Particular provisions

Clause no.	Clause name
52.06	Car Parking

General provisions

Clause no.	Clause name
------------	-------------

65	Decision Guidelines
----	---------------------

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to dateReferral

Authority (Section 55)	Response
Nil	N/A

Authority (Section 52)	Response
Nil	N/A

Internal	Response
MRSC Engineering Unit	Provided conditions for a permit

Advertising

Pursuant to Section 52 of the *Planning and Environment Act 1987*, this application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on the land for a period of 14 days. A total of six objections have been received to date. The matters raised in the objections can be summarised as follows:

- The size and height of the proposed building are excessive and inconsistent with the rural character of the area.
- The proposed use of the building as a store was not originally permitted.

- The water tanks installed are not of sufficient capacity to manage stormwater runoff from the building.
- There is concern about the number of submissions Council requires before considering objections. The planning and building processes to date have not been transparent. The building was constructed without requiring planning permission.
- Manufacturing operations may be conducted within the building and these activities could generate unacceptable amenity impacts to surrounding neighbours. The following amenity impacts were highlighted as concerns: increased noise, dust disturbance, odours, light spill, and vehicle movements. The proposed change in use presents privacy concerns due to the increases in traffic.
- The proposed use will result in increased traffic volumes, including heavy vehicles, leading to potential traffic safety issues for the surrounding road network considering Bolinda Darraweit Road reduces in speed from 100kmph to 60kmph not long before the subject site.
- A precedent for similar developments and uses within the area will be set should this application be approved.

A consultation meeting was held on Thursday 5 of February 2025. This was attended by the applicant, owner, members of the community who objected to the grant of a permit, and several Councillors. The application and objector concerns were discussed in detail.

Officer assessment

Whether the proposal is in accordance with the broader planning policy framework.

The planning scheme provides guidance on assessing the acceptability of uses with sensitive interfaces along with supporting industry in the following clauses:

- Clause 13.05-1S: Noise management - which seeks to manage noise effects on sensitive land uses through such strategies as ensuring community amenity and human health is not adversely impacted by noise emissions; and minimising noise impacts through land use separation techniques as appropriate to the land use functions and character of the area.
- Clause 13.07-1S: Land use compatibility – which seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies include ensuring that use or development of land is compatible with adjoining and nearby land uses, and minimising adverse impacts through land use separation, siting, building design and operational measures.
- Clause 13.07-1L – Land use compatibility – Macedon Ranges – seeks to design and site industrial and commercial development that has an interface with a sensitive land use to respond to the reasonable amenity expectations of those uses.
- Clause 17.03-2S - Sustainable industry which seeks to facilitate the sustainable operation of industry through strategies such as supporting the retention of small-scale industries servicing established urban areas through appropriate zoning.

In terms of the guidance provided by the planning policy planning framework, overall, the proposal is small in scale, low intensity, and located on the periphery of the town where transitional land uses are anticipated. Based on this, the proposed warehouse use is acceptable in regard to the interface with the adjoining residential land when considering the aforementioned directives at Clauses 13.05, 13.07 and 17.03 of the Planning Policy Framework. The zoning framework applicable to the site is intended to provide flexibility in

smaller towns where there is no rigid separation between residential, commercial and industrial land uses, supporting a mix of compatible activities. In this context, land at the edge of the township is an appropriate location for the proposed use as the surrounds transition to a rural context which allows for greater buffer distances to dwellings from the site. This is discussed in greater detail below.

In accordance with Clause 13.05-1S, the development will assist in managing noise impacts through its limited scale and permit conditions restricting hours of operation to standard daytime hours. Noise emissions are expected to be low and can be adequately managed through permit conditions, including compliance with the *Environment Protection Regulations 2021* (or as amended). Given the nature of the use, no adverse amenity or human health impacts are anticipated, consistent with the strategies of Clause 13.05-1S. The proposal satisfies Clause 13.07-1S by ensuring compatibility with nearby residential uses through appropriate operational controls. Any potential off site impacts, including noise, traffic or light spill, can be mitigated to an acceptable level through conditions relating to hours of operation and site management. The development appropriately responds to the residential interface and meets reasonable amenity expectations in accordance with Clause 13.07-1L. Overall, the proposal facilitates a small scale, low intensity industrial use that supports the local community and is consistent with Clause 17.03-2S by enabling sustainable industry without unreasonably affecting residential amenity. These matters are discussed in greater detail below.

The application seeks planning permission for the use of the land for a warehouse. In accordance with *National Trust of Australia (Vic) v Australian Temperance & General Mutual Life Assurance Society Ltd* (1976) VR 592 and recently reinforced in *Myers v Southern Grampians Shire Council* [2023] VSC 658, the responsible authority must confine consideration to the permit triggers that actually enliven the requirement for planning permission, rather than allowing consideration to range more broadly across all planning controls. As such, consideration should primarily be given to the purpose and decision guidelines of the Township Zone and relevant planning policy context.

Whether the proposal is an acceptable planning outcome with regard to the purposes and objectives of the Township Zone and whether amenity impacts are acceptable.

These matters are interrelated, noting that understanding amenity impacts resulting from the proposal is central to the determination as to whether the proposal is consistent with the purpose and objectives of the Township Zone.

As described earlier, the property is located within two zones. The use applied for is proposed to be contained wholly within the Township Zone. The Township Zone is applied to small towns with no specific structure of residential, commercial, and industrial land uses.

The purposes of the Township Zone are outlined in Clause 32.05 of the Macedon Ranges Planning Scheme as follows:

-

The application relates solely to a change in use of the building located in the north-western corner of the lot from an outbuilding associated with a dwelling, to a warehouse.

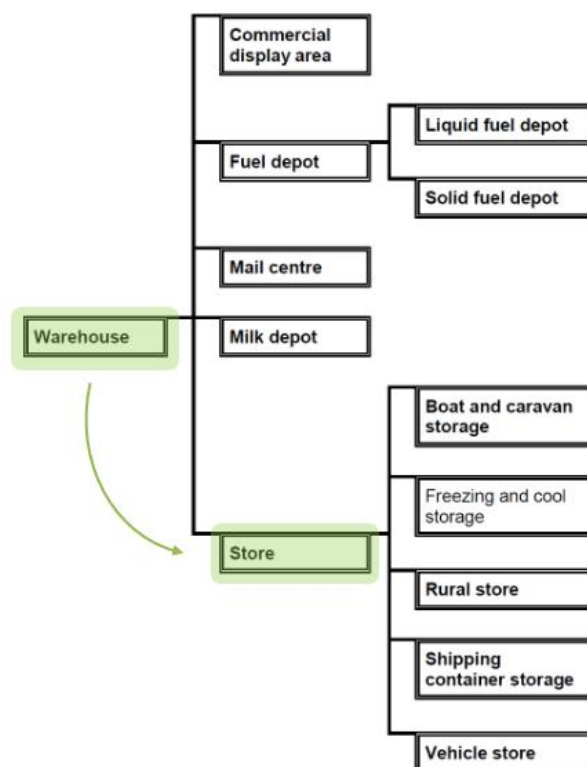
As was noted in the *proposal* section of this report, the operation is largely a static one, and there could be an argument that the land use is that of a *store* which is defined at Clause 73.03 of the Planning Scheme as:

Land used to store goods, machinery, or vehicles.

The use however is correctly classified as being a warehouse which is defined as:

Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.

At Clause 73.04-15 of the Scheme *Warehouse* group which is the relevant nesting diagram; it can be seen that *Store* is a child use of *Warehouse*.



The main difference between the two uses (with *store* being more narrowly defined) is the aspect of goods distribution component which is why it has been assessed as being a *warehouse* in this instance.

A warehouse is a section 2 (permit required) use of the land so long as it is not a purpose listed in the table to Clause 53.10. Clause 53.10 relates specifically to uses and activities with the potential to have adverse impacts – for example like a fuel refinery or an abattoir.

The description of the proposed use does not align with any of the uses listed at Clause 53.10.

The Township Zone at Clause 32.05-4 outlines the following mandatory requirements for the use of the land for a warehouse:

- The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:
 - The transport of materials or goods to or from the land.
 - The appearance of any stored materials or goods.
 - Traffic generated by the use.
 - Emissions from the land.

The decision guidelines for an application to use the land for a warehouse are outlined as follows:

- Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
 - The Municipal Planning Strategy and the Planning Policy Framework.
 - The effect that existing uses on adjoining or nearby land may have on the proposed use.
 - The design of buildings, including provision for solar access.
 - The availability and provision of utility services.
 - The effect of traffic to be generated by the use.
 - The interim use of those parts of the land not required for the proposed use.
 - Any other decision guidelines specified in a schedule to this zone.

The aforementioned matters are addressed through determining the following matters:

- *Will the proposed use of the land cause unacceptable amenity impacts to adjoining properties and to the surrounding area?*
- *Does the proposed vehicle storage respect the existing neighbourhood character?*

Will the proposed goods storage and distribution cause unacceptable amenity impacts to adjoining properties and to the surrounding area?

There are no obvious commercial or industrial uses currently occurring within the township of Darraweit Guim. The subject site is located on the periphery of the township and as such there are reduced impacts to surrounding residences (sensitive land uses). The absence of an existing established commercial or industrial area within the town contributes to making the location suitable as it allows for a transition of uses without undermining residential amenity.

The type of goods to be stored and distributed comprises mostly of 'flat pack' wardrobes and a hamper business. With respect to the wardrobes, there is no joinery/assembly/manufacture proposed on site. Had that been the case, the land use proposed (and amenity impacts) would be different. The land cannot be used for joinery due to being a prohibited land use (a land use for a purpose listed in the table to Clause 53.10). This was specifically confirmed throughout the course of the application.

The activities with the potential to adversely impact amenity include: the reversing of the delivery trucks, vans, and forklifts coupled with reversing beepers or froggers. This would be a potential noise source, as would the movement of the vehicles on the gravel crossover. Within the land, vehicle accessways are sealed with concrete.

Based on the applicant submission, entry, unloading, then exiting the site would occur over a short period of time. The active part of the use would not repeat on a continuous basis over a long period of time. The applicant indicates deliveries/distribution may occur as infrequently as *monthly* and only between 9.00am and 6.00pm, Monday to Friday.

A condition which limits the number of deliveries would be practically unenforceable (and unreasonable). It is, however, reasonable, and open to Council, to restrict the hours in which deliveries and distribution can occur.

Limiting the hours of use to the *daytime* period in accordance with Environmental Protection Authority *Noise Protocol* is an appropriate method to limit the related amenity impacts to an acceptable level.

Operating hours, coupled with a use of low intensity are not expected to have significant or unreasonable adverse amenity impacts on adjoining and nearby landowners and occupiers.

The speed limit of Bolinda Darraweit Road is 60kmph as it passes the subject site. Concerns were raised from objectors regarding the proximity to a portion of the road where the speed limit is 100kmph. Where the Bolinda Darraweit Road transitions from 100kmph to 60kmph is located approximately 115 metres from the subject site's southern property boundary.

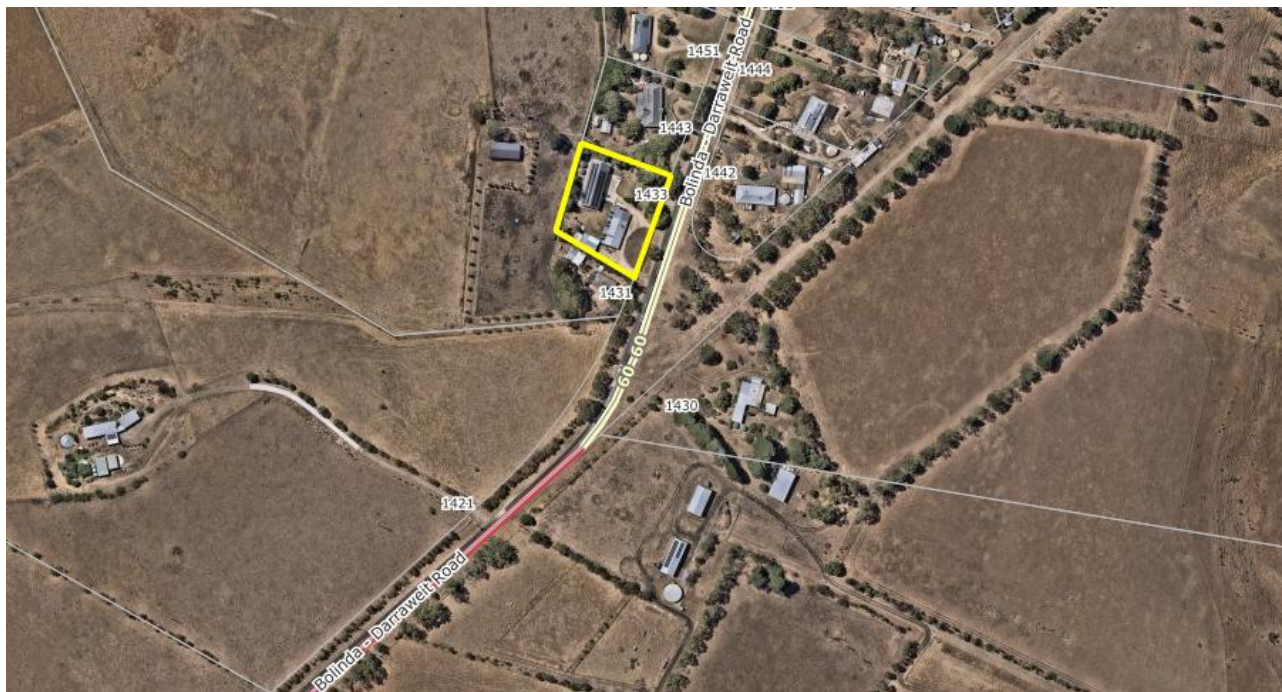


Figure 5: Road limit change (100 kmph portion shown in red, 60kmph section shown in yellow).

Objectors noted that road users do not always slow to 60kmph before reaching the subject site, and as such the proposed use with slower vehicles entering and exiting the site may present as a risk to life.

It is the responsibility of road users to ensure that they are complying with speed limits. This matter cannot be resolved or addressed through the planning permit process and is rather a police and law enforcement matter. Vehicles, including commercial vehicles, safely entering and exiting the sites onto a road with a speed limit of 60kmph is common practice. The application was reviewed by Council's Engineering Department who did not raise any traffic concerns and supported the proposal subject to conditions.

It should be noted that the crossovers from the subject site to Bolinda Darraweit Road are unsealed gravel crossovers. These crossovers would be required to be sealed as part of the permit conditions.

There is limited opportunity for the use to expand beyond what is proposed. Permit conditions can also adequately ensure that the amenity of the surrounding landowner is adequately protected.

A brief Waste Management Plan was submitted with the application. However, it does not provide sufficient detail to adequately assess the proposal. In particular, the Plan fails to identify the quantity and type of waste anticipated to be generated by the proposed use, or to demonstrate whether the existing residential waste bins can accommodate this waste in addition to the ongoing residential waste generated on the site. The Plan also does not clarify whether additional bins would be required or whether a private waste collection service would be necessary. Further, the Plan does not identify designated waste storage areas, bin locations, or how waste will be stored so as to avoid amenity impacts. Details

regarding collection arrangements, collection frequency, access for waste collection vehicles, and the management of recyclable and general waste streams have also not been addressed. It does outline that minimal waste is expected to be generated from the site and identifies several strategies for minimising waste. These matters can be reasonably addressed through permit conditions.

Does the proposed built form respect the neighbourhood character?

Many concerns received throughout the notice period relate to the built form of the building being out of character with the surrounding area. Although the structure is larger than the adjoining and surrounding built form there are also no neighbourhood character objectives within the schedule to the Township Zone. The building is also single storey, of muted colours and materials, and a simple design with a gable roof.

It is important to note that the building proposed to be used for a warehouse is existing, as described earlier. Whilst it is acknowledged that the building is larger than many surrounding buildings, buildings and works are not being assessed as part of this application (noting that the construction of the building itself did not require planning approval).

The building is not required to be removed should the permit for the use be refused, but in the absence of a Planning Permit would instead need to be used as an outbuilding ancillary to the use of the land for a dwelling to be compliant with the Planning Scheme.

If a permit were granted *and* changes to the built form were proposed, further planning permission would be needed and would require additional assessment on its merits having due regard to any new or additional amenity impacts which may arise.

Clause 52.06: Car parking

Limited information has been provided regarding the provision of carparking on the subject site. The Planning Scheme requires the provision of six on-site parking spaces in accordance with Table 1 to Clause 52.06-5 stating that 2 spaces are required per 100m² of leasable floor area. Planning permission has not been sought to reduce the provision of car parking spaces. It should be noted that the subject site has ample space available for the provision of these spaces.

No customers are proposed to enter the site to collect goods, and this would be enforced through permit conditions.

Access to and from the site can be achieved in a front forward motion and has been demonstrated through swept path diagrams. The plan demonstrates proposed parking areas, however, the plans do not clearly demonstrate accessible and functional swept paths for these parking spaces. A condition would be included to ensure that a formal and functional parking area is provided for six parking spaces to meet Planning Scheme requirements.

A planning permit condition should also be included to ensure that parking spaces are adequately landscaped to ensure it presents acceptably from off-site locations.

Conclusion

On balance, the proposal represents a small scale, low intensity warehouse use that is an appropriate planning outcome in the Township Zone at the proposed location. The site located on the periphery of the township, where potential impacts on surrounding residential land are inherently reduced. The absence of existing commercial or industrial uses within the town contributes to the location being suitable as it establishes a transition of uses without unacceptable amenity impacts to adjoining dwellings. The nature of the operation is small scale. There is no on-site manufacturing which limits the potential for adverse amenity

impacts. Any residual effects associated with vehicle movements and noise can be effectively managed through conditions including a restriction of the use to standard daytime operating hours (9am – 6pm) and amenity protection conditions, ensuring impacts remain acceptable. Overall, the proposal achieves an acceptable planning outcome on the site.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- AI tools were used for drafting assistance, for example generating initial text, summaries or alternative wording. All content was reviewed, edited and approved by Council officers.

AI was used to assist with rephrasing text. All content was reviewed, edited and approved by Council officers.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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.

Officer Proposed Permit ConditionsApproved and endorsed plans – changes required

- 1) Before the use commences, plans must be approved and endorsed by the responsible authority. The plans must:
 - a) be prepared to the satisfaction of the responsible authority,
 - b) be drawn to scale with dimensions
 - c) submitted in electronic form
 - d) be generally in accordance with the plans forming part of the application, but amended to as per the following details:
 - i. An amended site plan, generally in accordance with the site plan forming part of this permit but amended to include:
 1. A carparking plan meeting the design standards noted a clauses 52.06-8 and 52.06-9 showing no less than six (6) spaces as required by conditions 11, 15 and 16.
 - ii. A detailed swept path analysis for demonstrating that vehicles can safely enter and exit the site in forward motion from all proposed parking spaces as per the aforementioned formal carparking plan. This plan must demonstrate, to the satisfaction of the responsible authority, that the proposed formal carparking area is functional.
 - e) A landscape plan in accordance with condition 3.
 - f) An amended Waste Management Plan in accordance with condition 13.

Compliance with documents approved under this permit

- 2) At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Landscape plan

- 3) Prior to the commencement of the use, a landscape plan must be approved and endorsed by the responsible authority. 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 with dimensions
 - d) be submitted to the responsible authority in electronic form
 - e) include the following:
 - i. layout of landscaping and planting within all open areas of the subject land
 - ii. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - iii. details of surface finishes of pathways and driveways

- iv. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- v. planting around the proposed carparking area, including an adequate number of canopy trees (minimum two metres tall when planted) and shrubs to form an adequate visual screen from off-site locations.
- vi. details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

The responsible authority may consent in writing to vary any of these requirements.

Completion and maintenance of landscaping

- 4) Before use commences, the landscaping shown on the approved landscape plan must be carried out, completed, and thereafter maintained (including the replacement of any dead, diseased or damaged plants to the satisfaction of the responsible authority.

The responsible authority may consent in writing to vary this requirement.

Vehicle Access

- 5) Access to, and egress from the land must only be at the vehicular ingress and egress points shown on the endorsed plans. The responsible authority may consent in writing to vary these ingress and egress points.

General amenity provision

- 6) The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land.
 - b) appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) presence of verminto the satisfaction of the responsible authority.

Hours of operation

- 7) The use must only operate between the following times:
 - a) 9 am and 6 pm Monday to Friday.

Noise control

- 8) At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Control of light spill

- 9) External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Waste storage

- 10) All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.

Number of car spaces requires

- 11) No fewer than 6 car spaces must be provided on the land.

Waste Management Plan (WMP)

- 12) Before the use of the land for a warehouse commences, a WMP must be approved and endorsed by the responsible authority. The WMP must:

- a) be prepared to the satisfaction of the responsible authority
- b) be submitted in electronic form
- c) include the following:
 - i. anticipated volumes of waste and recycling that will be generated and how they are determined
 - ii. the type and number of waste bins
 - iii. the type and size of trucks required for waste collection
 - iv. a plan detailing adequate areas for waste bin storage and collection for the required type and number of bins
 - v. frequency of waste collection
 - vi. hours for waste collection

The responsible authority may consent in writing to vary these requirements.

Waste management and collection

- 13) Waste management and collection must be carried out in accordance with the requirements of the approved and endorsed waste management plan to the satisfaction of the responsible authority.

Vehicle delivery

- 14) No vehicle delivering or distributing goods may exceed 8.8m in length.

MRSC Engineering Unit Conditions

- 15) All crossovers must be upgraded to upgraded to sealed crossovers as per DTP/VicRoads crossover standards and specifications prior to the use commencing.
- 16) Prior to the commencement of the use, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be to the satisfaction of the Responsible Authority as follows:

- a) Constructed.
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with a minimum all-weather sealcoat/concrete or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site
- d) Drained and maintained.
- e) 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.
- g) Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
- h) Prior to use of buildings, car park must be constructed in accordance with approved plans.

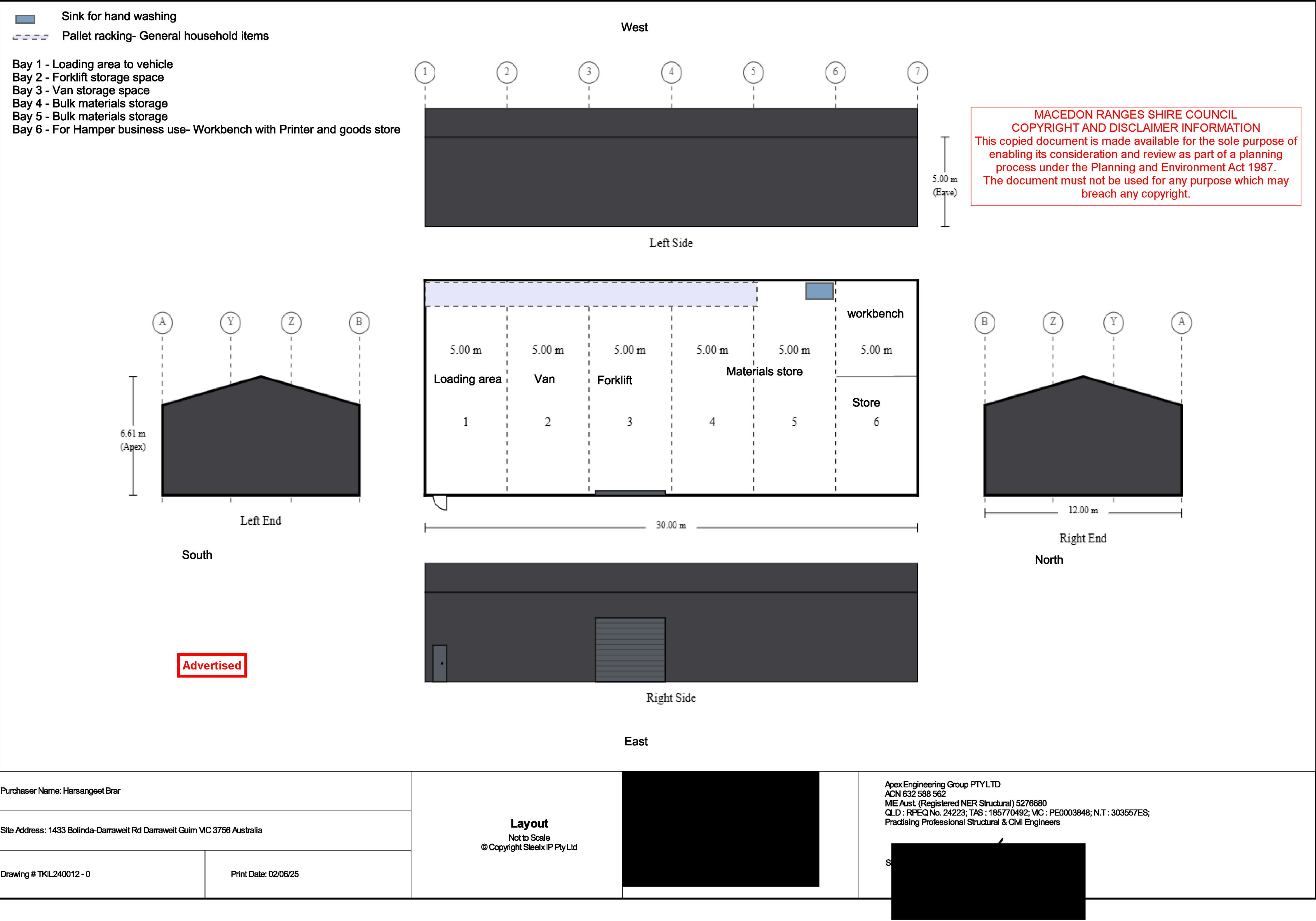
Expiry

- 17) This permit as it relates to use will expire if the use does not start within 2 years after the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

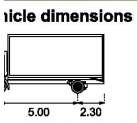
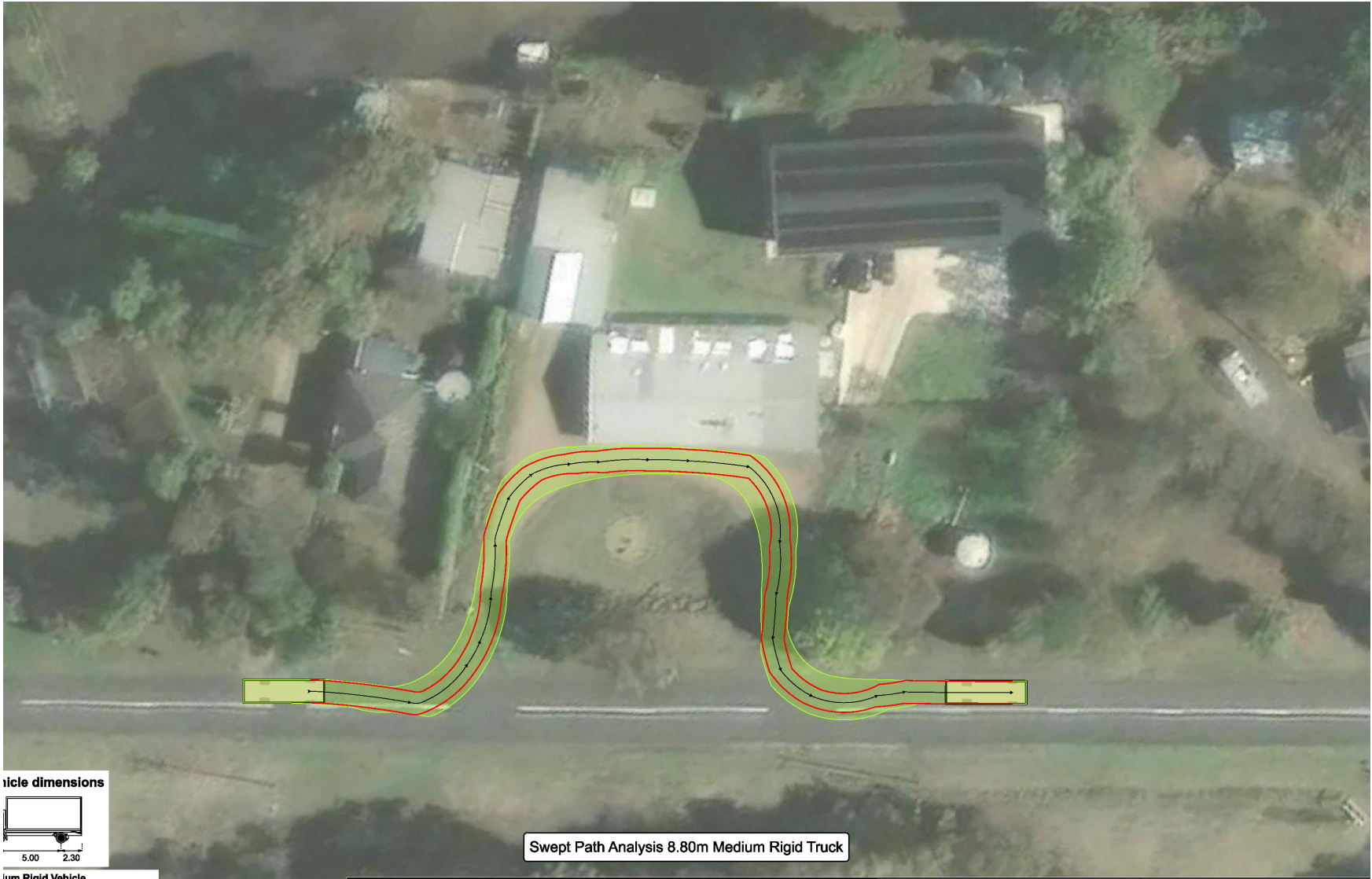
Permit notes

- Future owners of the land must be made aware of the existence of this permit.
- Siting will need to be assessed in relation to any Building Permit application, which may require alterations to the building design and/or an application for report and consent for dispensations in siting provisions under the Building Regulations. Any changes to the building design form approved on the planning Permit will require an amendment to the Planning Permit.
- The buildings and works hereby permitted shall accord with the requirements of any relevant Building Act 1993, Building Regulations 2018, Building Code of Australia and any other relevant Acts, Regulations and Codes.
- Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.
- Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
 - a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - b) Occupying a road for works.
 - c) Connecting any land to a stormwater drain.
 - d) Opening, altering or repairing a road.
 - e) Opening, altering or repairing a drain.
 - f) Accessing a building site from a point other than a crossover.
 - g) Construct/repair/widen/remove any crossover.



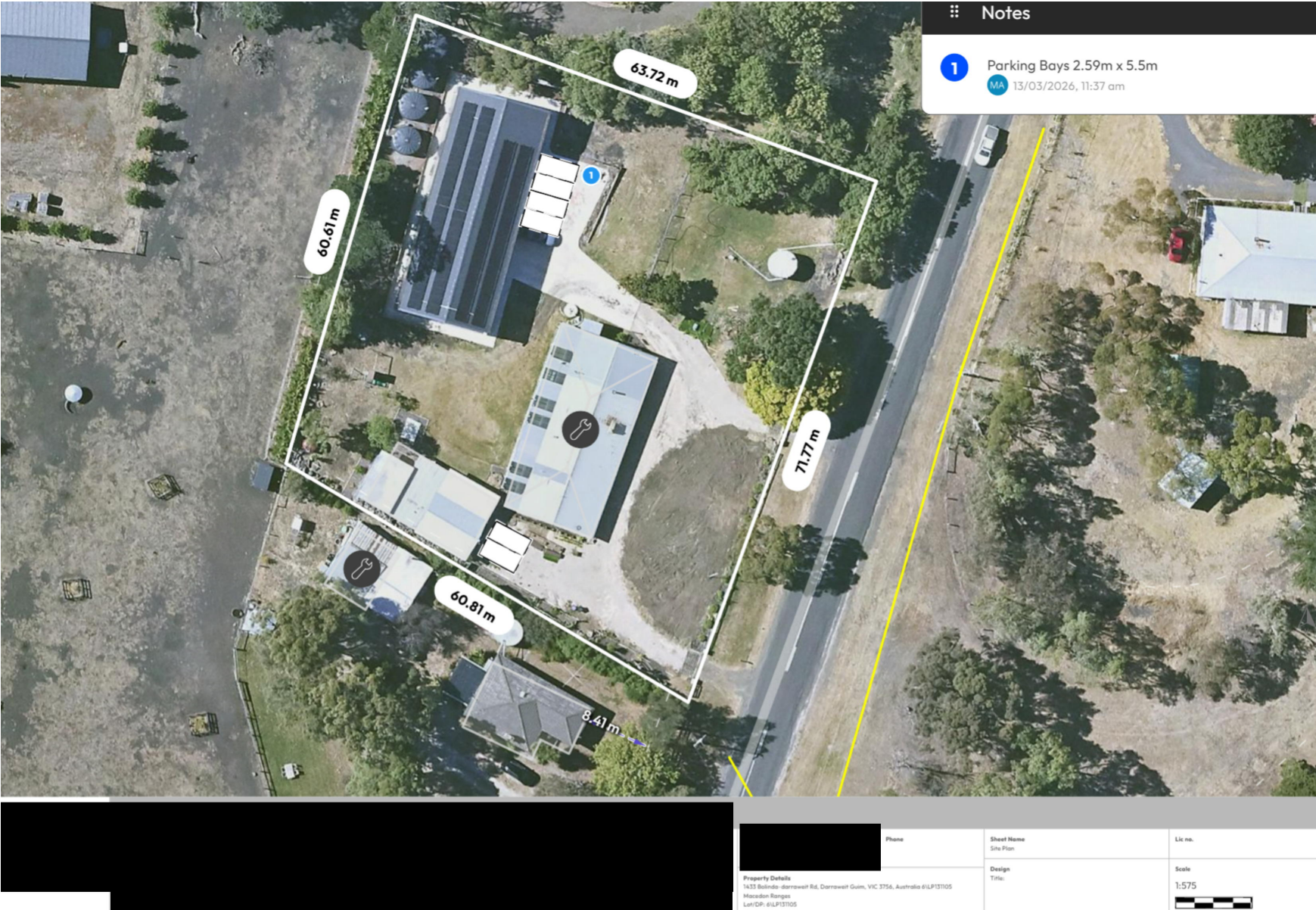


Client Name Harsangeet Brar		Client Email brarsangeet@gmail.com		Client Phone 0401869152		Signature _____			
Copyright Statement This plan always remains the copyright of designer & shall not be used other than for the project work intended without written authority. No part may be reproduced by any other exclusive right be exercised without permission. Legal enforcement will be taken on copyright infringement. Disclaimer This is not an official document, and may not comply with current laws or industry standards. You should make your own enquiries and seek independent advice from relevant industry professionals before acting or relying on the contents of this document. ALL DIMENSIONS ARE IN METRES. DO NOT SCALE FROM PLANS.						Sheet Name	Sheet no.	Lic no.	Job no.
						Site Plan	1		
						Property Details 1433 Bolinda-darraweit Rd, Darraweit Guim, VIC 3756, Australia Lot/DP: 6\LP131105		Design	
		1:500@A							
				1 st version date:		Current version date:	Version #		
						10/07/2025	1		



Medium Rigid Vehicle
Length: 8.80 m
Width: 2.50 m
Time to lock time: 4.0 s
Steering angle: 34.01°

Project:	Date: 12/03/2026
1433 Bolinda-Darraweit Road,	Drawn: AN
DARRAWEIT CUMVAC 2350	Sheet: Swept Path Analysis



PE.4	PLN/2020/225/C & AGR/2025/18 - 1, 3, 4, 6, 8, 10, 14, 16, 15, 17, 18, 19, 11, 12, 13, 21, 25, 23, 27 TRENCHARD STREET WOODEND
Application Details:	Felicity Brown and Samuel Hockly
Officer:	Glen Meyer, Senior Statutory Planning Officer
Council Plan relationship:	Our Places
Attachments:	1. Attachment 1 - Copy of Agreement ↓ 2. Attachment 2 - Proposed Building Envelope Plans ↓ 3. Attachment 3 - Planning Report ↓
Triggers for a planning permit	Decision on an amendment to a planning permit. Decision on an application to amend a Section 173 Agreement.
Zones and Overlays	Neighbourhood Residential Zone – Schedule 6 Environmental Significance Overlay – Schedule 4
No. of objectors	Four objections Three letters of support
Trigger for report to Council	Decision on an application for a planning permit requested to be decided
Key Considerations	Whether the proposal to vary Section 173 Agreement AW964559C would result in an acceptable planning outcome when considering the matters set out in the Planning and Environment Act 1987.
	Whether the proposed amendment to planning permit (PLN/2020/225/C) would result in an acceptable planning outcome when considering the relevant policy.
Conclusion	The proposal to amend Section 173 Agreement AW964559C and amend planning permit PLN/2020/225/C would not result in an acceptable planning outcome. The proposal results in unacceptable disadvantage to those who are party to the agreement.
Date of receipt of application:	AGR/2025/18 received 23 December 2025. PLN/2020/225/C received 12 November 2025.

Summary

Council is in receipt of two applications which are interrelated. The first is AGR/2025/18 which seeks to amend a Section 173 Agreement. The second is PLN/2020/225/C which seeks to amend an existing planning permit.

The applications seek to amend the building envelope and setbacks which apply to most Lots along Trenchard Street which is enforced through both the Section 173 Agreement registered on title and the plans endorsed under the planning permit, referenced via the agreement.

Both applications have been advertised and objections have been received, including from lot owners party to the agreement who have already constructed on their lots.

Councillors requested that these applications proceed to a Council Meeting for decision.

Recommendation**That Council:**

1. **Issue a Notice of Decision to Refuse to amend Section 173 Agreement AW964559C registered on title for the following addresses:**

1, 3, 4, 6, 8, 10, 14, 16, 15, 17, 18, 19, 11, 12, 13, 21, 25, 23, 27 Trenchard Street, Woodend.

on the following grounds:

- a) **The agreement continues to serve a legitimate and ongoing planning purpose by ensuring development outcomes are consistent with the planning controls at the time the subdivision was approved. The permit holder derived the benefit of the subdivision approval subject to the obligation to enter into and give effect to the agreement on all lots. Removing the agreement would therefore undermine the basis on which the permit was granted and negate the intent of the condition requiring the agreement to be enacted.**
 - b) **Ending the agreement would result in unacceptable disadvantage to parties currently party to it because it would facilitate an altered neighbourhood character than what was expected to be required through the agreement restrictions. Ending the agreement would undermine the reasonable expectations created by those controls and unfairly impact landowners who have relied upon and developed in accordance with the agreed limitations.**
2. **Issue a Notice of Decision to Refuse to Grant an amended Permit for Planning Permit Application PLN/2020/225/C on the following grounds:**
 - a) **The proposed changes in endorsed plans would disadvantage those party to the agreement and as such does not satisfy the matters which Council must consider as per the Planning and Environment Act, 1987.**
 - b) **The current Section 173 Agreement provides an appropriate mechanism at recital 2 (g) to allow land owners to have individual, discreet variations to be assessed on their own merits.**
-

Existing conditions and relevant history**Subject land**

The subject sites comprise of most, but not all, lots along Trenchard Street, Woodend. The following properties form part of the application:

1, 3, 4, 6, 8, 10, 14, 16, 15, 17, 18, 19, 11, 12, 13, 21, 25, 23, 27 Trenchard Street, Woodend.

The lots are all affected by the same planning controls. They are zoned Neighbourhood Residential Zone – Schedule 6 and have the Environmental Significance Overlay – Schedule 4 applied. The lots are all similar in size and the lots which form part of this application are currently undeveloped.

Surrounds

Trenchard Street is located at the eastern side of Woodend, and the eastern lots along Trenchard Street adjoin the Protected Settlement Boundary (PSB). The Woodend VLine Train Station is located approximately 1.3 kilometres to the west of the street.

The immediate surrounding area is comprised as follows:

- GemLife Woodend Retirement Village is located to the north.
- Suburban residential development is located to the west of the subject site and also zoned within the Neighbourhood Residential Zone.
- A larger landholding is located to the east of Trenchard Street and is zoned within the Rural Living Zone.
- The Melbourne-Bendigo rural train line is located to the south of Trenchard Street and zoned Transport Zone 1.



Figure 1: Zoning of sites and immediate surrounding area (Trenchard Street annotated with red symbol).

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

A covenant and Section 173 Agreement are registered on title.

Covenant PS844253M - This covenant restricts the land from being used except in accordance with a Memorandum of Common Provisions and certain building standard requirements. These are not relevant to the assessment of these applications.

Section 173 Agreement AW964559C - The relevant restrictions of the Section 173 Agreement are outlined as follows:

2. Owner covenants

The Owner covenants and agrees with the Responsible Authority that:

- (a) Any dwelling or other building constructed on a lot must comply with the front, side and rear setbacks specified by the Neighbourhood Residential Zone – Schedule 6 of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land).
- (b) No buildings or works are to be located outside the Building Envelopes as shown on the endorsed plans forming part of Planning Permit PLN/2020/225.
- (c) No trees shown to be retained are permitted to be removed, lopped or destroyed (Please note: Planning permit requirements may also apply for removal of vegetation including native and exotic trees).
- (d) Tree protection fencing and other measures in accordance with Conditions 56 and 57 of Planning Permit PLN/2020/225 must be implemented prior to the commencement of works for any building within on any lot containing retained trees or third party vegetation and must be maintained for the duration of building works.
- (e) The site coverage of all buildings constructed on any lot must not exceed 25% of the area of the lot. An area of minimum 30% of the lot area must be maintained with permeable surfacing.
- (f) The rear (eastern) boundary for each of Lots 14 to 22 abutting rural zoned land to the east must only be fenced with rural post and wire or similar visually permeable fencing construction to the satisfaction of the Responsible Authority. If a paling fence is proposed for the rear boundary fencing to Lots 9 to 13, it must be in a stained or painted in a dark muted colour.
- (g) Variation to the restrictions applied by this Agreement may only be granted by the prior written consent of the Responsible Authority. Any application to vary these restrictions will only be supported on the grounds that the variation achieves an appropriate outcome in respect to the preferred neighbourhood character for the locality including spaciousness of development, generous setbacks of buildings from property boundaries, and the retention of existing mature trees and establishment of new landscaped gardens.

Figure 2: Covenants of the owner contained within Section 173 Agreement AW964559C.

Previous planning permit history

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

Permit No.	Description
PLN/2020/225/A (Withdrawn)	22 Lot Resubdivision, Creation of Easement, and Removal of Vegetation (Native and Non-Native) (Amendment sought to amend building envelopes and restrictive work on endorsed plans). This application sought approval for changes to the building envelopes for all lots approved under PLN/2020/225. The application was withdrawn following the Victorian State Government announcement of Planning Scheme Amendment VC282 as the applicant decided to

	await until the changes were implemented into the planning scheme prior to proceeding.
PLN/2020/225	22 Lot Resubdivision, Creation of Easement, and Removal of Vegetation (Native and Non-Native)
PLN/2016/588	Development of a building used for agriculture

Proposal

Amendment to Agreement AGR/2025/11

The application seeks approval to amend Agreement AW964559C in the following manner:

2. Owner covenants

The Owner covenants and agrees with the Responsible Authority that:

(a) Any dwelling or other building constructed on a lot must comply with the ~~front, side and rear setbacks~~ maximum building height requirement specified by the Neighbourhood Residential Zone – Schedule 6 of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land).

(b) No buildings or works are to be located outside the Building Envelopes as shown on the endorsed plans forming part of Planning Permit PLN/2020/225/C.

(c) No trees shown to be retained are permitted to be removed, lopped or destroyed (Please note: Planning permit requirements may also apply for removal of vegetation including native and exotic trees).

(d) Tree protection fencing and other measures in accordance with Conditions 56 and 57 of Planning Permit PLN/2020/225/C must be implemented prior to the commencement of works for any building within on any lot containing retained trees or third party vegetation and must be maintained for the duration of building works.

(e) The site coverage of all buildings constructed on any lot must not exceed ~~25~~40% of the area of the lot. An area of minimum ~~30~~20% of the lot area must be maintained with permeable surfacing.

(f) The rear (eastern) boundary for each of Lots 14 to 22 abutting rural zoned land to the east must only be fenced with rural post and wire or similar visually permeable fencing construction to the satisfaction of the Responsible Authority. If a paling fence is proposed for the rear boundary fencing to Lots 9 to 13, it must be in a stained or painted in a dark muted colour.

(g) Variation to the restrictions applied by this Agreement may only be granted by the prior written consent of the Responsible Authority. Any application to vary these restrictions will only be supported on the grounds that the variation achieves an appropriate outcome in respect to the preferred neighbourhood character for the locality including spaciousness of development, generous setbacks of buildings from property boundaries, and the retention of existing mature trees and establishment of new landscaped gardens.

Figure 3: Proposed changes to Section 173 Agreement registered on titles (excerpt from applicant report).

Amendment to Planning Permit PLN/2020/225

The application seeks approval to amend Planning Permit PLN/2020/225 as it applies to the following properties: 1, 3, 4, 6, 8, 10, 14, 16, 15, 17, 18, 19, 11, 12, 13, 21, 25, 23, 27 Trenchard Street, Woodend.

The application seeks to endorse plans reflecting the proposed building envelope restrictions and for the proposed plans to supersede previously endorsed plans.

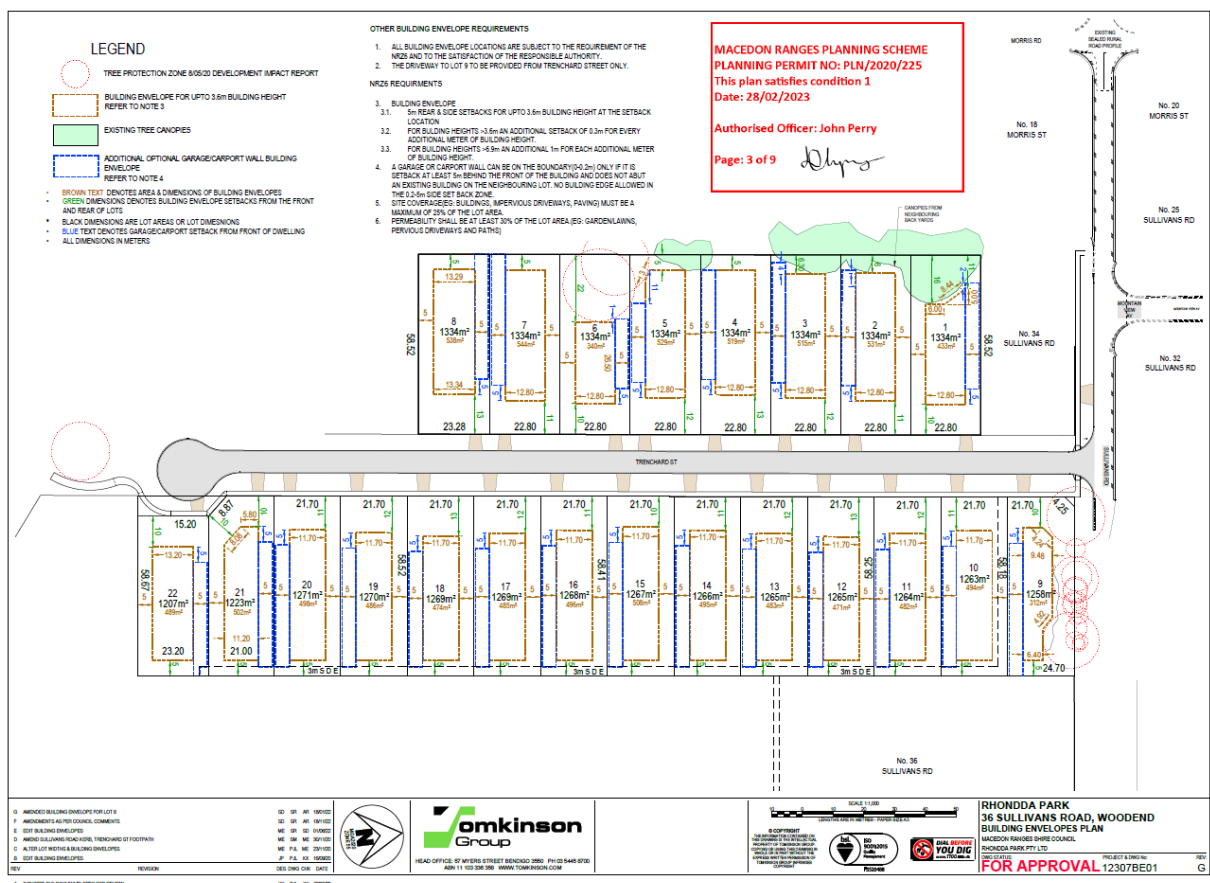


Figure 4: Current endorsed building envelope plan, reflecting the current planning permit and 173 Agreement.

The proposed plans to be endorsed are shown below:

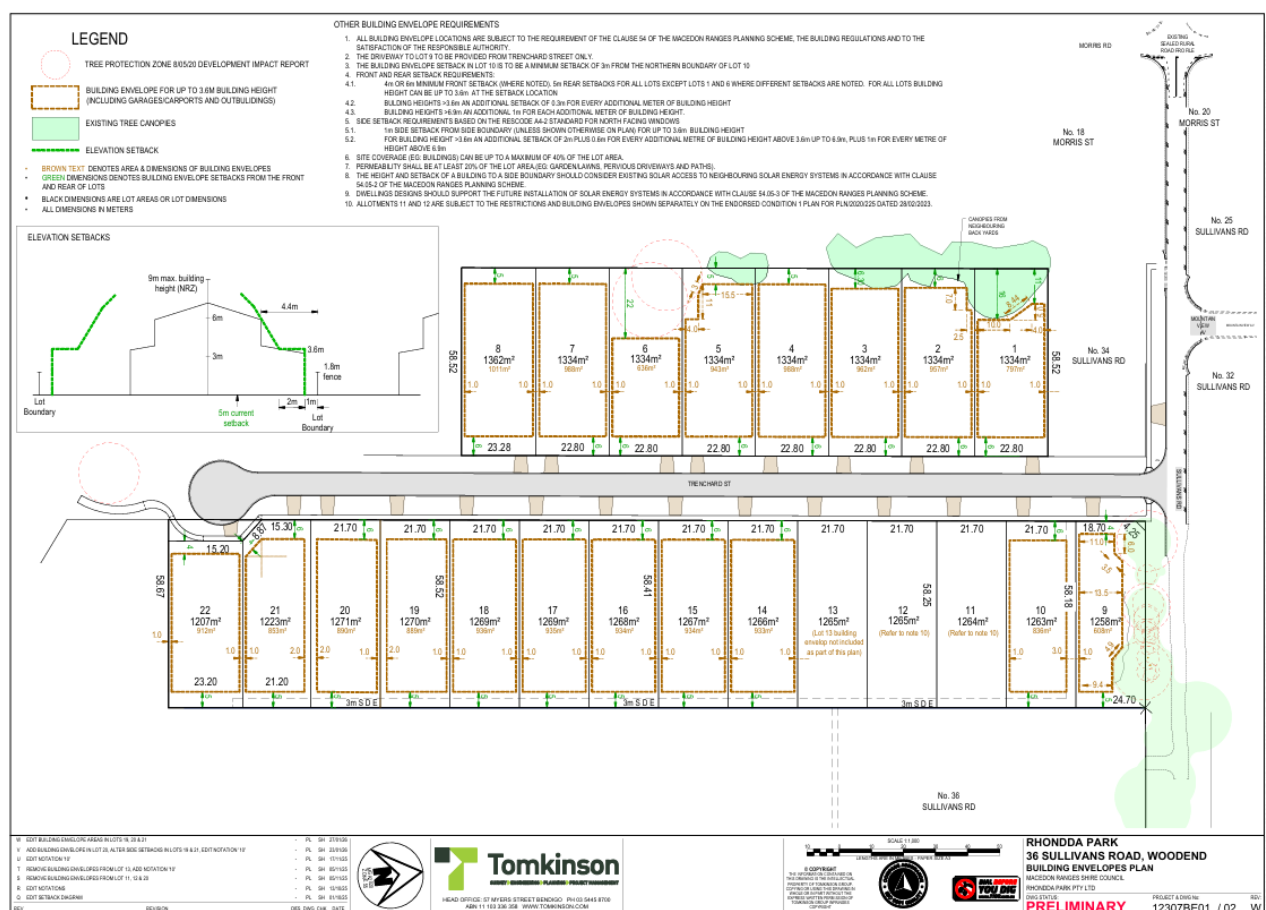


Figure 5: Proposed building envelope plan, reflecting the existing planning controls on the properties for most lots.

Both applications overall seek to facilitate an outcome which allows the lots to be developed more closely with what would be permissible under the existing planning controls after the gazettal of Planning Scheme Amendment VC282 (8 September 2025).

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 requires Council as a Responsible Public Entity not to act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision-making powers.

Planning Policy Framework

Clause no.	Clause name
15.01-1S	Urban design
15.01-1L	Urban design – Macedon Ranges
15.01-5S	Neighbourhood character
15.01-5L	Neighbourhood character – Woodend

Zoning

Clause no.	Clause name
32.09	Neighbourhood Residential Zone – Schedule 6

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay – Schedule 4

Particular provisions

Clause no.	Clause name
54	One dwelling on a lot and residential buildings

General provisions

Clause no.	Clause name
65	Decision guidelines

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

The process to dateReferral

Authority (Section 55)	Response
Nil	N/A

Authority (Section 52)	Response
Nil	N/A

Advertising

The applications were advertised on 3 March 2026, and a total of 4 objections were received along with 3 letters of support. A formal consultation meeting was held on 16 April 2026 and was attended by my officers, the applicant, objectors and Councillors.

The objector concerns can be summarised as follows:

- The proposed changes would result in an overall increase in the bulk and scale of the built form.
- The proposed changes are inconsistent with the intent of the original agreement as enacted.
- The reduction in permeable site area may lead to stormwater runoff impacts and would limit opportunities for canopy tree planting.
- Purchasers of lots affected by the agreement did so with the understanding that development would be restricted in accordance with its controls. Development has already occurred on this basis, and any relaxation of the controls would be contrary to residents' expectations.

It is noted that of the four objections, 2 were from landowners within the subdivision who have already developed their lots, and the other 2 were from outside the subdivision. The 3 letters of support were received from landowners who have purchased into the subdivision but have not yet commenced construction.

Officer assessment

These applications relate to and aim to achieve the same outcome. As such, these applications should be considered simultaneously.

Whether the proposal to vary Section 173 Agreement AW964559C would result in an acceptable planning outcome when considering the matters set out in the Planning and Environment.

Section 178B (1) of the *Planning and Environment Act 1987* sets out the matters which Council as the Responsible Authority must consider when assessing a proposal to amend a Section 173 Agreement. These are as follows:

- *The purpose of the agreement.*
- *The purpose of the amendment.*
- *Whether any change in circumstances necessitates the amendment.*
- *Whether the amendment would disadvantage any person, whether or not a party to the agreement.*
- *The reasons why the responsible authority entered into the agreement.*
- *If the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement.*
- *Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988.*
- *Any other prescribed matter.*

These matters are addressed in turn below.

The purpose of the agreement

The purpose of the agreement, which is relevant to the assessment of this application, is to ensure that all future development of the lots is in accordance with the requirements of Schedule 6 to the Neighbourhood Residential Zone.

This is reflected in Clause 2 (a) of the Section 173 Agreement which states that:

Any dwelling or other building constructed on a lot must comply with the front, side and rear setbacks specified by the Neighbourhood Residential Zone –

Schedule 6 of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land).

Prior to the gazettal of Planning Scheme Amendment VC282 (8 September 2025) it was quite common for different planning schemes across Victoria to include localised specific variations to the statewide Recode provisions contained in Clauses 54 and 55 of the Planning Scheme. The broad reasons for this include reflecting more tailored desired local character outcomes.

Prior to gazettal, Schedule 6 to the Neighbourhood Residential Zone included the following requirements:

3.0

Historic
02/04/2025
VC276

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3	10 m unless: - There are existing buildings on both adjoining lots facing the front street, in which case the setback should be the average distance of the setbacks of the front walls of the existing buildings on the abutting lots, whichever is the lesser - There is a dwelling on one abutting lot, in which case the setbacks can be the same as the dwelling on the abutting lot facing the front street, whichever is the lesser
	B2-1	None specified
Site coverage	A5	25 per cent
	B2-5	None specified
Permeability	A6	30 per cent
Side and rear setbacks	A10	A new building not on or within 0.2 m of a boundary should be setback 5 m plus 0.3 m for every metre of building height over 3.6 m up to 6.9 m, plus 1 m for every metre of building height over 6.9 m

Walls on boundaries	A11	0 m on one side boundary 0 m on the other side boundary unless the building is a carport or garage sited behind the main front wall of the dwelling by at least 5 m and the carport or garage does not abut an existing building on the neighbouring property For buildings proposed on rear boundaries, the provisions of A11 continue to apply
Private open space	A17	An area of 80 sqm or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 sqm. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 sqm and a minimum dimension of 5 m at the side or rear of the dwelling with convenient access from a living room
	B3-5	None specified
Front fence height	A20 and B2-8	None specified

Figure 4: Wording of Schedule 6 to the Neighbourhood Residential Zone (prior to 8 September 2025).

As part of the rollout of Statewide amendments following the Victorian Government's commitment to delivering on Victoria's Housing Statement, Amendment VC282 made

changes to all planning schemes in Victoria to extend the new deemed to comply residential development planning assessment provisions known as the 'Townhouse and low-rise code'.

The changes included removing the ability to specify local variations in Clause 54 standards for permeability, side and rear setbacks, and walls on boundaries; and restricting local variations for street setback, private open space and site coverage so that they only apply where they are more permissive than the proposed new state standards.

The explanatory report (which is provided as part of the Amendment) states that the Amendment was required to implement the Victorian Government's commitments under the National Housing Accord and *Victoria's Housing Statement: The Decade Ahead 2024-2034* by standardising residential development rules to streamline decision-making for faster decisions.

The explanatory report states that the amendment seeks to achieve the following outcomes:

- *To facilitate quicker and more efficient decision making.*
- *To provide greater transparency and certainty for applicants, decision makers, and the community about what is acceptable development and how it is assessed.*
- *To ensure residential development is sustainable and provides reasonable standards of amenity for existing and new residents.*

The changes have come into effect, and the State Government has removed the variations to the schedule as shown below.

3.0 08/09/2025 VC282	Requirements of Clause 54 and Clause 55	
	Standard	Requirement
Minimum street setback	A2-1	None specified
	B2-1	None specified
Site coverage	A2-5	None specified
	B2-5	None specified
Private open space	A3-2	None specified
	B3-5	None specified
Front fence height	A2-7 and B2-8	None specified

Figure 5: Wording of Schedule 6 to the Neighbourhood Residential Zone (current).

The setback requirements outlined in the Section 173 Agreement specifically reflect those previously contained within Schedule 6 to the Neighbourhood Residential Zone prior to the gazettal of VC282. Since the gazettal of VC282, the considerations in Schedule 6 to the Neighbourhood Residential Zone are no longer applicable and are considered redundant planning controls.

The requirements of Schedule 6 to the NRZ aimed to achieve the neighbourhood character objectives outlined within the schedule (which has been retained, in full), which are to:

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

The agreement was aimed at ensuring development occurs in accordance with the relevant residential planning controls. As a result of Amendment VC282 to planning schemes across Victoria, Schedule 6 to the NRZ no longer varies standards to Clause 54. Applying the planning scheme to the application at hand is less onerous than applying the setbacks enforced in the building envelopes registered on title. The requirement of the Section 173 agreement aimed to give effect to any subsequent changes, as evidenced by the wording 'or the setback requirements of any successive zone or overlay applying to the land' contained in Condition 7 of the planning permit. However, the registered building envelope only reflects the setbacks required prior to Amendment VC282. As such, the varied standards are still (appropriately) enforced through the agreement despite no longer being applicable to the subject site. This was not an error, rather it was important in the original decision so as to provide certainty of what the outcome on the ground would be as the lots were developed.

The changes sought would have the effect of allowing dwelling siting with minimal (1 metre) spacing between lot boundaries; which if were a pattern of dwelling siting which repeated throughout the subdivision would be current to the retained statement in the Zone Schedule in particular:

- *To maintain a spacious housing pattern through generous front and side setbacks.*

One metre setbacks between lots could not be described as 'generous' when the status quo requires five metre side setbacks.

It is acknowledged that these are relevant changes to the planning scheme.

The purpose of the amendment.

The proposed amendment, for most lots, represents a modification (being a significant increase) to the building envelope from that shown on the endorsed plan which is reflected in the relaxation of controls as discussed earlier, following the planning scheme amendment. The main changes relate to a reduction in setback requirements from property boundaries.

Whether the amendment would disadvantage any person, whether or not a party to the agreement

Ending the s173 agreement has the genuine potential to disadvantage surrounding landowners, particularly those who have the benefit and burden of the same agreement. Ending this agreement could well result in development outcomes within the street which varies significantly than what was anticipated (and considered appropriate) leading to the approval of the Planning Permit. The lots are large in size all in excess of 1200 square metres; and wide with all but two in excess of 21.7 metres wide. Current Building Envelopes are already in excess of 470 square metres (with one exception) which is as large as many lots that exist in conventional subdivisions in the General Residential Zone for example.

The relaxation of building siting would have amenity impacts and unacceptable changes to neighbourhood character. The permit holder has taken the benefit of the permit; and with that comes what Officers view as reasonable and proportional requirements to ensure the

outcome envisioned by the grant of the permit results. Changes to the Planning Scheme do not automatically warrant or justify a relaxation of conditions imposed on a permit which had due regard to the future development of lots, and the urban design and character outcome sought.

The objections received for this proposal clearly articulate the disadvantage other lot owners would experience should the application be approved. The objections can be summarised as follows:

- *The proposed changes would result in an overall increase in the bulk and scale of the built form.*
- *The proposed changes are inconsistent with the intent of the original agreement as enacted.*
- *The reduction in permeable site area may lead to stormwater runoff impacts and would limit opportunities for canopy tree planting.*
- *Purchasers of lots affected by the agreement did so with the understanding that development would be restricted in accordance with its controls. Development has already occurred on this basis, and any relaxation of the controls would be contrary to residents' expectations.*

These matters were explored further in a consultation meeting hosted by the assessing officer. The issues were discussed and explored in detail, and the concerns of the objectors were not resolved. Significant concerns remain regarding the amendment facilitating a potential for significant changes in expected neighbourhood character. The building envelopes currently maintain a large separation from property boundaries, in comparison to what could be constructed should the proposed amendment be supported. These concerns are clear indications that the proposed ending of the agreement would result in disadvantage.

It should be noted that the matters relating to stormwater runoff impacts appear to relate primarily to overland flow onto objector properties, and contours of the land. The original subdivision assesses the ability of lots to treat and disperse stormwater flow within the drainage infrastructure. There did not appear to be concerns regarding the drainage infrastructure itself. Properties are required to connect to a legal point of discharge and any circumstances where other properties are connected to and discharging stormwater to the legal point of discharge is a separate matter which cannot be resolved through this application, regardless of whether it is supported or refused.

The lots would also still have ample opportunity to provide canopy trees regardless of the proposed changes to the building envelopes, due to the areas which must be retained as garden area.

Despite the aforementioned, the scale and nature of the changes in built form could facilitate a significant change in neighbourhood character in comparison to what the existing agreement enforces.

The reasons why the responsible authority entered into the agreement

Council, as the Responsible Authority, entered into the agreement to ensure that the setback variations outlined in Schedule 6 to the Neighbourhood Residential Zone (NRZ) would be achieved in the granting of the original permit for the re-subdivision of lots to increase the lot yield.

Planning Permit PLN/2020/225 granted planning permission for the re-subdivision of an existing residential subdivision (comprising 16 lots) into a similar residential subdivision with a slightly increased lot yield (22 lots). The permit was issued at the direction of the Victorian

Civil and Administrative Tribunal (VCAT) who made the following comments (of relevance to this application):

I have retained the front, side and rear setback variations in the NRZ6 as the preferred building envelope restrictions, to deliver Council's preferred siting aspirations. These local variations in Schedule 6 are there to achieve the objectives and purposes to the NRZ.

If the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement

The application does not relate to removing land from the agreement.

Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988

There are no other relevant permits or requirements the land is subject to.

Any other prescribed matter

There are no other prescribed matters.

Whether the proposed amendment to Planning Permit PLN/2020/225/B would result in an acceptable planning outcome when considering the relevant policy

The proposed amendment application PLN/2020/225/C has been lodged to give effect to the proposed changes to the application to amend the Section 173 Agreement AW964559C (AGR/2025/18) as discussed above. This is because the building envelopes enforced through the Agreement refer to the plans endorsed under the original planning permit which was granted for the re-subdivision of land (PLN/2020/225/B).

It follows that in recommending that the 173 Agreement not be amended; that the plan endorsed under the permit referred there in ought not be amended also.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- AI tools were used for editing or quality improvement only, for example grammar, readability or formatting.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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.

Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 1 of 22

AW964559C

**Application by a responsible authority for the
making of a recording of an agreement
Section 181 Planning and Environment Act 1987**

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name:

Phone:

Address:

Reference:

Customer code:

The responsible authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land:(volume and folio)

VOLUME 8031 FOLIO 836

Responsible authority:(full name and address, including postcode)

MACEDON RANGES SHIRE COUNCIL OF 129 MOLLISON STREET, KYNETON, VICTORIA 3444

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987 (VIC)

A copy of the agreement is attached to this application:

YES

Signing:

Advertised

35271702A

181PEA

Page 1 of 2

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any copyright.

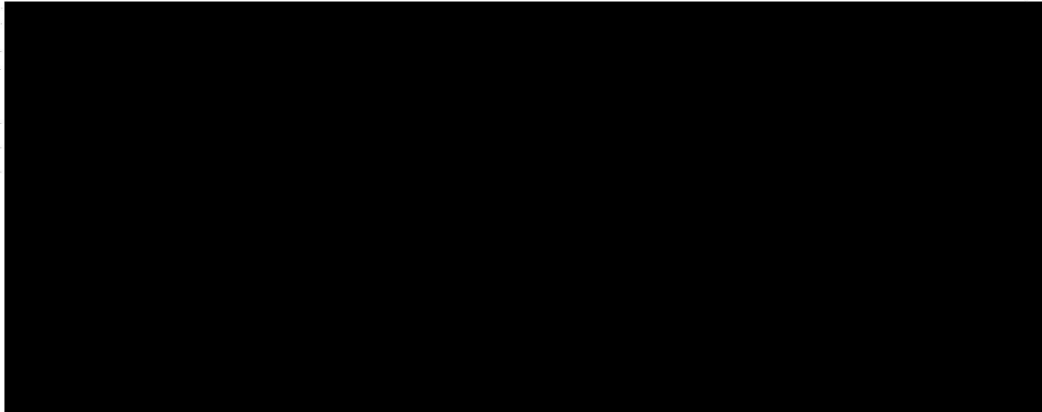
Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 2 of 22

AW964559C

**Application by a responsible authority for the
making of a recording of an agreement
Section 181 Planning and Environment Act 1987**

Privacy Collection Statement

The information in this form is
collected under statutory authority
and used for the purpose of
maintaining publicly searchable
registers and indexes.



Advertised

35271702A

181PEA

Page 2 of 2

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

AW964559C



**ROBERTSON
HYETTS**

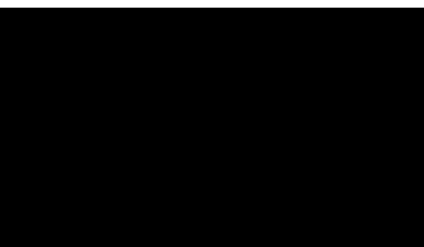
MACEDON RANGES SHIRE COUNCIL

and

RHONDDA PARK PTY LTD ACN 626 050 360

Advertised

**Section 173 Agreement- Sullivans Road,
Woodend**



JKW-603410-8-5-V1

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

AW964559C

Section 173 Agreement dated

2022

Parties

Macedon Ranges Shire Council
of 129 Mollison Street, Kyneton VIC 3444
("Responsible Authority")

and

Recitals

- A The Responsible Authority is responsible for the administration and enforcement of the Planning Scheme pursuant to the provisions of the Act.
- B The Owner is the registered proprietor of the Land.
- C The Responsible Authority issued the Permit to allow for a 22 lot re-subdivision, creation of easement and removal of vegetation (native and non-native) in accordance with the Endorsed Plans.
- D Condition 7 of the Permit requires the Owner to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Act to provide for the matters set out in the Condition.
- E The parties enter into this Agreement to give effect to the matters referred to in Recital D.
- F As at the date of this Agreement the Land is subject to a Mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

It is agreed

1. Definitions and interpretation

1.1 Definitions

In this Agreement, the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

Act means the *Planning and Environment Act 1987* (Vic);

Agreement or this Agreement means this agreement and any agreement executed by the parties expressed to amend or be supplemental to this agreement;

Endorsed Plans means the plans for 22 lot re-subdivision, creation of easement and removal of vegetation (native and non-native) as endorsed by the Responsible Authority and attached to this Agreement as Annexure "A";

Land means the property known as Sullivans Road, Woodend VIC 3442 more particularly described as Lots 13-18 and 20-29 (inclusive) on PS 009765, being the Land described in Certificate of Title Volume 8031 Folio 836;

JKW-603410-8-5-V1

Advertised

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

AW964559C

Advertised

Lot means a lot on the Endorsed Plans;

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land;

Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of it and includes a mortgagee in possession and as at the date of this Agreement;

Permit means Planning Permit No. PLN/2020/225 issued by the Responsible Authority on 2 March 2022;

Planning Scheme means the Macedon Ranges Planning Scheme and any successor instrument or other planning scheme which applies to the Land;

Registrar of Titles means the registrar of titles at Land Use Victoria;

Responsible Authority means Macedon Ranges Shire Council or its successor as the authority responsible for administering and enforcing the Planning Scheme and includes its agents, officers, employees, servants, workers and contractors;

Subdivision means the subdivision of the Land referred to in Recital C; and

Tribunal means the Victorian Civil and Administrative Tribunal.

1.2 Interpretation

In this Agreement, unless the context indicates otherwise:

- (a) A reference to this Agreement includes any variation or replacement of it.
- (b) The singular includes the plural and the plural includes the singular.
- (c) A reference to a gender includes a reference to each other gender.
- (d) A reference to a person includes a reference to a firm, corporation or other corporate body and their successors in law.
- (e) If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- (f) A reference to a statute includes any subordinate instruments made under that statute.
- (g) A reference to a statute includes any statutes amending, consolidating or replacing that statute.
- (h) All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- (i) The recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals.

2. Owner covenants

The Owner covenants and agrees with the Responsible Authority that:

- (a) Any dwelling or other building constructed on a lot must comply with the

JKW-603410-8-5-V1

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

AW964559C

front, side and rear setbacks specified by the Neighbourhood Residential Zone – Schedule 6 of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land).

- (b) No buildings or works are to be located outside the Building Envelopes as shown on the endorsed plans forming part of Planning Permit PLN/2020/225.
- (c) No trees shown to be retained are permitted to be removed, lopped or destroyed (Please note: Planning permit requirements may also apply for removal of vegetation including native and exotic trees).
- (d) Tree protection fencing and other measures in accordance with Conditions 56 and 57 of Planning Permit PLN/2020/225 must be implemented prior to the commencement of works for any building within on any lot containing retained trees or third party vegetation and must be maintained for the duration of building works.
- (e) The site coverage of all buildings constructed on any lot must not exceed 25% of the area of the lot. An area of minimum 30% of the lot area must be maintained with permeable surfacing.
- (f) The rear (eastern) boundary for each of Lots 14 to 22 abutting rural zoned land to the east must only be fenced with rural post and wire or similar visually permeable fencing construction to the satisfaction of the Responsible Authority. If a paling fence is proposed for the rear boundary fencing to Lots 9 to 13, it must be in a stained or painted in a dark muted colour.
- (g) Variation to the restrictions applied by this Agreement may only be granted by the prior written consent of the Responsible Authority. Any application to vary these restrictions will only be supported on the grounds that the variation achieves an appropriate outcome in respect to the preferred neighbourhood character for the locality including spaciousness of development, generous setbacks of buildings from property boundaries, and the retention of existing mature trees and establishment of new landscaped gardens.

Advertised

3. Costs

The Owner must also pay, on demand, the Responsible Authority's costs and expenses (including legal and other consultants' expenses), of and incidental to:

- 3.1 The preparation, negotiation, execution, recording, registration and enforcement or attempted exercise or enforcement of this Agreement or the ending of this Agreement;
- 3.2 The costs for obtaining necessary consents if required by the Land Titles Office before registration of this Agreement;
- 3.3 The administration and supervision of this Agreement by the Responsible Authority, except for administration and supervision the Responsible Authority is obliged to carry out under their statutory duties; and
- 3.4 Any request by the Owner for the Responsible Authority's consent or approval under this Agreement.

4. Registration of Agreement

JKW-603410-8-5-V1

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any copyright.

AW964559C

The Owner agrees to do all things necessary to enable this Agreement to be prepared, executed and registered at the Land Titles Office including executing any document, answering requisitions, giving any consents and obtaining any necessary consents to enable the Council to apply to the Registrar of Titles to record this Agreement in accordance with Section 181 of the Act.

5. Disclosure

The Owner must bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns and shall not sell, mortgage or part with possession of the Land or part of it without first disclosing to their successors the existence and the nature of this Agreement.

6. Further assurance

The parties to this Agreement must do or cause to be done all things that are reasonably necessary to give effect to this Agreement.

7. Agreement under Section 173 of the Act

7.1 The parties acknowledge and agree that this Agreement is made pursuant to Section 173 of the Act.

7.2 The obligations of the Owner under this Agreement will take effect as separate and several covenants which are annexed to and run at law and equity with the Land provided that, if the Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a Lot is only responsible for those covenants and obligations which relate to that owner's Lot.

8. Owners' warranties and acknowledgements

The Owner warrants that:

- 8.1 It is the registered proprietor of the Land;
- 8.2 There are no mortgages, liens, charges or other encumbrances affecting the Land which are not disclosed by the normal searches; and
- 8.3 If the Land is affected by a mortgage, the mortgagee must consent to the Owner entering into this Agreement and the Agreement being registered on the title to the Land.

9. Planning objectives

The parties acknowledge that the provisions of this Agreement are intended to achieve or advance the objectives of planning in Victoria and the objectives of the Planning Scheme.

10. General matters

10.1 Service of notice

A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:

- (a) By delivering it personally on that party;
- (b) By sending it by pre-paid post, addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- (c) By sending it by email.

JKW-603410-8-5-V1

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

AW964559C

10.2 Time of service

A notice or other communication is deemed served:

- (a) If delivered personally, on the next following business day;
- (b) If posted within Australia to an Australian address, two (2) business days after the date of posting and in any other case, seven (7) business days after the date of posting; or
- (c) If served by email, at the time of receipt in accordance with the *Electronics Transactions (Victoria) Act 2000* (Vic).

10.3 Successors in Title

Without limiting the operation or effect of this Agreement, the Owner must, until such time as a memorandum of this Agreement is registered on the title to the Land, procure that the Owner's successors in title:

- (a) Give effect to and do all acts and sign all documents which may be required for the Owner's successors to give effect to this Agreement; and
- (b) Execute a deed agreeing to be bound by the terms of this Agreement as if the Owner's successors were named as the Owner under this Agreement.

10.4 No waiver

Any time or other indulgence granted by the Responsible Authority to the Owner or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the Responsible Authority against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority in relation to the terms of this Agreement.

10.5 Jurisdiction

For the purposes of this Agreement, the parties acknowledge that they are subject to the jurisdiction of the Act and the Victorian Courts for the enforcement of this Agreement.

10.6 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed but the other provisions of this Agreement shall remain operative.

10.7 Disputes

- (a) If there is a dispute between the parties concerning the interpretation or implementation of this Agreement, that dispute may be referred to the Tribunal for resolution to the extent permitted by the Act.
- (b) If there is a dispute concerning any matter which is not referable to the Tribunal under the Act, that dispute may be referred for arbitration by an Arbitrator agreed upon in writing by the parties or, in the absence of such agreement the Chairman of the Victorian Chapter of the Institute of Arbitrators, Australia or his nominee, for arbitration.
- (c) Where provision is made in this Agreement that any matter be done to the satisfaction of the Responsible Authority or must not be done without

Advertised

JKW-603410-8-5-V1

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

AW964559C

its consent and a dispute arises in relation to such provision, the dispute may be referred to the Tribunal in accordance with Section 149(1)(b) of the Act.

- (d) The parties are entitled to legal representation for the purposes of any arbitration or referral referred to in Clauses 10.7(b) and 10.7(c) above, and unless the Arbitrator, Chairman, nominee or the Tribunal otherwise directs, each party must bear its own costs.

10.8 No fettering of Responsible Authority's powers

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

10.9 Electronic Execution

The parties agree that this Agreement may be executed electronically in accordance with the Electronic Transactions (Victoria) Act 2000.

11. Commencement of Agreement

The obligations of the Owner under this Agreement shall commence and bind the Owner from the date of this Agreement.

12. Ending of Agreement

12.1 This Agreement can only be ended:

- (a) by agreement with the Council and all parties bound by the covenants expressed herein; or
(b) in accordance with Section 178A of the Act.

12.2 As soon as reasonably practicable after the Agreement has ended, the Council will at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183 of the Act to cancel the recording of this Agreement on the Register.

13. Amendment of Agreement

13.1 This Agreement can only be amended:

- (a) by agreement with the Council and all parties bound by the covenants expressed herein; or
(b) in accordance with Section 178A of the Act.

13.2 As soon as reasonably practicable after the Agreement has been amended, the Council will at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183 of the Act to alter the recording of this Agreement on the Register.

14. Default

14.1 In the event that the Owner defaults under the terms of this Agreement ("Default") the Responsible Authority may serve on the Owner a notice in writing specifying and requiring the Owner to remedy the Default ("Notice of Default").

14.2 If the Owner fails to remedy the Default to the satisfaction of the Responsible Authority within 14 days of the Notice of Default being served on the Owner

Advertised

AW964559C

then the Responsible Authority may, without prejudice to any other remedies, do anything necessary to remedy the default and the cost of doing so shall be borne by the Owner and constitute a civil debt recoverable summarily in any Court of competent jurisdiction.

15. Indemnity

The Owner agrees to indemnify and keep the Responsible Authority, their officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain, incur or suffer or be or become liable for or in respect of any suit, action, proceeding, judgment or claim brought by any person arising from any non-compliance with this Agreement.

Advertised

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

JKW-603410-B-5-V1

Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 11 of 22

AW964559C

Executed as a Deed on the 24th day of May 2023



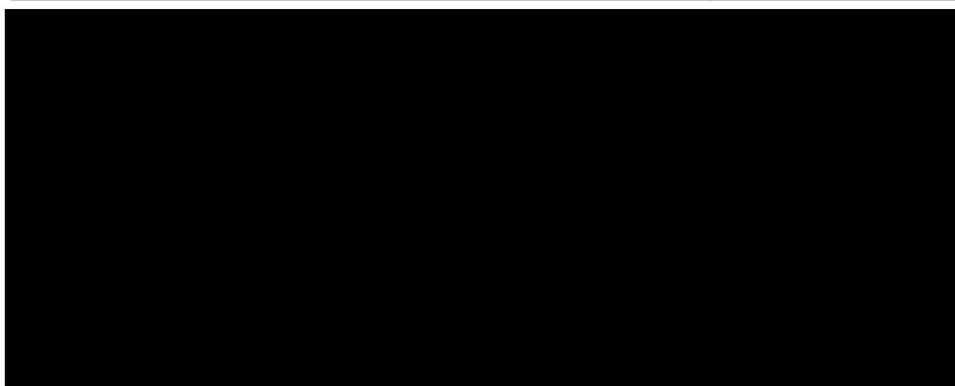
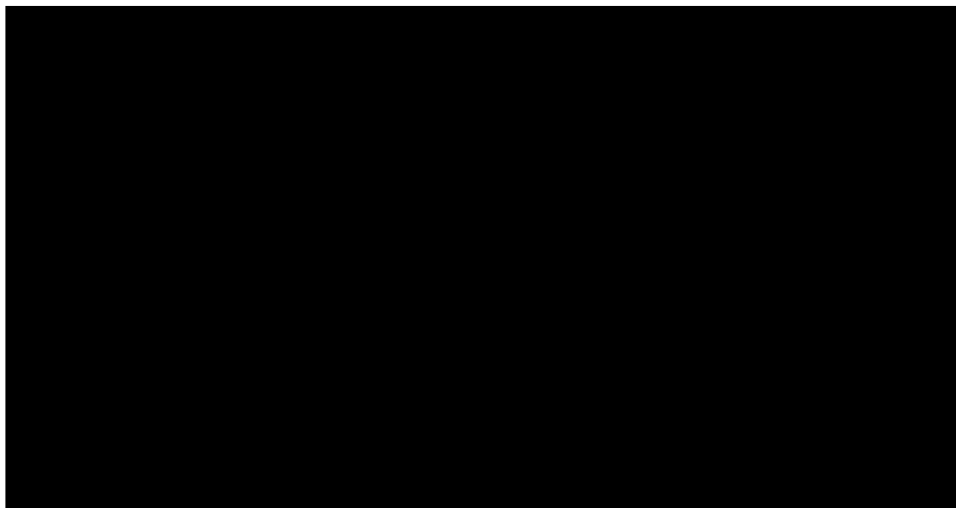
MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

JKW-603410-8-5-V1

Advertised

Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 12 of 22

AW964559C



Advertised

JKW-803410-8-5-V1

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 13 of 22

AW964559C

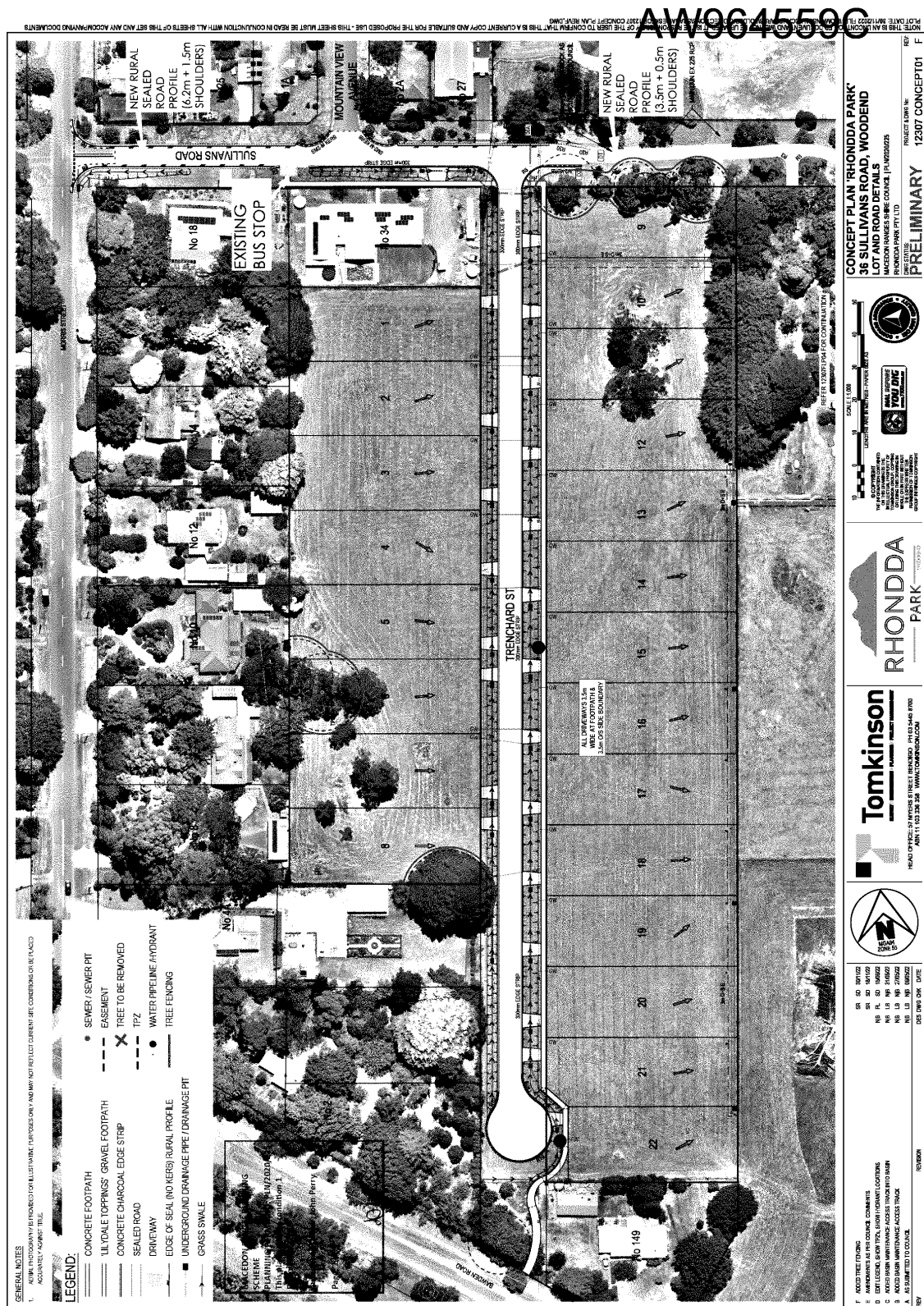
ANNEXURE "A"
ENDORSED PLANS

Advertised

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

JKW-803410-2-5-V1

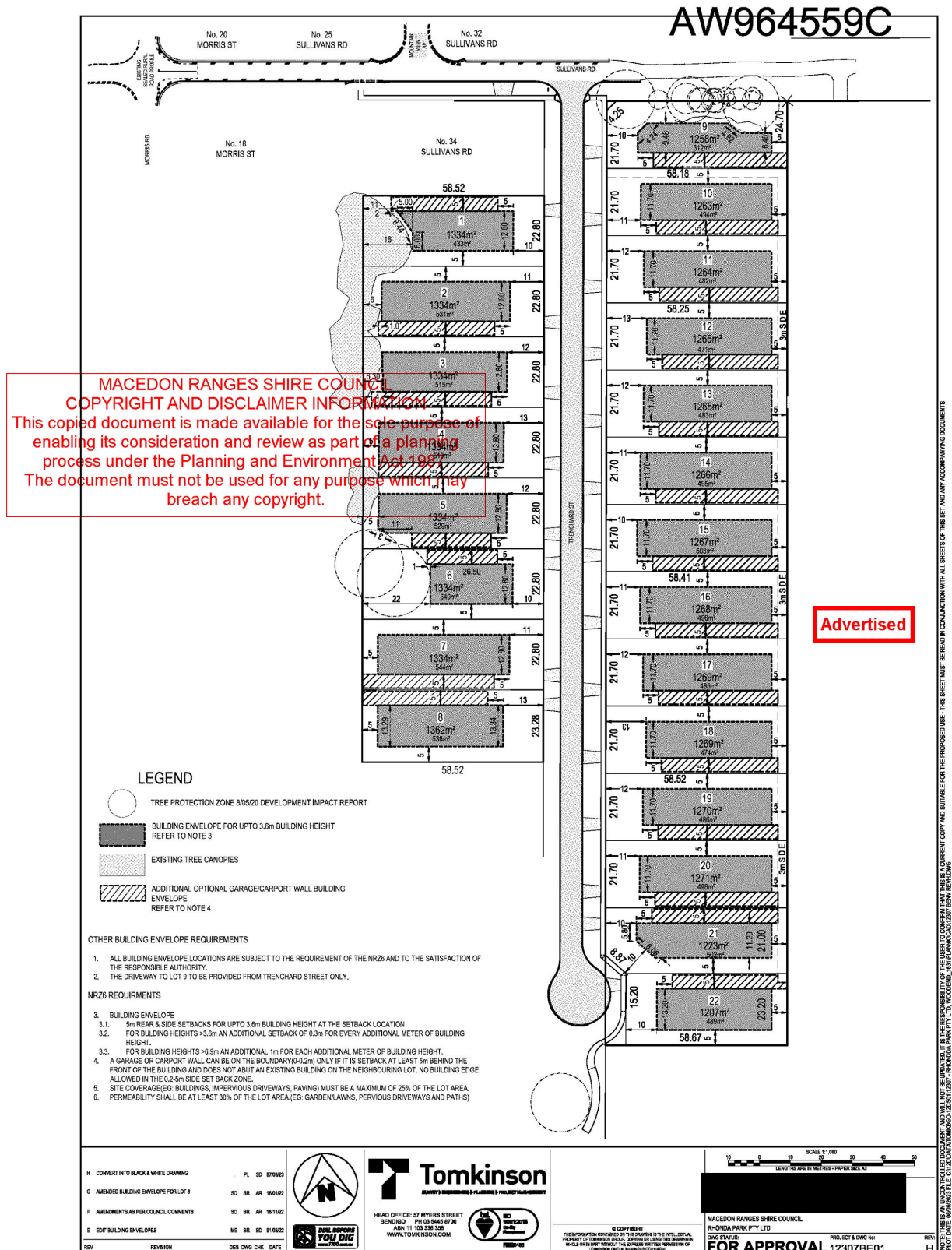
Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 14 of 22



AW964559C

Page 112

Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 16 of 22



Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 17 of 22

**Department of
Environment, Land, Water and Planning**

AW964559C

Native Vegetation Credit Register**Allocated credit extract**

Credit ID: 2022-0189

Credit owner:**Credits allocated to:**

Planning approval type:

Approval reference:

Project name:

Responsible authority:

Date of allocation:

Credits allocated:

Site-Zone	Large Trees	General Habitat Units	Strategic Biodiversity Value Score
1-B	6	0.071	0.856
Total	6	0.071	

Advertised

MACEDON RANGES PLANNING SCHEME
PLANNING PERMIT NO: PLN/2020/225
This plan satisfies condition 58, 59 & 60
Date: 28/02/2023

Authorised Officer: John Perry

Page: 4 of 9

This extract provides evidence of an allocation of credits to a planning document with a condition requiring an offset.
The specified credits can no longer be traded or allocated for another purpose.

© State of Victoria, Department of Environment, Land, Water and Planning 2022

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968.

Information Privacy Act 2000

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting information provided in accordance with the principles of the Information Privacy Act 2000. Information contained in your correspondence or any other response to this matter, will be stored and used by DELWP for the purposes of providing native vegetation offset services and supplying related information that may be of interest to you. This information may be disclosed to persons seeking native vegetation credits. If you wish to access information about you held by DELWP, please contact the Privacy Manager, PO Box 500, East Melbourne 3002.



**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Drawing Schedule

DRAWING. NO.	DESCRIPTION
2012 - D00	COVER PAGE & DRAWING REGISTER
2012 - D01	STREETSCAPE PLANTING PLAN
2012 - D02	BASIN RESERVE PLANTING PLAN
2012 - D03	LANDSCAPE DETAILS
2012 - D04	LANDSCAPE SPECIFICATION

MACEDON RANGES PLANNING SCHEME
PLANNING PERMIT NO: PLN/2020/225
This plan satisfies condition 1, 3 & 4
Date: 28/02/2023

Authorised Officer: John Perry

Page: 5 of 9

AW964559

LEGEND

- Extent of development works**
Predevelopment contour at 200mm interval
-  Tree to be retained and protected (dashed line indicates TPZ)
-  Tree to be removed

Notes:

1. Refer Engineering Drawings prepared by Tomkinson for further detail.
2. Refer to Development Impact Report, Assessment of Trees at 38 Sullivans Lane Woodend prepared by Axdm Tree Management Pty. Ltd. Dated 5 May 2020.

GENERAL NOTES:

3. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
4. THIS DOCUMENT IS NOT TO BE USED
5. ALL MEMBERS OF THE ORGANIZATION MUST BE ADVISED THAT ALL MEMBERS MUST, IN ORDER TO BE A MEMBER OF THE ORGANIZATION, BE A MEMBER OF THE ORGANIZATION
6. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
7. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
8. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
9. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
10. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
11. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
12. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
13. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
14. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
15. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
16. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
17. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
18. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
19. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW
20. THE PURPOSE IS TO BE USED TO DISSEMINATE THE BASIC PRINCIPLES OF THE NEW



STREET TREES - MINIMUM OFFSET DISTANCES TO SERVICES

The contractor shall ensure the following distances are complied with in relation to street trees and underground services / streetscape assets:

- Pedestrian Pathways: 1.2 metre minimum clearance
- Pedestrian Pathways in Reserves: 2.0 metre minimum clearance
- Streets: 3.0 metre minimum clearance
- Driveway / Power Poles: 4.0 metre minimum clearance
- Service Assets (including junction boxes / pits etc): 2 metre minimum clearance
- Electrical Joints: 2.5 metre minimum clearance
- Service Conduit Crossing: 2 metre minimum clearance
- Fire Plug: 3 metre minimum clearance
- Domestic service tapping point: 2 metre minimum clearance
- Stormwater Outlet: 2 metre minimum clearance
- Paralleling Pillar: 2.5 metre minimum clearance
- NSN pit: 2 metre minimum clearance

Where these distances are not attainable, root barriers may be appropriate in some instances and on the advice of the Macedon Ranges Shire Council arborist.

NOTE: It is the contractors responsibility to locate and identify all services infrastructure

UNDERGROUND ELECTRICAL SERVICES

The tree zone is a 5m Ø area of roadside with a depth of 600mm.
All underground electrical cables should be placed outside the tree zone where practical.
Underground cable installed at a burial depth of 600mm in close proximity to the tree zone (either beside or below), shall be within conduits or cover slabs to provide a higher level of infrastructure protection.

For underground cable installed at a burial depth of 750mm, consideration should be given to installation within conduits to provide a higher level of infrastructure protection. Refer to PowerCor standard GA211 for further detail.

Refer to WorkSafe Guide for undertaking work near underground assets

NOTES:

1. Landscape contractor to manage trees and maintain a minimum clearance space as required – refer to Macedon Ranges Shire Council Tree Management Policy 2022 and Electric Line Clearance Management Plan 2022-2023.
2. Tree planting is to occur between April & September to maximise establishment and survival rates.
3. Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
4. Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation.
5. It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.

Refer to the Bushfire Risk Assessment and BAL Assessment, 36 Sullivans Road, Woodend prepared by Practical Ecology Pty. Ltd. dated April 2020 for defendable space management requirement.

CONTEXT PLAN
Scale 1:1000 @ A1

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Prepared for: Villawood Properties
Date: October 13, 2022
Scale: 1:1000 @ A1 sheet size
Drawn: YL
Check: DH
Planning Permit No.: PLN/2020/225
Drawing No: 2012-D00 Rev B

Cover Page
36 Sullivans Road, Woodend

THOMSON HAY
LANDSCAPE ARCHITECTS

130 Howards Road
WATTLE FLAT VIC 3352
T 03 5334 5321
E office@thomsonhay.com
W www.thomsonhay.com

Advertised

AV9645590

LEGEND

- Residential lot
- Extent of development works
- Predevelopment contour at 1m intervals
- Trees to be retained and protected (dashed line indicates TPD)
- Tree to be removed
- Grassed naturestrip
- Proposed pedestrian path (w/ chvl)
- Proposed ringlock fence
- Proposed 1.8m high timber paling fence
- Acacia melanoxylon / Blackwood (Am) (45% per cent) dashed line indicates 5m @ tree zone
- Acacia melanoxylon / Blackwood (Am) (tubestock)
- Betula pendula 'Alba' / Silver Birch (Bk)
- Callistemon x 'King's Park Special' / Bottlebrush chvl (Ch)
- Eucalyptus radiata / Narrow-leaved Paperbark (Eu)
- Eucalyptus rubida / Candebark (Eu)
- Fraxinus oxycarpa 'Raywood' / Raywood Ash (For)
- Liquidambar styraciflua / Liquidambar (La)
- Quercus robur / English Oak (Or)
- Proposed timber bollard
- Proposed removable bollard
- Location for every sign
- Light pole locations refer Electrical Plans for detail
- Electrical joint refer Electrical Plans for detail
- Paralleling pillar refer Electrical Plans for detail
- Service pit refer Electrical Plans for detail
- Conduit refer Electrical Plans for detail

MACEDON RANGES PLANNING SCHEME
PLANNING PERMIT NO: PLN/2020/225
 This plan satisfies condition 1, 3 & 4
 Date: 28/02/2023
 Authorised Officer: John Perry
 Page: 6 of 9

FOR REVIEW ONLY
 NOT for final approval until NBN services are shown

Final street tree locations & numbers to be confirmed upon receipt of NBN services drawings.

NOTES:

- Landscape contractor to manage trees and maintain a minimum clearance space as required - refer to Macedon Ranges Shire Council Tree Management Policy 2022 and Electric Line Clearance Management Plan 2022-2023.
- Refer to the Bushfire Risk Assessment and BAL Assessment, 36 Sullivans Road, Woodend prepared by Practical Ecology Pty. Ltd. dated April 2020 for defensible space management requirement.

Existing Vegetation To Be Retained
 - Based on Development Impact Report prepared by Axiom Tree Management Pty Ltd

ID	Botanical Name	Common Name	H x W	TPZ (m radius)
3	Eucalyptus radiata	Narrow-leaved Paperbark	12 x 5m	6.45
4	Acacia dealbata	Silver Wattle	10 x 4m	3.12
9	Eucalyptus radiata	Narrow-leaved Paperbark	15 x 7m	11.04
10	Eucalyptus radiata	Narrow-leaved Paperbark	15 x 10m	11.76
17	Quercus robur	English Oak	7 x 1m	2
18	Betula pendula	Silver Birch	12 x 3m	2
19	Fraxinus oxycarpa	Common Ash	7 x 3m	2.16
21	Liquidambar styraciflua	American sweetgum	6 x 2m	2
22	Malus domestica	Apple	6 x 3m	2
23	Quercus robur	English Oak	20 x 15m	9.48
25	Quercus robur	English Oak	9 x 4m	2.64
26	Pinus radiata (in adjacent property)	Monterey Pine	30 x 10m	13.2

NOTE: * It is recommended that the proposed native / indigenous trees that are specified to be established within the lots be planted as tubestock - not as 450mm pots. This will ensure locally indigenous plants of local provenance can be established on site. The tubestock will outgrow the semi-advanced trees within 2-3 years.

PLANT SCHEDULE STREETScape

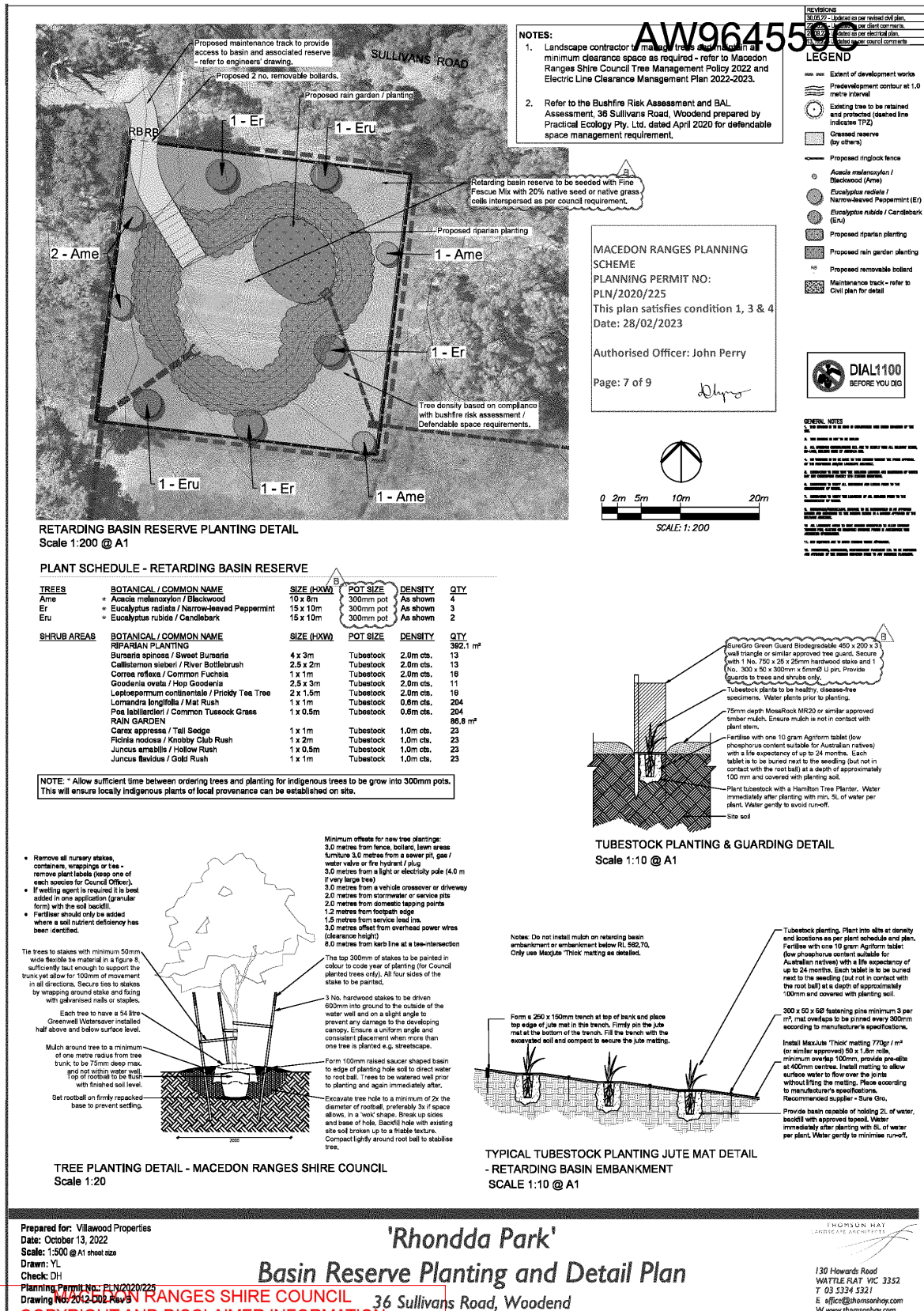
TREES	BOTANICAL / COMMON NAME	SIZE (xHxW)	POT SIZE	DENSITY	QTY
Am	Acacia melanoxylon / Blackwood	10 x 6m	45L 2.0m high, 30mm cal.	As shown	32
Am	Acacia melanoxylon / Blackwood	10 x 6m	Tubestock	As shown	23
Bk	Betula pendula 'Alba' / Silver Birch	12 x 6m	45L 2.0m high, 30mm cal.	As shown	17
Ch	Callistemon x 'King's Park Special' / Bottlebrush chvl	4 x 3m	45L 2.0m high, 30mm cal.	12m cbs.	4
Eu	Eucalyptus radiata / Narrow-leaved Paperbark	15 x 10m	Tubestock	As shown	22
Eu	Eucalyptus radiata / Narrow-leaved Paperbark	15 x 10m	Tubestock	As shown	8
For	Fraxinus oxycarpa 'Raywood' / Raywood Ash	12 x 7m	45L 2.0m high, 30mm cal.	As shown	8
La	Liquidambar styraciflua / Liquidambar	20 x 6m	45L 2.0m high, 30mm cal.	As shown	6
Or	Quercus robur / English Oak	11 x 11m	45L 2.0m high, 30mm cal.	As shown	6

Prepared for: Villawood Properties
 Date: October 13, 2022
 Scale: 1:500 @ A1 sheet size
 Drawn: YL
 Check: DH
 Planning Permit No: PLN/2020/225
 Drawing No: 2012-D01 Rev B

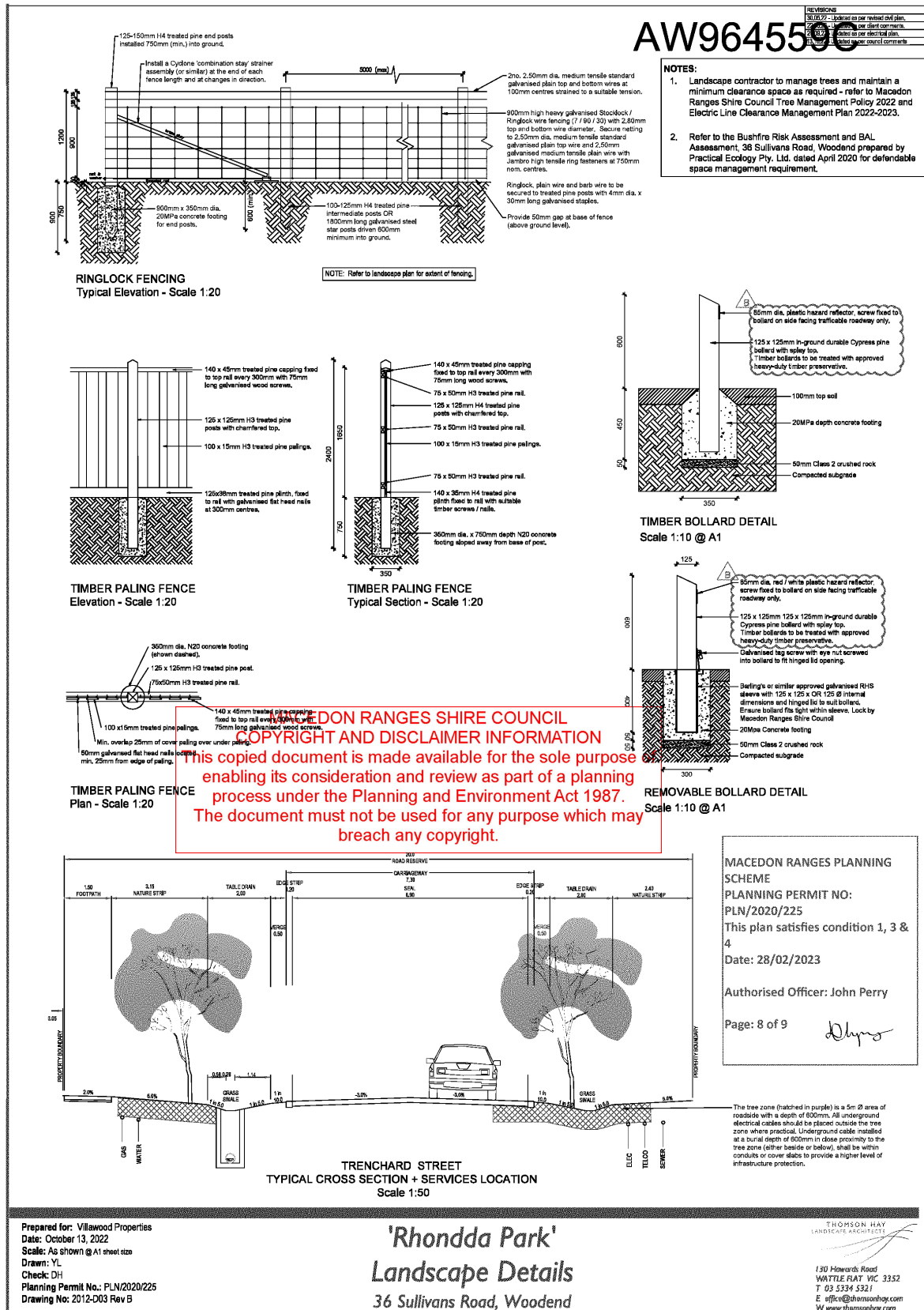
'Rhondda Park'
Streetscape and Allotment Planting Plan
 36 Sullivans Road, Woodend
 MACEDON RANGES SHIRE COUNCIL

130 Howards Road
 WATTLE RAY VIC 3352
 T 03 5334 5321
 E office@thomsonhay.com

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 21 of 22



Delivered by LANDATA®, timestamp 04/11/2025 15:54 Page 22 of 22

LANDSCAPE SPECIFICATION

HERBICIDE APPLICATION (GRASS)

At least two weeks prior to the commencement of landscape works spray all grass and undesirable plants within the proposed garden bed / planting areas with an approved systemic herbicide (a active ingredient glyphosate). Herbicide shall be applied in accordance with the manufacturer's instructions.

PREPARATION

Remove all weed growth from proposed planting beds and grass areas. Ensure all foliage, fruit and root matter is removed from the prepared landscape. Cultivate all planting beds to 150mm depth, remove all building rubble and other debris, incorporate gypsum (by subsoiler) at the rate of 2,000 grams per sq. metre to prepared sub base.

VEGETATION TO BE RETAINED

Refer to the Development Impact Report, Assessment of Trees at 38 Sullivans Lane, Woodend prepared by Arden Tree Management Pty Ltd (dated 8 May 2020) for Tree Protection Zones (TPZ) and recommended tree protection measures for all trees identified as being retained.

GRASS & NATURESTRIP PREPARATION (BY NOMINATED CIVIL CONTRACTOR)

The naturestrip and reserve are to be prepared / reinstated as required in accordance with levels and specifications to the satisfaction of the Responsible Authority. All naturestrips / grass areas are to be cultivated to 100 mm depth (including incorporation of gypsum) as above and top dressed with 75mm min. rolled depth of good quality heavy topped free of any weed or seed. Gently spread an approved Starter Fertiliser (recommended N.P.K. ratio 10:4:8 - Truse Elements) at the recommended rate.

Naturestrip Grass Seeding

Areas which are identified on the plans as 'grass naturestrip' shall be seeded with Fine and Tall Fescue Mix with 20% of Kikuyu. Pre-preparation herbicide application - as above.

Grass Reserve Seeding

Areas which are identified on the plans as 'grass reserve' shall be seeded with Fine and Tall Fescue Mix with 20% of Perennial Ryegrass. Pre-preparation herbicide application - as above.

Retaining Basin Grass Seeding

Areas which are identified on the plans as 'grass reserve' shall be seeded with Fine Fescue Mix with 20% of native seed or native grass seeds interspersed, including:

- *Muhlenbergia elatior* var *elapoides* / Weeping Grass
- *Poa trivincata* / Common Tussock Grass
- *Rydbergia gracilicarpa* / Koroed Weiberry Grass
- *Rydbergia pallens* / Silverweiberry Grass
- *Themeda triandra* / Kangaroo Grass

Pre-preparation herbicide application - as above.

Native grass seed to be sown by hand at the rate of 2.5 Kg per Hectare or as recommended by the supplier. It is recommended native grass seed areas are sown in Autumn.

Recommended seed supplier:

Goldfields Revegetation
220 Tenney LA, Melbourne VIC 3551
Phone: (03) 430 5354

Weeding

Wetted areas immediately after sowing until the topsoil is maintained to its full depth. Continue weeding to maintain moisture to the depth. Maintain the germinating grass in a healthy condition with correct applications of water, fertiliser etc. to sustain a healthy, vigorous growing grass sward.

Mowing

During the maintenance period mow to maintain the grass height within the 50 - 100mm height range. Remove all grass clippings from the site after each mowing.

Maintenance

Maintain the buried leached areas until the establishment of a dense continuous sward of healthy and evenly grown grass over the entire area. Where required, lift topsoil (sieved / raked / re-laid / reseed / weed with turf sods) of same kind. Cultivate and re-seed / re-lay areas of seeded lawn where germination / survival is poor.

Top Dressing

Top dress seeded areas as required and re-sow or re-lay turf sods. Ensure the junction between footpaths and lawns is finished to form a firm, flat, even, uniform and safe joint.

Protection

The Contractor shall protect the newly laid turf/seeded areas against trespass and traffic for minimum period of 4 weeks - particularly during wet conditions, or as long as required to ensure the proper establishment of the turf which will not be damaged by normal / dry to dry activities.

MULCH / MULCH MAT

Where specified sowed native (Eucalypt / Acacia) seedlings / mulch (maximum particle size 30mm) at a minimum depth of 75mm over all planting areas. Ensure top of mulch is above 20mm below adjacent paved surfaces.

The contractor shall ensure the mulch is free of soil, weeds, vermin, deleterious material and toxins. Mulch shall be placed to a minimum depth of 75mm and minimum depth of 100mm on planting bed areas. Mulch shall extend at least 600mm beyond plant centres at the outer edges of planting beds. Mulch shall be kept clear of plant stems to avoid rot.

Following ground preparation (as specified) and prior to mulching with organic wood mulch, all planting areas shall be covered with Macquarie 'Thick' soil stabilisation and mulching mat (200-400 gsm) and fixed with non galvanised steel pins (3 pins / m²). Macquarie soil stabilisation and mulch mat should be installed and pinned in accordance with the manufacturer's installation instructions. Macquarie soil stabilisation and mulching mat is available from:

SunGro
50-60 Woodlands Dr.
BRAEMORE VIC 3185
Free Call: 800 550 000
Office: (03) 8507 1400

Note: Macquarie soil stabilisation and mulching mat is available with pre-cut slots at nominated centres. Refer to SunGro.

A representative sample of mulching, not less than 100 m² area, shall be made available for review by the Landscape Architect at least 54 hours notice prior to the commencement of the balance of the relevant work. The accepted mulching shall be used as a reference standard for the remaining work to be completed under the Contract.

Note: Do not install mulch within the retaining basin. Only use Macquarie 'Thick' matting as detailed.

PLANTS / FERTILISING

All plants are to be true to species, healthy and free from pests, disease and stress. Fertiliser advanced trees (250mm dia. + pots) with 100 grams of 'Osmocote' slow release fertiliser. For plants in tubs-200mm dia. pots fertilise with 20gms of Osmocote. Slaking as required for advanced trees only (prior to planting date).

PLANT STOCK

- Where possible indigenous plant species shown on the plant schedules shall be propagated from sources of local provenance from the closest possible natural plant source of similar genetic make-up and from a similar soil type.
- Where possible the plant nursery shall provide documentation of seed and cutting collection locations of all indigenous species.
- When specified plants are not available, substitute plants may only be used following approval from the Landscape Architect or the Macedon Ranges Shire Council representative.
- Plants are to be purchased in the nominated pot size, unless approved by the Macedon Ranges Shire Council to vary the pot size from that specified.
- Plants shall show healthy growth, be undamaged, free of disease, have a size in proportion to their pot size and species, not be pot bound and shall generally have roots penetrating to the edge of the pot.
- The contractor shall check the condition of plants before taking delivery. All plants accepted by the contractor shall be healthy, vigorous, well established and have normal habits and proportions of growth typical of their species. Plants shall be free from insects, eggs, knots, diseases, weeds and other defects. All plants shall be suitably hardened off in the nursery prior to delivery to the site.
- All stock shall be labelled with the correct botanical name and shall be checked by the contractor before acceptance on the site.

PLANTING SCOPE

Planting is to be undertaken to the various areas nominated in the Landscape Plans and in accordance with the specification. The scope of planting works is to include:

- Semi advanced specimen trees / 45L tree pots
- Tubestock

- Grass seeding
- Quercus of trees / shrubs (if applicable)
- 24 month maintenance period.

PLANTING PROGRAM

The contractor shall prepare a planting program to plant all planting zones as indicated on the Landscape Drawings - *General Notes PE.4/2025/225* and the Specification. The planting program should incorporate the pre-planting ground preparation program.

Where possible, all planting and site stock supply is to be programmed to be undertaken during optimum planting seasons to maximise the optimum plant establishment period prior to the commencement of the summer season.

The contractor shall submit programs for the following tasks at the commencement of the contract:

- a pre-planting ground preparation program
- a weed control program
- a planting program for each of the nominated zones
- a post planting maintenance program.

PLANTING SET-OUT

The Contractor shall set out the location and shape of planting beds and / or the location of individual plants in accordance with the Drawings by:

- referring to drawing dimensions
- use of a level to determine extent of planting in relation to water depth as specified (where required)
- by reference to existing features as shown on the drawings
- by complying with plant number and density requirements as shown in the plant schedules / drawings.

Ongoing on-site liaison with the landscape architect will be required to ensure that the planting intent is achieved.

Allow for a flexible planting program to suit weed control timing, site features and seasonal conditions.

The Contractor shall arrange for the landscape architect or council representative, to be on site for plant set-out and sign-off on the set-out prior to planting commencing.

CONCRETE PATH SURFACE (BY NOMINATED CIVIL CONTRACTOR)

Install concrete path within reserve in accordance with Engineers details / specifications.

TIMBER PALING FENCE

Contractor to allow to supply and install the timber paling fence as per detail on Drawing No. 2015-003.

RINGLOCK POST AND WIRE FARM FENCE

Contractor to allow to supply and install the ringlock post and wire farm fence as per detail on Drawing No. 2015-003.

TIMBER BOLLARDS

Contractor to allow to supply and install the 125 x 125mm selected in-ground durable dressed seasoned hardwood bollard as per detail on Drawing No. 2015-003.

REMOVABLE BOLLARDS

Contractor to allow to supply and install the 125 x 125mm selected in-ground durable dressed seasoned hardwood bollard with aluminium R15 discs as per detail on Drawing No. 2015-003. Lock by Macedon Ranges Shire Council

TRIMMING AND FINISHED LEVELS (TOPSOILING BY CIVIL CONTRACTOR)

The Contractor shall adjust and trim soil and levels so that sub soil is placed / graded to the nominated levels and gradients, as specified, prior to topsoil placement. The specified depth of topsoil and/or mulch shall then be added and tapered so that the finished mulch and/or topsoil levels flush with the adjacent retained surface levels.

A representative sample of topsoiling and any associated ground trimming, not less than 100m² in area shall be made available for review by the consulting engineer and / or landscape architect prior to the commencement of the balance of the relevant work. The accepted topsoiling and any associated ground trimming shall be used as a reference standard for the remaining work to be completed under the Contract.

SUPPLY AND APPLICATION OF HERBICIDES AND INSECTICIDES

Only herbicides and insecticides registered for use in Victoria for the specific purpose may be used. All herbicides / insecticides shall be applied in accordance with manufacturers recommendations and at the rates recommended by the manufacturer for the control of the specific plant / insect.

MAINTENANCE AFTER PRACTICAL COMPLETION

Scope of Maintenance

The Contractor shall maintain the whole of the landscape work performed under this Contract until the completion of the 24 month Maintenance Period. The Maintenance Period shall commence from the Date of Practical Completion for 24 months as specified in the planning permit conditions. Maintenance of the landscape work shall include:

- i referring / replacement of dead trees
- ii maintenance of timber tree stakes and ties for advanced trees
- iii weed control
- iv weeding
- v mowing / slashing (by civil contractor)
- vi re-seeding of seeded exotic and native grass areas (by civil contractor)
- vii post and disease control
- viii re-mulching to maintain specified mulch depths
- ix pruning
- x maintaining the site in a neat and tidy condition, including the retaining basin
- xi removal of tree guards and stakes (when applicable)

Joint Inspections

Joint inspections shall be undertaken by the Contractor and Landscape Architect at three monthly intervals after commencement of the maintenance period. Any remedial work shall be performed within two weeks of the date of inspection or during the following planting season following written documentation of the defect.

Replacement Materials

All replacement materials used shall be in accordance with the requirements of this specification, the drawings and plant schedules.

Replanting / Re-sowing

All plants (including any replacement plants) are required to clearly indicate healthy growth at the completion of the maintenance period by demonstrating growth through consecutive growing seasons.

Plants which do or do not show satisfactory growth within the maintenance period shall be replaced and re-sown / replanted by the Contractor at the Contractor's expense. The Contractor shall program and allow for the supply and propagation of plants whether by seed or cutting as required for any replanting during the current or next available planting season.

Weed Control

All planting and grassed areas shall be maintained in a 100% noxious weed free state and in a minimum 50% weed free state.

Weeding

All plants shall be weeded as necessary to ensure continued healthy and vigorous growth throughout the maintenance period.

Mowing / Slashing (by civil contractor)

Grassed areas shall be mown when the height of the grass exceeds 100mm. Areas which have been cut shall have a minimum grass height of 50mm.

Re-seeding of Exotic Seeded Grass Areas (by civil contractor)

Areas with less than 95% grass cover after three months growth shall be re-sown by the Contractor at the Contractor's expense. The Contractor shall ensure that a minimum of 95% cover is maintained throughout the duration of the maintenance period.

Pest and Disease Control

All plants are to be maintained free of insect infestation and plant diseases.

AW9645590

REVISIONS
DATE 22- Updated as per revised civil plan.
DATE 22- Updated as per revised civil plan.
DATE 22- Updated as per revised civil plan.
DATE 22- Updated as per revised civil plan.

Re-mulching
Areas mulched with chipped wood mulch shall be maintained at a minimum consolidated depth of 75mm and maximum depth of 100mm for the entire maintenance period.

Pruning

The Contractor shall prune trees and shrubs to remove damaged limbs / branches etc. Tree branches likely to form a dominant 'U' or 'Y' shaped crotch leading to double leaders shall be removed. Pruning shall be undertaken in accordance with AS 4373-1988-Pruning of Amenity Trees.

Maintaining the Site in a Neat and Tidy Condition

The Contractor shall keep the landscape component of the site in a neat, tidy and safe condition.

Removal of Tree Guards and Stakes

Tree guards and timber stakes shall be removed when seedling reaches 100mm in height (bush only).

Repairs to Erosion Treated or Affected Areas (by civil contractor)

The Contractor shall maintain all areas subjected to erosion protection treatments and shall repair all damage or erosion which arise during the maintenance period. Such areas shall be re-eroded and re-protected as specified. Additional materials required by the Contractor to maintain, repair or complete the erosion control work shall be supplied by the Contractor at the Contractor's expense.

LEVELS / DRAINAGE / SET-OUT

No detailed levels information has been shown on this plan, refer to engineers plan for levels. Ground levels within all landscape / road areas should drain towards drains, pits, kerbs, the western / northern basin etc. in accordance with all regulations. All dimensions and set-out details are to be verified on site prior to construction commencing. Any discrepancies are to be immediately reported to the Landscape Architect for further instruction.

NOTES:

1. Tree planting is to occur between April & September to maximise establishment and survival rates.
2. Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, power requirements, and 'as constructed' infrastructure.
3. Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation.
4. It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.

GENERAL NOTES

1. The following notes relate to the landscape development works within 38 Sullivans Lane, Woodend and associated plans and construction details (Dwg. Nos. 2012-000 to 2005) and site plans / notes and specifications prepared by the Landscape Architects and Engineers.
2. The Contractor shall ensure that the extent of physical disturbance is contained to the defined works area only. Modifications to vegetation, shape, hydrology etc. should only be made where directed by the drawings, specifications or site communications.
3. The Contractor shall be responsible for the repair of damage to existing signs, roads, tracks or other structures and vegetation, caused by their own works, and shall carry out remedial works as required at the conclusion of the landscape works or as directed.
4. Where separate works contracts meet, the Contractor should allow for an interface with the adjoining works to create a seamless transition between contractors / stages.
5. All works shall be carried out by suitably experienced tradespersons using approved materials and methods. The landscape areas of the site shall be maintained in a clean, tidy and safe condition during the entire works contract and at the completion of works.
6. All weeds generated from the site during the course of the contract (including general rubbish, excess soil, rock etc.) is the responsibility of the contractor and is to be removed from the site and deposited in approved landfill(s).
7. Works shall be carried out during periods of dangerous climatic conditions, including periods of total fire ban, intense heat, flooding, or during other periods as directed by Macedon Ranges Shire Council.
8. The Contractor shall allow to maintain the site in a safe condition throughout the period of the contract. Suitable safety barriers and / or signs should be erected where required during the course of the contract to ensure visitors to the estate are protected from works / machinery with public access prohibited from all works areas. Adequate public safety signage / standards are to be maintained throughout the site at all times.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any copyright.

MACEDON RANGES PLANNING SCHEME

PLANNING PERMIT NO: PLN/2020/225

This plan satisfies condition 1, 3 & 4

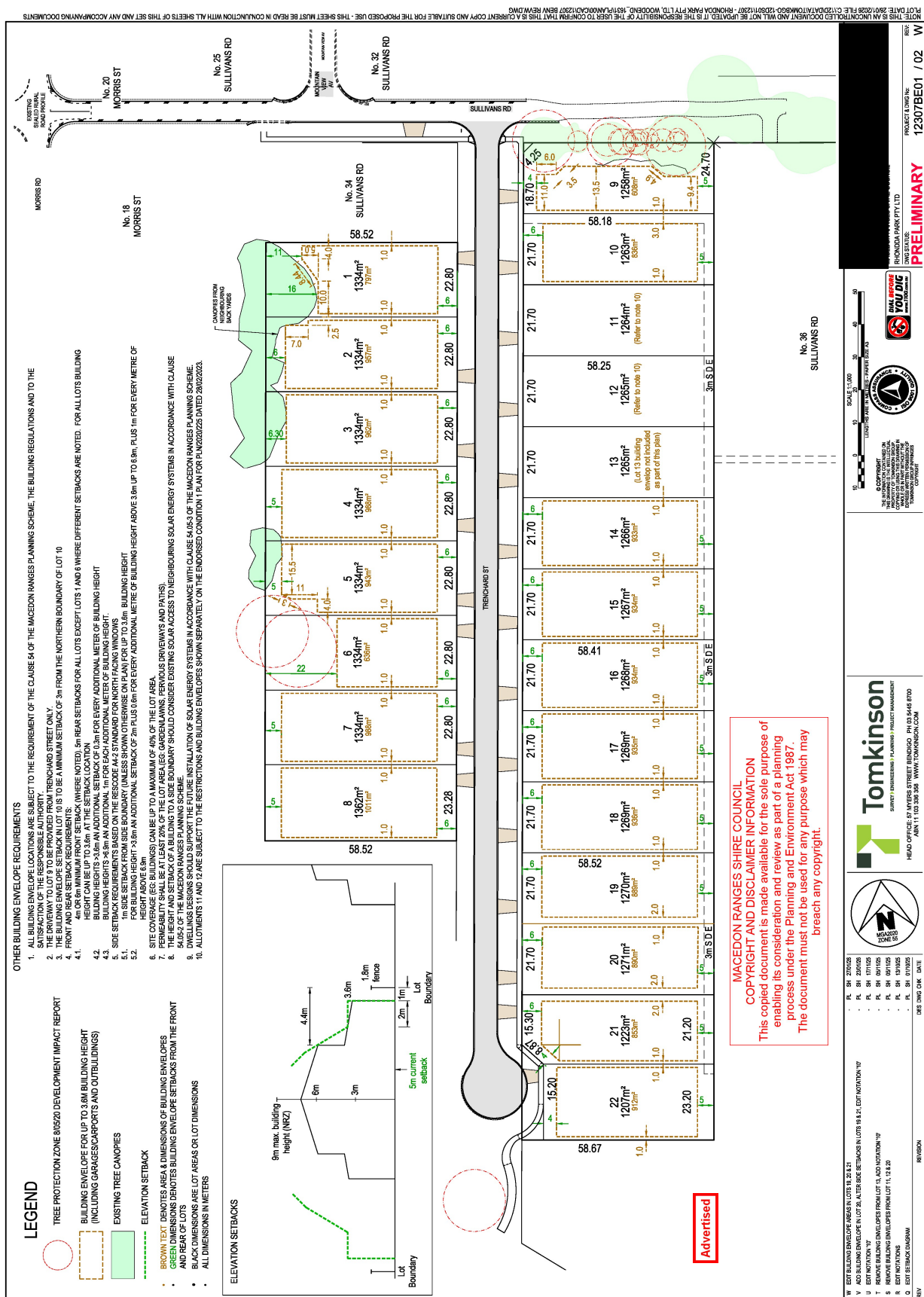
Date: 28/02/2023

Authorised Officer: John Perry

Page: 9 of 9

THOMPSON HAY
LANDSCAPE ARCHITECTS130 Howards Road
WATTLE CREEK VIC 3352
T 03 5334 5321
E office@thomsonhay.com
W www.thomsonhay.comLandscape Specification
36 Sullivans Road, Woodend

Advertised



Section 173 Agreement AW994558C - Draft changes to Clause 2**Rhondda Park Estate, Trenchard Street, Woodend**

Note: changes are subject to Council approval and final drafting by legal practitioner

2. Owner covenants

The Owner covenants and agrees with the Responsible Authority that:

(a) Any dwelling or other building constructed on a lot must comply with the ~~front, side and rear setbacks~~ **maximum building height requirement** specified by the Neighbourhood Residential Zone – Schedule 6 of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land).

(b) No buildings or works are to be located outside the Building Envelopes as shown on the endorsed plans forming part of Planning Permit PLN/2020/225/**C**.

(c) No trees shown to be retained are permitted to be removed, lopped or destroyed (Please note: Planning permit requirements may also apply for removal of vegetation including native and exotic trees).

(d) Tree protection fencing and other measures in accordance with Conditions 56 and 57 of Planning Permit PLN/2020/225/**C** must be implemented prior to the commencement of works for any building within on any lot containing retained trees or third party vegetation and must be maintained for the duration of building works.

Advertised

(e) The site coverage of all buildings constructed on any lot must not exceed ~~25~~**40**% of the area of the lot. An area of minimum ~~30~~**20**% of the lot area must be maintained with permeable surfacing.

(f) The rear (eastern) boundary for each of Lots 14 to 22 abutting rural zoned land to the east must only be fenced with rural post and wire or similar visually permeable fencing construction to the satisfaction of the Responsible Authority. If a paling fence is proposed for the rear boundary fencing to Lots 9 to 13, it must be in a stained or painted in a dark muted colour.

(g) Variation to the restrictions applied by this Agreement may only be granted by the prior written consent of the Responsible Authority. Any application to vary these restrictions will only be supported on the grounds that the variation achieves an appropriate outcome in respect to the preferred neighbourhood character for the locality including spaciousness of development, generous setbacks of buildings from property boundaries, and the retention of existing mature trees and establishment of new landscaped gardens.

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any copyright.



Glen Meyer
Senior Statutory Planning Officer
Macedon Ranges Shire Council
Via email: gmeyer@mrsc.vic.gov.au

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

23 January 2025

Re: Application to amend Section 173 Agreement AW964559C
Land: Lots 1-10 (inclusive) and lots 14-22 (inclusive) in Trenohard Street, Woodend

We write on behalf of Rhondda Park Pty Ltd and individual owners of Lots 1-10 (inclusive) and lots 14-22 (inclusive) that comprise the subject land. This letter provides supporting information for the application to amend Section 173 Agreement AW964559C (the Agreement) in Planning Permit Applications AGR/2025/18 and PLN/2020/225/C. Specifically, it provides a response to the matters required to be considered in amending a Section 173 Agreement pursuant to *Planning & Environment Act 1987* (Vic) s178B.

The application is made on behalf of Rhondda Park Pty Ltd (who own most of the subject lots) and individual lot owners who wish to have building envelope requirements updated on their land. This application does not seek to revise building envelope requirements on lots 11, 12 or 13 which have recently constructed dwellings. A separate application was approved to amend the building envelope on lot 13 and the owners of lots 11 and 12 did not wish to join the application.

Advertised

State government planning reform

On 8 September 2025, the Victorian Government introduced changes to all planning schemes to codify single dwelling standards (Rescode/Clause 54) via Amendment VC282. Local variations to Clause 54 were removed in all Victorian planning schemes including the local variations in Schedule 6 of the Neighbourhood Residential Zone applying to the subject land (NRZ6).

These state-led changes are designed to simplify planning standards - while maintaining neighbourhood character and sustainability outcomes. The changes are a positive outcome as they introduce more flexible building envelope requirements (e.g. street setback, side/rear setbacks, permeability, walls on boundaries). Consequently, the building envelope requirements in the Agreement need to be amended to reflect current planning controls.

Engagement with lot owners

Villawood consulted with existing lot owners in Trenohard St via email and phone calls, including circulation of earlier versions of the revised Building Envelope Plan for their review. In response to concerns for the impact of increased building envelope on adjoining lots, an upper-level side setback requirement was introduced to ensure there is adequate separation between buildings and to maintain good solar access to adjoining lots. As well, as some variations were made to side setbacks to manage potential amenity impact.

The additional 5m setback for a garage/carport was identified by owners, designers, and purchasers as problematic. The additional optional garage/carport envelope with further 5m setback has been removed providing a simpler single building envelope. The revised building envelopes have ample area to site a house containing a garage or separate garage/carport structure.



**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

willowood
properties

Revised building envelopes

The revised building envelopes provide a greater area (in sqm) through reducing boundary setbacks. This will provide greater flexibility for house design and siting, whilst balancing the local neighbourhood character objectives and design outcomes sought by the Rhondda Park Estate. The revised changes strike a balance between what is now the state government standards for single dwellings and the current restrictions. The revised changes are summarised as:

- Amend side setbacks to require a 1m setback from side boundaries to all lots, except for lot 10 which has a 3m north boundary setback, and lots 19, 20 and 21 which have a combination of 1m and 2m side setbacks
- Amend front setback to 6m on all lots, except lots 9 and 22 which have a 4m setback
- Remove the allowance for a garage/carport on boundary setback requirement
- Remove the requirement an additional optional garage/carport wall building envelope
- Introduce a first floor setback requirement based on the Clause 54 north facing windows setback standard (Standard A4-2)
- Amend the site coverage requirements to a maximum 40%
- Amend the permeability requirements to a minimum 20%

NRZ6 neighbourhood character objectives

Whilst the local variations to Clause 54 have been removed from NRZ6, the schedule maintains the following neighbourhood character objectives:

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

Advertised

The revised building envelopes seek to strike a balance between the former local variations and Clause 54 standards to ensure built form outcomes are consistent with the NRZ6 objectives.

Ability to remove building envelopes

The removal of Clause 54 local variations from the Macedon Ranges Planning Scheme would allow the building envelope requirements in the Agreement to be removed, leaving only the tree protection and fencing provisions. However, this approach is not sought. Retaining building envelopes in a revised form is considered more appropriate, given the site's regional town context, character objectives of NRZ6 and siting of existing dwellings in the street and surrounding area.

Matters for consideration

An application to amend Section 173 Agreement AW964559C (the Agreement) must address matters pursuant to s178B of the Planning and Environment Act 1987.

Matters to be considered	Comment
(a) <i>the purpose of the agreement; and</i>	The purpose of the Agreement is to: - ensure dwellings or other buildings comply with front, side and rear setbacks in Schedule 6 to the Neighbourhood Residential Zone (NRZ) - formalise building envelope and site coverage requirements on title - ensure no trees specified to be retained were removed, lopped or destroyed - formalise fencing requirements for some lots
(b) <i>the purpose of the <u>amendment</u>; and</i>	The Agreement burdening the land acts to enforce requirements of the planning scheme that no longer exist. Consequently, the purpose of the amendment is to revise building envelope requirements to reflect current planning controls.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

villawood
properties

Matters to be considered	Comment
(c) whether any change in circumstances necessitates the <u>amendment</u> ; and	There has been a change in planning policy that necessitates the proposed amendment to the Agreement via Amendment VC282. VC282 came into effect in September 2025 and implemented changes to single dwelling planning controls at Clause 54 and removed local variations to Clause 54 in all planning schemes. This included removal of NRZ6 local variations to building setbacks, site coverage, permeability and landscaping that applies to the subject land and were the basis of the building envelope requirements in the Agreement.
(d) whether the <u>amendment</u> would disadvantage any person, whether or not a party to the agreement; and	The amendment seeks to revise the building envelope requirements in a manner that remains consistent with the character and scale of development sought in the area through NRZ6. The changes sought in the amendment are consistent with state government reform to simplify standards and streamline processes for single dwelling construction. Purchasers and potential lot purchasers have indicated that the current restrictions are difficult to work with, adding cost and time to their build process. The changes are designed to ensure that there are no unreasonable amenity impacts on surrounding properties. The revised building envelopes will continue to work in conjunction with the Rhondda Park Estate Design Guidelines and relevant Clause 54 standards that need to be met as part of a Building Permit approval. It is unlikely the amendment will disadvantage any person, whether or not a party to the agreement.
(e) the reasons why the responsible authority entered into the agreement; and	The responsible authority entered into the agreement to ensure development of the lots created responded to the character objectives and building envelope requirements of the planning scheme at that time. A Section 173 Agreement formed a condition of Planning Permit PLN/202/225 that was issued at the direction of VCAT. The specific reasons for the agreement were to: - ensure dwellings or other buildings complied with boundary setbacks, site coverage and permeability requirements in NRZ6 - ensure no trees specified to be retained were removed, lopped or destroyed - formalise fencing requirements for some lots
(f) if the <u>amendment</u> is to remove <u>land</u> from the application of the agreement, whether the <u>land</u> is subject to any further liability under the agreement; and	N/A – the application does not seek removal of land from the agreement
(g) any relevant <u>permit</u> or other requirements the land is subject to under the <u>Subdivision Act 1988</u> ; and	N/A – no other relevant permits or other requirements apply to the subject land
(h) any other prescribed matter.	N/A – no other prescribed matters

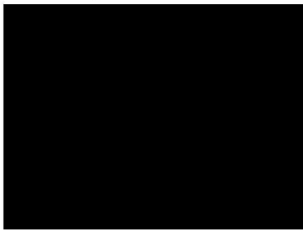
Advertised



In conclusion, the proposed amendment to the Agreement is consistent with the objectives of NRZ6 and responds positively to the matters required to be considered when amending a Section 173 Agreement.

We trust the submitted information allows Council to assess and approve the proposed amendment. Please direct any queries regarding this application to our consultants Tomkinson.

Kind regards,



MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised



MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



SUBMISSION TO MACEDON RANGES SHIRE COUNCIL

Advertised



Amendment to Planning Permit PLN/2020/225 to vary building envelopes

Lots 1-10, 14-22 Trenchard Street, Woodend

Prepared for Rhondda Park Pty Ltd | November 2025 | Ref: 12307

www.tomkinson.com



Our Offices



DESCRIPTION

Address	Lots 1-10, 14-22 Trenchard Street, Woodend
Lot Description:	Multiple titles – See Appendix 3
Project Number	12307
Project Manager	
Reviewed by	
Revision	B
Document Status	Final
Date	January 2026

Advertised

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.



CONTENTS

1. Contents

2.	INTRODUCTION & SUMMARY	3
3.	SITE AND SURROUNDS	4
4.	THE PROPOSAL	9
4.1	Zone/Overlays	14
4.1.1	Clause 32.09 Neighbourhood Residential Zone – Schedule 6	14
4.1.2	Clause 42.01 – Environmental Significance Overlay – Schedule 4 (ESO4)	17
5.	CONCLUSION	18

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised



2. INTRODUCTION & SUMMARY

Tomkinson Group has been engaged by Rhondda Park Pty Ltd to prepare this amendment to the approved planning permit PLN/2020/225 to vary the approved building envelopes and associated wording on the endorsed plans under the Neighbourhood Residential Zone Schedule 6 requirements for Lots 1-10, 14-22 Trenchard Street, Woodend.

Details of the site and its surrounds are provided in Section 2, details of the proposal are provided in Section 3, and an assessment in relation to the provisions of the Macedon Ranges Planning Scheme is identified in Section 4.

The following documents must be read in conjunction with this report and are provided as part of the application:

- Proposed Amended Building Envelope Plan – APPENDIX 1
- Site and Context Plan – APPENDIX 2
- Copy of Titles – APPENDIX 3
- Current Planning Permit and Endorsed Plans – APPENDIX 4
- One Dwelling and small second dwelling guidelines – APPENDIX 5

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



3. SITE AND SURROUNDS

The subject sites (Rhondda Park) comprise 22 allotments approved under the planning permit PLN/2020/225 and are located on the newly constructed Trenchard Street. Each of the subject parcels measure between 1,200m² and 1,350m² in area with lot frontages of predominantly 22m and a lot depth of 58m on an east/west axis. The land is predominantly flat with a slight fall from west to east across the site. Trenchard Street is a dead-end street truncated with a court bowl at the southern end that was designed and approved to limit access and retain significant vegetation at the southern end of the subdivision. The only vehicular access is via Sullivans Road to the north.

A Site and Context Plan has been prepared in Appendix 2 and should be viewed in conjunction with this section of the report.

Advertised



Figure 1: An aerial image of the site and surrounds, with the subject sites outlined in red. Nearmap, August 2025

www.tomkinson.com

Page | 4



All of the subject parcels are located under the Neighbourhood Residential Zone Schedule 6, as are the properties that front Morris Road to the west. This places three rows of residential allotments under the NRZ6, with other NRZ schedules applied to existing residential areas further north, south and west. The NRZ6 previously contained several variations to the Clause 54 and 55 site layout requirements. The gazettal VC282 removed the ability of the NRZ schedules to vary Clause 54 residential code requirements. The standard Clause 54 provisions now apply to the NRZ6. Schedule 6 to the NRZ still retains the following objectives:

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

The adjoining properties that front Morris Street to the west are similarly located under the NRZ6. The streetscape here contains several variations to the previous NRZ6 setback requirements as detailed in Appendix 2 – Site and Context Plan. These existing variations demonstrate the existing neighbourhood character and built form of the neighbourhood, which in turn allows for similar appropriate variations in the future built form on Trenchard Street.

Dot point 7 in *Rhondda Park Ltd v Macedon Ranges SC* [2022] VCAT 203 (28 February 2022) states *The NRZ and its various schedules have been applied across the broader Woodend Township, to reflect the specific characteristics of this District Town. Different schedules to the NRZ provide different minimum lot sizes.* With that being said, the properties under the NRZ6 that are developed with dwellings and other associated buildings in the vicinity of the subject site do not uniformly reflect the specific Residential Code design requirements previously laid out in Schedule 6 to the NRZ, and there are variations on the ground. Appendix 2 illustrates these discrepancies and variations to Schedule 6. These variations are highlighted to demonstrate that these can occur within the isolated area of the NRZ6 while still maintaining the desired built form and layout in accordance with the objective of the schedule listed in the dot points above.

Advertised

The land to the north and further west is located under the Neighbourhood Residential Zone Schedule 3 (NRZ3) where more extreme variations to the side setback requirements under the Schedule are present in the streetscape. The land to the north and north east is used and developed for a high density residential village by Gemlife. This development includes standalone dwellings with near zero side and rear setbacks, counter to the previous requirements set out in the NRZ3. The precedence of this development allows for variation to the schedule to the Neighbourhood Residential Zone. The properties along Morris Rd to the north west contain similar variations to the Schedule 3 NRZ setbacks, to a lesser extent. See Figures 2, 3 and 4 below

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Figure 2: Image the Gemlife residential village development immediately to the north of the subject sites showing setback variations to the NRZ3. January 2025.

Advertised

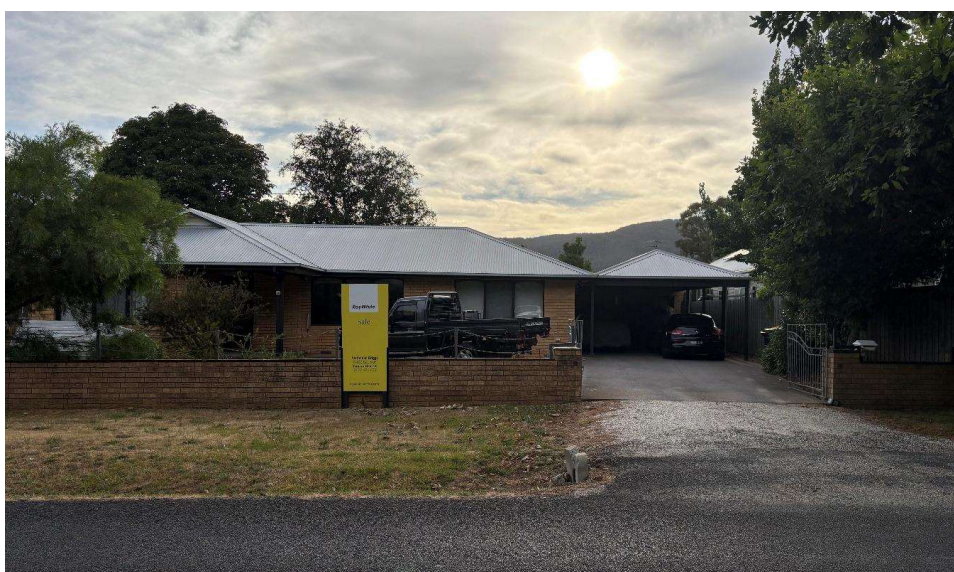


Figure 3: Image of 26 Morris Rd, west of the subject sites showing zero side setbacks and reduced front setback under the NRZ3. January 2025.



Figure 4: Image of 28 Morris Rd, west of the subject sites showing variation to side setbacks and reduced front setback under the NRZ3. January 2025.

Advertised

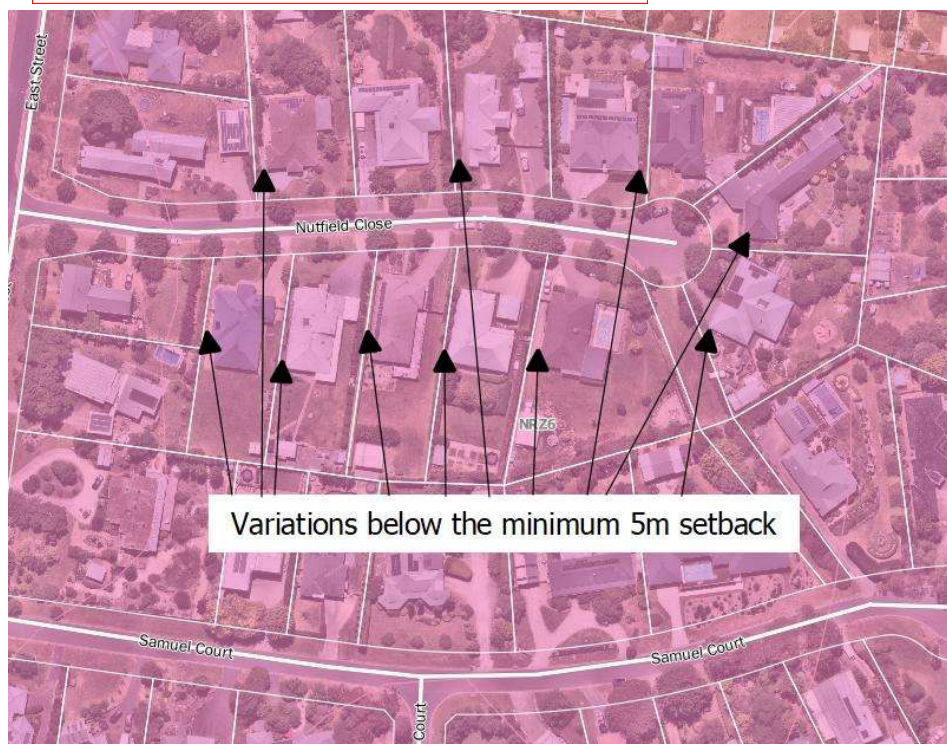
The land to the east is located under the Rural Living Zone Schedule 1, which has a minimum lot size of 40ha. This land is unable to be further subdivided due to the existing lot sizes. The land to the south comprises a 70m wide Rail Line Reserve under the Transport Zone 1 with an area of Neighbourhood Residential Zone Schedule 5 land located further southwest.

The subject sites are in a relatively isolated pocket located at the edge of the Woodend township adjacent to a different NRZ schedule and high-density retirement village to the west and north respectively, with the Rural Living Zone located to the east. Trenchard Street is a no-through-road which limits the visibility of the streetscape to primarily only those residents within the subdivision itself. A single footpath is located along Trenchard Street which also limits the perspectives of pedestrians within the streetscape to perceived details of neighbourhood character. A passing pedestrian would be in excess of 30m from the nearest building on the east side of Trenchard Street.

Another example of the existing and preferred neighbourhood character of the NRZ6 is Nutfield Close, located approximately 900m to the north of the Trenchard Street. The dwellings located within this subdivision contain numerous variations to the side setback requirements under the previous NRZ6 requirements as that of the subject site. Almost all of the existing dwellings in the streetscape contain variations to the previous NRZ6 standards as shown in Figures 5, 6 and 7 below.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Advertised

Figure 5: aerial map of Nutfield Close located in the NRZ6 showing building setback variations to the previous standards in the schedule.



Figure 6: image of a dwelling in Nutfield Close showing varied side setbacks. January 2025.

www.tomkinson.com

Page | 8

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.



Advertised

Figure 7: Image of another dwelling in Nutfield Close showing side setback variations. January 2025

4. THE PROPOSAL

This amendment application seeks approval to vary the side setbacks shown on the endorsed plans for the approved planning permit PLN/2020/225. Additional changes are sought to the wording on the endorsed plans to reflect the building setback changes. Allotments 11, 12 and 13 are proposed to remain unchanged on the proposed plans as these parcels are under different ownership and are in the process of construction for dwellings or have completed dwellings on the land. Lot 13 is subject to a separate planning permit application to vary the endorsed plan and restriction.

The proposed changes to the endorsed plan and restriction have been designed to fall somewhere in between the existing design controls shown on the endorsed plans and restriction, and the permissible controls of Clause 54 that now form part of the Schedule 6 to the NRZ. The proposed changes are designed to align with the Neighbourhood Character Objective at dot point 1 of Schedule 6 to the NRZ.

The amendments to the plan are outlined below with detailed explanations for the reasons for these proposed variations, and how they still accord with the objectives found within Schedule 6 to the Neighbourhood Residential Zone. Appendix 1 provides the proposed plan to be endorsed that contains the amendments listed below, this plan should be viewed in conjunction with this section of the report.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



The amendments include:

Advertised

Amendment	Reasoning and justification
Single building envelopes for each allotment within the subdivision showing 1m side setbacks to lot boundaries and a 6m street setback. Lot 9 will include a 4m street setback with Lot 10 having a 3m eastern side setback to accommodate the easement. Lot 21 will have a 2m northern side setback. Lot 19 & 20 will have a 2m southern side setback.	The main change to the endorsed plans is the variation to the side setbacks. The current endorsed plans provide effective dwelling widths of approximately 12m. The range of dwelling designs is severely limited by this narrow building envelope, which will restrict housing diversity and architectural style / form. The effect of the existing layout is that the setback between buildings from within the streetscape, is 5m on one side only, as every dwelling will have a garage that is built to a lot boundary on the opposite side. The effect of the proposed change in building envelope side setbacks to 1m and incorporating the garage envelope into the building envelope for all lots except 11-13, is that the setback between buildings will be reduced to 2m. however, it is likely that each dwelling will not utilise the entirety of the building envelope width, allowing for larger setbacks between buildings. The new envelopes will also allow for the space behind the garage setback to be used for the dwelling footprint for greater diversity of internal layout and amenity, while not being visible from the streetscape. The proposed 1m side setbacks will prevent walls on boundaries from occurring to retain some sense of building spacings that would otherwise be lost with the current Clause 54 rescode provisions that apply to the NRZ6. The same is also true of the general 6m street setback for the proposed building envelopes which is greater than the minimum provision under A2-1 of Clause 54 The proposed side setback variation will encourage single story development on each allotment to help retain views of Mount Macedon, which is one of the key neighbourhood character objectives of Schedule 6 to the NRZ The proposed changes accord with the objectives of the NRZ6
Removal of the blue side garage envelope to the lot boundaries and associated legend entry.	Any future garages/carports will be incorporated into a single building envelope on the plans. The existing separate blue garage/building envelopes will be removed except for an optional arrangement for lots 11-13. The effect of this is the range of dwelling layout diversity will greatly increase. By allowing additional rooms to be built behind the garage setbacks, the choice for future landowners in available designs will be greater, which supports the first dot point in Schedule 6 to the NRZ 'To encourage dwellings of varying

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Advertised

	<i>architectural styles and form enhanced through landscaped gardens.'</i>
Incorporate the garages into the single building envelope	The proposed frontage of the garage/carport location has been changes to be flush with the building facade to comply with the Design Standards for Car Parking under Clause 52.06-9 where a minimum 5.5m internal width is required for double garages. The previous designs only allowed for a 5m width for a garage. Given that future dwellings will require at least two car parking spaces based on the number of probable bedrooms, it is considered appropriate to include this parameter in the updated building envelope designs. The permissible garage locations are tied to the existing crossovers which are predominantly all on the southern elevations of each building envelopes. When viewed by passing motorists or pedestrians along Sullivans Road (collector road), only the front dwelling facades will be visible in any case. These changes are considered appropriate under the objectives of the NRZ6.
Amend wording of restriction for front and rear setback requirement – dot point 4	These wording changes are required to reflect the change to the physical building envelopes shown on the proposed plan.
Amend wording of restriction by adding in side setback requirements based on rescode standard A4-2 for north facing windows – Dot point 5 Elevation Setbacks diagram.	An Elevation Setbacks diagram has been added to the plan to illustrate the proposed written building height setbacks of dot point 5 required as part of the plan. The side and rear setbacks have been varied from the Standard A2-3 by increasing the side setbacks with elevation and restricting overall height to 9m. A 6m building height now must be setback at least 4.4m from the side boundary where the A2-3 standard is less than 2m. This restriction has been included to reduce the overall building massing in the streetscape, encourage single story development and maintain the preferred neighbourhood character found within the NRZ6 area.
Garage side setback for wall on boundary removed.	Dot point 5.3 has been removed. A garage or carport wall will no longer be allowed to be located on a side boundary (0-0.2m). This change is to maintain side building setbacks to ensure the preferred neighbourhood character of building separation exists within the streetscape.
Variation to site coverage up to a maximum of 40% of the lot area.	The definition of Site Coverage, in the context of the Residential Code (Clause 54/55) is found within the One Dwelling and Small Second Dwelling Guidelines (version 1 – September 2025) as the area of a site covered by buildings. Outdoor paving, driveways, pathway or building eaves are not included when calculating the amount of site coverage. The words Impervious



	Driveways and Paving have been removed from wording restriction on the proposed plan to accord with this definition. The overall site coverage proposed is 40% of the lot area which is near the mid point of the A2-5 standard under the NRZ of 60%, and the existing restriction of 25%, ensuring the preservation of the preferred neighbourhood character and according with the objectives of Schedule 6 to the NRZ.
Inclusion of Clause 54.05-2 notation to preserve existing solar access for neighbouring buildings	This notation has been added to ensure consideration is given in the design process to protection of existing solar access of neighbouring dwellings.
Inclusion of Clause 54.05-3 notation to encourage rooftop solar energy generation	This notation has been added to encourage the installation of rooftop solar during the dwelling design process for each allotment.

The proposed amendments are sought in order to provide a broader scope for better dwelling design outcomes. The current building envelopes have proved to be too restrictive on the open market where possible dwelling footprints are extremely limited to fit the existing envelopes. By allowing the variation, future purchasers would be able to build a larger variety of dwelling designs while still respecting the intended neighbourhood character objectives of the NRZ6 through the worded restrictions on the building envelope plan.

Advertised

A separate application to amend the Section 173 Agreement AW964559C has been submitted to run concurrently with this application. The proposed wording to the agreement are detailed below in line with those shown on the proposed building envelope plan:

The Owner covenants and agrees with the Responsible Authority that:

(a) Any dwelling or other building constructed on a lot must comply with the maximum building height requirement specified by the Neighbourhood Residential Zone – Schedule 6 of the Macedon Ranges Planning Scheme (or the setback requirements of any successive zone or overlay applying to the land).

(b) No buildings or works are to be located outside the Building Envelopes as shown on the endorsed plans forming part of Planning Permit PLN/2020/225/C.

(c) No trees shown to be retained are permitted to be removed, lopped or destroyed (Please note: Planning permit requirements may also apply for removal of vegetation including native and exotic trees).

(d) Tree protection fencing and other measures in accordance with Conditions 56 and 57 of Planning Permit PLN/2020/225/C must be implemented prior to the commencement of works for any building within on any lot containing retained trees or third party vegetation and must be maintained for the duration of building works.

(e) The site coverage of all buildings constructed on any lot must not exceed 40% of the area of the lot. An area of minimum 20% of the lot area must be maintained with permeable surfacing.

www.tomkinson.com

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

Page | 12



(f) The rear (eastern) boundary for each of Lots 14 to 22 abutting rural zoned land to the east must only be fenced with rural post and wire or similar visually permeable fencing construction to the satisfaction of the Responsible Authority. If a paling fence is proposed for the rear boundary fencing to Lots 9 to 13, it must be in a stained or painted in a dark muted colour.

(g) Variation to the restrictions applied by this Agreement may only be granted by the prior written consent of the Responsible Authority. Any application to vary these restrictions will only be supported on the grounds that the variation achieves an appropriate outcome in respect to the preferred neighbourhood character for the locality including spaciousness of development, generous setbacks of buildings from property boundaries, and the retention of existing mature trees and establishment of new landscaped gardens.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may breach any copyright.



4.1 Zone/Overlays

4.1.1 Clause 32.09 Neighbourhood Residential Zone – Schedule 6

The site is included within the Neighbourhood Residential Zone Schedule 6 (NRZ6) under the Macedon Ranges Planning Scheme.

Purpose

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

Neighbourhood character objectives

A schedule to this zone must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area.

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

3.0

08/09/2025
VC282

Advertised

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A2-1	None specified
	B2-1	None specified
Site coverage	A2-5	None specified
	B2-5	None specified
Private open space	A3-2	None specified
	B3-5	None specified
Front fence height	A2-7 and B2-8	None specified

[View table in full screen](#)

Figure 8: extract from Schedule 6 to the NRZ showing the default Rescode standard for a single dwelling on a lot (Clause 54) resulting from the VC282 planning scheme amendment.



Table 1 - Clause 54 Standards and proposed variations

Existing restriction on endorsed plan	Current Clause 54 standard under Schedule 6 to the NRZ	Proposed restriction
Minimum Street Setback of 10m .	A2-1 – 4m if there is no existing building on either of the abutting allotments facing the same street, and the street is not on a corner (this provision would apply to the majority of the existing vacant allotments within Trenchard Street in its present state). 6m for all other scenarios under Standard A2-1.	6m minimum street setbacks for all proposed building envelopes with the exception of Lot 9 at 4m due to the restricted width of the envelope from the Tree Protection Zones on Sullivans Road.
Maximum site coverage of 25% of the lot area.	A2-5 – 60% maximum site coverage of the lot area.	Maximum site coverage of 40% of the lot area.
Minimum garage/carport side boundary setback 0-0.2m .	A2-3 & A2-4 allows 0-0.2m side setbacks for a length of 10m plus 25% of the remaining boundary length of an adjoining lot.	Minimum garage/carport side boundary setback 0-0.2m has been removed. Garages are to be built within the illustrated building envelopes.
Minimum side setback of 5m	A2-3 & A2-4 allows 0-0.2m side setbacks for a length of 10m plus 25% of the remaining boundary length of an adjoining lot.	Minimum side setback of 1m .
Permeability to be at least 30% of the lot area	A5-1 – the site area covered by the pervious surfaces is at least 20% of the site.	Permeability to be at least 20% of the lot area
Side and rear setback – 5m rear and side setback for up to 3.6m. For heights over 3.6m, and additional setback of 0.3m per additional metre of height, plus 1m setback for every metre over 6.9m in building height.	A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 1 metre , 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.	1m side setback from side boundary for up to 3.6m building height, for building height >3.6m an additional setback of 2m plus 0.6m for every additional metre of building height above 3.6m up to 6.9m, plus 1m for every metre of height above 6.9m.

Advertised

MACEDON RANGES SHIRE COUNCIL
 COPYRIGHT AND DISCLAIMER INFORMATION
 This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.
 The document must not be used for any purpose which may breach any copyright.

**MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION**
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Decision Guidelines

Decision Guideline	Response
General - The Municipal Planning Strategy and the Planning Policy Framework. - The purpose of this zone. - The objectives set out in the schedule to this zone. - Any other decision guidelines specified in a schedule to this zone. - The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	The proposed amendment seeks to vary the building envelopes on the set of endorsed plans. The changes are considered an appropriate middle ground variation from the previous controls, and the new permissible rescod standards found within the NRZ6. The proposed changes still accord with the objectives and strategies of the MPS and PPF in the Macedon Ranges Planning Scheme. Table 1 above illustrates this middle ground design approach to preserve and create preferred neighbourhood character. The new building envelopes will continue to support the purpose of the Neighbourhood Residential Zone by providing one or two story dwellings, maintain the identified neighbourhood character, heritage, environmental or landscape characteristics. The only applicable component of the NRZ purpose to be considered under the amendment is the retention of the identified neighbourhood character. Sections 2 and 3 above outlined the identified neighbourhood character, the existing built form in the area along with the plan in Appendix 2. The variation to the Schedule 6 setbacks from existing properties in the surrounding area show that the existing and preferred neighbourhood character is a malleable entity. The proposed variation to the building envelopes will still provide an appropriate separation between buildings, restrict overall building massing through elevation setbacks and restrict site coverage which was the original intent of the endorsed plans. A similar effect is seen throughout the local NRZ6 neighbourhood, despite variations to the previous side and rear setback requirements in Schedule 6 to the NRZ. The proposal supports the purpose of the NRZ.
Subdivision The pattern of subdivision and its effect on the spacing of buildings.	An overview of the existing pattern of subdivision in the locality can be seen on the Site and Context Plan in Appendix 2. The lot sizes of the subject sites will remain unchanged to respect the existing and preferred neighbourhood character of the area, providing lot sizes in excess of 1,200m².
Dwellings, small second dwellings and residential buildings For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.	The proposed building envelopes accord with the requirements of Clause 54 in terms of setbacks to the lot boundaries. Street setbacks, building heights and site coverage.

Advertised



4.1.2 Clause 42.01 – Environmental Significance Overlay – Schedule 4 (ES04)

The site is included in the Environmental Significance Overlay Schedule 4 under the Macedon Ranges Planning Scheme.

Purpose

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

Statement of Environmental Significance

The cumulative impacts of development in a declared special water supply catchment has the potential to gradually diminish the quality and quantity of water in the catchment. Diminished water quality also increases the risk to human health and the health of all communities that rely on water from the catchment.

The protection, restoration and enhancement of all waterways within the catchment is an essential component in ensuring the continued availability of water quantity and quality, while also protecting and restoring the health of the natural resources and environmental systems within the catchment.

Development of land in the catchment must:

- *Support the long-term protection of the natural resources and environmental systems.*
- *Encourage the implementation of measures to minimise detrimental impacts on the quality and quantity of water within the catchment while avoiding an increase in bushfire risk.*

Advertised

The proposed amendment will not affect the ES04.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.



5. CONCLUSION

The proposed amendment to the building envelopes shown on the endorsed plans for PLN/2020/225 for Lots 1-10, 14-22 Trenchard Street, Woodend is consistent with the Neighbourhood Character Objective of Schedule 6 to Clause 32.09 Neighbourhood Residential Zone of the Macedon Ranges Planning Scheme.

The proposed variation of the building envelopes will ensure appropriate setbacks between the buildings within the streetscape, control building massing, street setbacks and site coverage.

The reason for the amendment is to allow for a greater range and diversity of dwelling layout designs for each allotment, while also maintaining the existing and preferred neighbourhood character illustrated in Appendix 2 Site and Context Plan of the surrounding area. This will *'...encourage dwellings of varying architectural styles and form enhanced through landscaped gardens...'* consistent with the objectives in Schedule 6 of the NRZ.

The proposed amendment is consistent with the design intent of the existing VCAT issued planning permit, the effect of the new building envelopes will be the same when viewed from within the streetscape and is consistent with the neighbourhood character objectives in Schedule 6 to the NRZ.

The proposal is commended to Council and, on behalf of our client, we look forward to a positive outcome from the application.

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

**APPENDIX 1 – PROPOSED PLAN**

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

**APPENDIX 2 – SITE AND CONTEXT PLAN**

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

**APPENDIX 3 – TITLES**

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

**APPENDIX 4 – CURRENT PLANNING PERMIT AND ENDORSED PLANS**

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

**APPENDIX 5 – One dwelling and small second dwelling guidelines**

MACEDON RANGES SHIRE COUNCIL
COPYRIGHT AND DISCLAIMER INFORMATION
This copied document is made available for the sole purpose of
enabling its consideration and review as part of a planning
process under the Planning and Environment Act 1987.
The document must not be used for any purpose which may
breach any copyright.

Advertised

12 CORPORATE REPORTS

COR.1	QUARTERLY FINANCIAL REPORT - JANUARY TO MARCH 2026
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	Our Performance
Attachments:	Nil

Summary

The purpose of this report is to provide Council and the community with a report on the financial position of the Macedon Ranges Shire Council to 31 March 2026 for the 2025/2026 financial year (Quarter 3), in accordance with the requirements of the *Local Government Act 2020*.

Recommendation

That Council receives the Quarterly Financial report as at 31 March 2026, in accordance with the requirements of the Local Government Act 2020.

Background

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

Discussion

The Finance and Capital Management Report to 31 March 2026 provides an update on financial performance against the 2025/2026 budget.

The Income Statement reports an operating surplus of \$25.52M for the nine months to 31 March 2026 compared to the budget of \$21.96M. 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 March 2026 is provided below with analysis of year-to-date material variances.

INCOME STATEMENT

For the 9 month period ended 31st March 2026

	2025/26 Mar YTD Budget \$'000	2025/26 Mar YTD Actuals \$'000	2025/26 Mar YTD Variance \$'000
Income			
Rates and charges	67,447	66,940	(507)
Statutory fees and fines	2,446	2,614	168
User fees	7,121	5,954	(1,167)
Grants - operating	11,793	12,151	358
Grants - capital	12,570	13,436	866
Contributions - monetary	1,396	2,048	652
Other income	2,417	3,207	790
Total income	105,190	106,350	1,160
Expenses			
Employee costs	37,598	36,617	981
Materials and services	28,984	28,362	622
Depreciation and amortisation	13,862	12,602	1,260
Borrowing costs	696	633	63
Other expenses	2,542	2,585	(43)
Total expenses	83,682	80,799	2,883
Surplus/(deficit) excluding other adjustments	21,508	25,551	4,043
Other adjustments			
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	450	(30)	(480)
Total surplus/(deficit)	21,958	25,521	3,563

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 \$25.5M is \$3.5M favourable to budget. The financial summary provides an explanation of key variances to budget.

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

User Fees: The \$1.17M unfavourable income in user fees is mostly due to the decrease in fees received at Council's three Resource Recovery Centres. User fees for the Aquatic and Fitness department and Hanging Rock are also unfavourable to budget.

Grant Income: The \$866,000 favourable variance in capital grant income is due to the timing of grant receipts, with funds received earlier than anticipated in the budget.

Other Income: Actual income is \$790K favourable, due to higher levels of investment interest \$340K received and high levels of income from senior housing occupancy, a new lease for a communication tower commencing and pool income.

Operational Expenditure

Employee Costs: Actual expenditure is \$981K lower than budget. Employee costs are lower than the year-to-date budget primarily due to a combination of position vacancies, delays in recruiting new starters, and the timing of backfill arrangements. These factors have temporarily reduced salary expenditure, with some roles remaining unfilled for part of the reporting period and others commencing later than originally budgeted.

Depreciation: Depreciation costs for the nine months to 31 March 2026 total \$12.6M, which is \$1.26M below budget. This favourable variance is largely due to the timing of capital project completion and the subsequent capitalisation of assets across multiple service units. As a result, depreciation on these assets has not yet commenced. It is expected that this variance will reduce in the final quarter of the financial year as remaining capital works are completed and capitalised.

Capital Works

YTD Capital Works Statement reports \$21.2M of works delivered to 31 March 2026 where the total budget including carry forwards and mid-year budget adjustments for the 12-month period is \$57.7M.

Infrastructure expenditure totals \$17.9M compared with a revised budget of \$49.2M, and year to date budget of \$28.67M with the underspend largely attributable to delays in construction activity. Several projects are contributing significantly to this variance, including:

- Roads – Old Lancefield Road, Malmsbury East Road and Swinburne Avenue
- Recreational, Leisure and Community Facilities – Macedon Ranges Sports Precinct Stage 2 and Kyneton Showgrounds Netball Courts
- Footpaths – Shared Trail Project.

Building expenditure totals \$2.1M compared with a revised budget of \$5.79M, and year to date budget of \$3.8M with the underspend largely attributable to delays in construction activity. Several projects are contributing significantly to this variance, including:

- Gisborne Mechanics Institute, Gisborne Library, Hutton Street toilets and Macedon Kindergarten Works.

CAPITAL WORKS STATEMENT

As at 31st March 2026

	2025/26 Adopted Budget \$'000	2025/26 Revised Budget \$'000	2025/26 YTD Budget \$'000	2025/26 YTD Actuals \$'000	2025/26 YTD Variance \$'000
Property					
Land and land improvements	-	-	-	-	-
Buildings and building improvements	3,903	5,794	3,807	2,127	1,680
Total property	3,903	5,794	3,807	2,127	1,680
Plant and equipment					
Plant, machinery and equipment	1,535	2,270	1,702	1,031	671
Computers and telecommunications	485	485	366	159	207
Total plant and equipment	2,020	2,755	2,068	1,190	878
Infrastructure					
Roads	8,741	16,212	10,136	7,821	2,315
Bridges	500	1,373	429	225	204
Footpaths and Cycleways	1,633	10,786	7,176	1,975	5,201
Drainage	611	1,272	720	317	403
Recreational, leisure and community facilities	10,533	18,951	9,749	7,270	2,480
Parks, open space and streetscapes	80	143	113	90	23
Other infrastructure	463	463	347	256	92
Total infrastructure	22,561	49,199	28,670	17,953	10,717
Total capital works expenditure	28,484	57,749	34,545	21,270	13,275

Revised Budget includes the Adopted Budget plus carryforwards and Mid-Year Budget adjustments.

Investments

Investments held at 31 March total \$37.76M. Investments are earning adequate interest, with 33% 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. This indicator has dropped recently with several institutions not publishing this information.

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 June 2026. The timing of project delivery and current cash holdings has permitted the extension to the draw down date of the budgeted loan.

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

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

Relevant law

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

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**Relevant Council plans and policies**

Macedon Ranges Shire Council Financial Plan 2025-2035

Macedon Ranges Council Budget 2025/26

Macedon Ranges Investment Policy

Climate Impact Assessment

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

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

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

Financial viability

The Quarterly Financial Report provides information on Council's operating and financial performance for the quarter ending 31 March 2026. 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.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- AI tools were used for editing or quality improvement only, for example grammar, readability or formatting.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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	HYBRID COUNCIL MEETINGS 2026
Officer:	Lucy Olson, Senior Governance Officer
Council Plan relationship:	Our Performance
Attachments:	Nil

Summary

This report proposes to update the format of Council Meetings until 31 December 2026.

Recommendation

That Council resolves that the following Council Meetings be updated to a hybrid format with the in-person component held at the Gisborne Administration Centre:

- **17 June 2026 at 7pm**
- **22 July 2026 at 7pm**
- **26 August 2026 at 7pm**
- **23 September 2026 at 7pm**
- **28 October 2026 at 7pm**
- **25 November 2026 at 7pm**
- **16 December 2026 at 7pm**

Background

In accordance with Council's Governance Rules (Sub-rule 13(a)) The dates, times and places of scheduled meetings will be fixed by a Council resolution from time to time. In addition, Sub-rule 16(a) states that Council may determine by resolution, the proposed and preferred format style of meetings (in-person, electronic, or hybrid). The Council Meeting dates are resolved annually by Council, usually at the December Council Meeting.

At the December 2025 Council Meeting it was resolved that the location and format for the Council Meetings listed at that meeting would be in person at the Gisborne Administration Centre.

Discussion

Council has recently upgraded the technology in the Council Chamber at the Gisborne Administration Centre to allow for hybrid functionality of meetings. Councillors are required under Council's Governance Rules to be able to see and hear all other Councillors. This is now possible and Councillors attending electronically can also now be seen on the livestream and digital recording of the meeting.

With this new technology in place, officers are recommending that Council resolves that the remaining Council Meetings scheduled for 2026 (excluding the meeting to elect the Mayor) be scheduled as hybrid meetings with the in-person component continuing to be held at the Gisborne Administrative Centre. Under Council's Governance Rules, Councillors who wish to attend a meeting via electronic means must submit a written request to the Mayor and/or the Chief Executive Officer by 5pm on the day of the meeting.

Consultation and engagement

Not applicable.

Collaboration

Not applicable.

Innovation and continuous improvement

The technology upgrade in the Council Chamber at the Gisborne Administration Centre is part of Council's commitment to continuous improvement. It allows a more varied attendance style for Council Meetings which has not previously been available to Councillors.

Relevant law

Local Government Act 2020

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

Nil

Relevant Council plans and policies

Governance Rules

Climate Impact Assessment

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

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

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

Financial viability

N/A

Sustainability implications

N/A

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- No AI tools were used in the preparation of this report.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not

replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

Officer declaration of conflicts of interest

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

COR.3	ADDITIONAL COUNCIL MEETING DATE OCTOBER 2026
Officer:	Lucy Olson, Senior Governance Officer
Council Plan relationship:	Our Performance
Attachments:	Nil

Summary

It is proposed that Council schedule an additional Council Meeting to be held online on 7 October 2026 at 5:00pm.

Recommendation

That Council schedules a Council Meeting to be held online on 7 October 2026 at 5pm.

Background

Under section 98 of the *Local Government Act 2020*, Council's Annual report must include audited performance and financial statements. The audited statements will not be available in time to be presented at the 23 September 2026 Council Meeting as previously planned, so it is recommended that an additional meeting of Council be scheduled on 7 October 2026 to consider the audited statements prior to their inclusion in the Annual Report.

Discussion

In accordance with Council's Governance Rules (sub-rule 13(a)) 'The dates, times and places of scheduled meetings will be fixed by a Council resolution from time to time' and (sub-rule 13(b)) "Subject to the requirements of sub-rule (a), the date, time or place of a scheduled Council meeting may be altered by resolution of Council."

Financial and Performance statements, including sign-off by the Auditor General of these statements, must be endorsed by Council prior to their inclusion in the Annual Report.

To meet the requirements under section 100 of the *Local Government Act 2020*, the Annual Report must be presented at a meeting held within 4 months of the end of the financial year. The Annual Report is scheduled to be considered at the Council Meeting 28 October 2026.

A separate Council meeting is proposed to be scheduled to consider the financial statements and performance statement due to the timing of the external audit process. VAGO's audit of these statements is expected to make them available after the ordinary meeting cycle, and Council must have the benefit of the auditor's opinion before considering the statements.

This ensures Council can meet its statutory annual reporting requirements and provide the community with audited, reliable information about Council's financial position and performance for the year.

The endorsed audited statements to be included in the Annual Report presented at the meeting on 28 October 2026, and so it is recommended that an additional meeting of Council be scheduled on 7 October 2026, to consider the audited statements as required to meet this timeline.

Consultation and engagement

No consultation or engagement was required due to the nature of this matter.

Collaboration

No collaboration was required due to the nature of this matter.

Innovation and continuous improvement

This matter is not the subject of any measures for innovation and continuous improvement.

Relevant law

Council governance mechanisms are prescribed under the *Local Government Act 2020*.

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

Governance Rules.

Climate Impact Assessment

Not applicable.

Financial viability

There are no impacts on financial viability.

Sustainability implications

No sustainability impacts have been identified.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- No AI tools were used in the preparation of this report.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

Officer declaration of conflicts of interest

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

13 COMMUNITY REPORTS

COM.1	DRAFT AFFORDABLE HOUSING POLICY
Officer:	Liz Johnston, Coordinator Community and Social Planning
Council Plan	Our Places
relationship:	Our Economy
Attachments:	1. Draft Affordable Housing Policy ↓ 2. Draft Affordable Housing Background Paper (under separate cover)

Summary

This report presents a draft updated Affordable Housing Policy (**Attachment 1**) for Council's consideration and seeks approval to release it for public consultation. The draft policy has been developed in response to increasing housing affordability pressures in the Macedon Ranges Shire and is informed by local data, research and community engagement. It provides a clearer framework to guide Council's role in influencing affordable housing outcomes. This report seeks Council's approval to progress the draft policy to public consultation to gather community and stakeholder feedback, prior to finalising the draft policy for future adoption.

Recommendation**That Council:**

- 1. Notes the Affordable Housing Background Paper as the evidence base informing the draft Affordable Housing Policy.**
- 2. Endorses the release of the draft Affordable Housing Policy for public consultation.**

Background

Council adopted an interim Affordable Housing Policy in June 2023 to guide its approach to affordable housing while awaiting further direction from the State Government. Since that time, housing affordability pressures in the Macedon Ranges have continued to increase, with rising house prices and rental costs, limited housing diversity, and growing demand from a range of households.

Council officers commenced a review of the Affordable Housing Policy in 2025 to ensure it reflects current evidence, community need and policy settings. This review has been informed by a detailed background paper (**Attachment 2**), which brings together local data, research and analysis on housing need, along with internal and external engagement undertaken in 2025.

A draft updated Affordable Housing Policy has now been developed, incorporating the findings of the evidence base, engagement outcomes and internal feedback. The draft policy provides a clearer, evidence-based framework to guide Council's role in advocating for, enabling and supporting affordable housing outcomes, while recognising the limits of Council's direct control.

This report seeks Council's approval to release the draft policy for public consultation, prior to consideration of a final policy for adoption at a future Council meeting.

Discussion

Housing affordability remains a significant and increasing issue in the Macedon Ranges Shire. Local evidence shows that very low- and low-income households are facing growing barriers to accessing safe, secure and appropriate housing. This is driven by rising housing and rental costs, limited housing diversity, and increasing demand across the municipality. These pressures have broader impacts on community wellbeing, workforce sustainability and the ability for people to remain connected to their community.

Council has an important role in responding to these challenges through advocacy, planning and partnerships. Through its legislative role, Council can influence affordable housing outcomes by working collaboratively with partners and using available levers to support well-located, appropriate and sustainable housing.

The draft Affordable Housing Policy provides an updated, evidence-based framework to guide Council's role in this area. It strengthens Council's position by clearly outlining principles to guide decision-making, embedding equity and inclusion considerations, and recognising the importance of well-located, diverse and sustainable housing outcomes. It also acknowledges the limits of existing planning mechanisms and the need for active and ongoing advocacy to State and Commonwealth governments to enable more effective tools and investment.

Endorsing the draft policy for public consultation will enable Council to seek feedback from the community, stakeholders and industry on its proposed approach. This will help to test whether the draft policy reflects community expectations, improve clarity where needed, and inform any refinements prior to adoption.

The alternative option is for Council to not proceed with public consultation at this time. If Council is not satisfied with the draft policy, further work would be undertaken to refine it in line with Council's feedback prior to consultation. However, this would delay the update of the draft Affordable Housing Policy and limit Council's ability to respond to current housing challenges with a clear and contemporary policy position. It would also delay engagement with the community and key stakeholders on an issue of increasing importance.

Consultation and engagement

Internal and external engagement informed the development of the draft Affordable Housing Policy. Internal consultation identified that the existing policy provides a useful framework, with opportunities to strengthen clarity, awareness and how Council's role and levers are articulated.

External engagement was undertaken between 8 October and 5 November 2025 through a public survey and written submissions. The project page received 201 visits, with 147 unique visitors. Thirty-six community members completed the survey, three organisations provided written submissions, and seven people registered to follow the project.

Feedback highlighted strong concern about rising housing and rental costs, limited housing supply and a lack of diverse and accessible housing options. Participants described impacts including financial pressure, reduced housing security and challenges staying connected to work, services and community.

There was general support for a mix of housing types, well-designed development and housing located close to services and town centres. Participants also supported Council

playing a role through advocacy, partnerships, planning and the use of Council-owned land where appropriate.

Some concerns were raised about new housing, particularly in relation to neighbourhood character, density and perceptions of social housing. While not widely held, these views highlight the need for clear communication, good design and early engagement for housing projects.

Collaboration

Formal collaboration with other councils, government agencies or statutory bodies was not undertaken as part of this review. The development of the draft Affordable Housing Policy has been informed by relevant State and Commonwealth legislation, policy settings and strategic frameworks, as well as benchmarking of policies adopted by other local councils.

Innovation and continuous improvement

The draft Affordable Housing Policy reflects a commitment to continuous improvement through the use of current evidence, research and sector input. A detailed background paper was prepared to inform the draft policy, drawing on local data, research and best practice approaches. Advice and input were also sought from organisations represented on the Macedon Ranges Housing and Homelessness Alliance, ensuring the draft policy is informed by sector expertise and contemporary housing practice. The proposed public consultation process will provide a further opportunity to refine the draft policy based on community and stakeholder feedback prior to finalisation.

Relevant law

This report is informed by several key pieces of legislation. The *Local Government Act 2020* establishes Council's role in promoting the social, economic and environmental wellbeing of the community, including through planning, advocacy and partnerships. The *Planning and Environment Act 1987* provides the primary framework for land use planning and includes the statutory definition of affordable housing, enabling Council to influence housing outcomes through planning schemes and strategic planning processes.

The *Housing Act 1983* sets the framework for the provision and management of social housing in Victoria, including the regulation of registered housing agencies, which are key delivery partners. The *Residential Tenancies Act 1997* provides the broader context for housing affordability, security and quality in the private rental market.

Council must also consider its obligations under the *Charter of Human Rights and Responsibilities Act 2006*, with relevant rights including equality, protection of families and children, cultural rights, and the right to privacy and home. No specific legal advice has been sought in relation to this report.

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment has been conducted in relation to the subject matter of this report. The assessment identified that housing affordability and access are experienced differently across the community, with women, particularly older women, single mothers and those experiencing family violence, disproportionately affected. The assessment also highlighted the compounding impacts for people facing multiple forms of disadvantage, including people with disability, Aboriginal and Torres Strait Islander communities and culturally diverse groups. The findings have informed the draft policy.

Relevant regional, state and national plans and policies

The draft Affordable Housing Policy aligns with relevant State policy and strategic directions, including Plan Victoria and the Victorian Government's Housing Statement, which set a clear expectation for increased housing supply, diversity and affordability across the state. These frameworks emphasise the role of local government in enabling well-located housing, supporting housing growth in appropriate areas, and working in partnership with government and the housing sector to deliver more inclusive and sustainable communities.

Relevant Council plans and policies

The draft Affordable Housing Policy aligns with the objectives of *Shaping the Ranges 2025–2035*, particularly under the themes of Our Places and Our Economy. It supports Council's commitment to inclusive, liveable communities by recognising the importance of diverse, well-located and affordable housing that enables people to remain connected to their community across all life stages. The draft policy also contributes to a strong and sustainable local economy by supporting access to housing for local workers and key service providers.

Climate Impact Assessment

How will the recommendation impact on Council's energy usage and greenhouse emissions profile? The draft Affordable Housing Policy is primarily strategic and will not directly increase Council's energy use or greenhouse emissions. Where Council has responsibility for housing assets or land, the draft policy supports energy-efficient, all-electric design and alignment with Council's Sustainable Buildings Policy, contributing to the objective of Zero Net Emissions for Council operations by 2030.

How will the recommendations mitigate risks posed by climate change to Council operations and services? The draft policy promotes climate-ready housing that is well designed, energy efficient and resilient to extreme heat, storm events and changing rainfall patterns, reducing long-term asset risk and maintenance costs. By encouraging sustainable design standards and appropriate siting, the draft policy supports Council's broader climate risk management approach and reduces exposure to future climate-related disruptions.

How will the recommendation help to prepare the community for future climate scenarios? By supporting well-located, energy-efficient and adaptable affordable housing, the draft policy strengthens community resilience to heatwaves, extreme weather and rising living costs. Lower ongoing energy costs and improved thermal performance particularly benefit low-income households, who are often more vulnerable to climate impacts, helping to build a more climate-ready and socially resilient community.

Financial viability

The draft Affordable Housing Policy primarily provides a strategic framework to guide Council's role and does not in itself commit Council to specific projects or expenditure. Implementation of the adopted policy will be undertaken within existing resources, including officer time for advocacy, strategic planning and partnership activities. Any future actions requiring additional funding, including potential projects, use of Council-owned land or partnership contributions, would be subject to separate Council consideration and budget processes. There are no direct IT or asset management implications arising from the adoption of this draft policy.

Sustainability implications

The draft Affordable Housing Policy supports positive social and environmental outcomes by promoting well-located, diverse and energy-efficient housing that meets the needs of a range of households. By encouraging sustainable design, climate resilience and reduced

ongoing living costs, the draft policy contributes to improved community wellbeing and reduced environmental impact over time.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- AI tools were used for drafting assistance, for example generating initial text, summaries or alternative wording. All content was reviewed, edited and approved by Council officers.

Artificial intelligence tools were used to assist with drafting and editing associated with the development of this policy and supporting documents. All final content was reviewed by Council officers.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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



Affordable Housing Policy

Date of Adoption			
Adoption Method	☒ Council	☐ CEO	☐ Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Coordinator Community and Social Planning		
Nominated Review Period	☐ Annually	☐ Every 4 years	☒ Other: Every 2 Years
Last Endorsement Date			
Next Endorsement Date			

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			

Contents

Purpose	3
Objectives	3
Background	3
Gender Impact Assessment	4
Policy	4
Definitions	12
References	12
Related Policies	12
Related Legislation	13

Purpose

The purpose of this policy is to set Council's position on affordable housing and provide a clear, evidence-based framework to guide Council's actions and decisions in supporting affordable housing in the Macedon Ranges Shire.

Objectives

The objectives of this policy are to:

- recognise housing as a fundamental need and support access to safe, secure and affordable housing for people who face the greatest barriers in the Macedon Ranges Shire;
- provide a clear, evidence-based policy position to guide Council decision-making, advocacy, planning and partnerships related to affordable housing;
- support an increase in the supply, diversity and suitability of affordable housing over time, particularly for very low-, low- and moderate-income households;
- promote affordable housing that is well-located, accessible, and appropriate for different household types, life stages and needs;
- embed equity and inclusion considerations in Council's approach to affordable housing;
- support policy, planning and statutory settings that enable long-term, sustainable affordable housing outcomes.

Background

- Council adopted an interim Affordable Housing Policy in 2023 to maintain a clear policy position while awaiting further state direction. Since then, housing pressures have continued to intensify, and new data and analysis have become available.
- In 2025-26, Council undertook a review of the 2023 policy, supported by a detailed background paper along with community and stakeholder engagement.
- Findings from this review process demonstrated that housing affordability remains a significant and growing issue in the Macedon Ranges Shire, with local evidence showing increasing difficulty for very low-, low- and moderate-income households to access safe,

secure and appropriate housing. This is driven by rising housing and rental costs, limited housing diversity, and population growth pressures.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment (GIA) has been conducted in relation to the subject matter of this policy. The GIA found that housing affordability and access are experienced differently across the community, with women more likely to face housing stress due to lower incomes, caring responsibilities, workforce inequality, and higher risk of housing insecurity following relationship breakdown or family violence. These impacts are compounded for Aboriginal and Torres Strait Islander people, single parents, older people, younger people, people with disability, and people from culturally diverse backgrounds.

Recommendations from the GIA were that Council:

- embed gender and intersectional considerations explicitly within the Affordable Housing Policy and any supporting documents, rather than treating them as standalone actions;
- prioritise low-cost, high-impact enablers, including accessible housing information, consistent use of data, and regular monitoring of equity impacts;
- use Council-owned land and Council-supported projects strategically, recognising their potential impact for groups experiencing compounded disadvantage.

Policy

Council's role

1.1 Council's policy direction regarding affordable housing is guided by three key roles that reflect its responsibilities, influence and position. These include:

- 1.1.1 **Advocate** – Council actively advocates for increased and sustained investment in social and affordable housing by representing local needs and priorities to State and Commonwealth governments and supporting informed community understanding of local housing needs and policy settings.
- 1.1.2 **Decision-maker** – Council uses its statutory and regulatory responsibilities to influence, leverage and negotiate affordable housing outcomes through planning, policy and decision-making processes.

- 1.1.3 **Facilitator and partner** – Council actively builds relationships, brokers partnerships and coordinates stakeholders, including registered housing agencies, developers and government agencies, to progress affordable housing opportunities.
- 1.2 In applying these roles, Council will proactively identify and support practical opportunities to improve affordable housing outcomes within its sphere of influence. This includes working with partners, using available levers, such as the planning process and Council-owned land, and supporting the development of an implementation pathway through future strategic work.
- 1.3 Council supports improved housing outcomes through these roles within its legislative remit, recognising the opportunities alongside the limits of its jurisdiction and financial capacity. Decisions are guided by evidence, local need and broader policy settings.
- 1.4 Council's role in supporting affordable housing through planning is shaped by legislative and policy settings, which provide some mechanisms to influence outcomes but remain constrained and continue to evolve.
- 1.5 Council currently owns and/or manages a small number of social housing assets and has an active role in decisions relating to their use, renewal, redevelopment or long-term management.
- 1.5.1 Council's approach to these assets has generally prioritised partnerships with registered housing providers to support long-term housing outcomes, rather than direct housing management.
- 1.5.2 Decisions relating to Council-owned or Council-managed housing are informed by long-term social, financial and community value, and may be subject to further consideration by Council over time.
- 1.6 Council does not have primary responsibility for the funding, delivery or ongoing management of social and affordable housing, which largely sit with State and Commonwealth governments and registered housing providers.

Key principles

Council's position on affordable housing is grounded in the following principles, which guide how Council understands the issue and undertakes the three key roles outlined above.

- 2.1 There is a clear and ongoing need for affordable housing in the Macedon Ranges, particularly for households experiencing housing stress or exclusion from the private market due to income and other compounding factors.
- 2.1.1 Affordable housing should prioritise very low- and low-income households, where market solutions consistently fail, with appropriate affordable options also supporting moderate-income households.
 - 2.1.2 Increasing the supply of well-located social housing is essential to meeting the needs of households who cannot be served by the private market.
 - 2.1.3 Housing need is shaped by intersecting factors such as gender, age, disability, caring responsibilities, cultural background and risk of homelessness, with some groups experiencing compounded disadvantage.
 - 2.1.4 Addressing affordable housing need requires coordinated support from State and Commonwealth governments, including the use of suitable government-owned land and major infrastructure and urban renewal projects.
- 2.2 Affordable housing is essential to community wellbeing, social inclusion and economic participation in the Macedon Ranges.
- 2.2.1 Affordable housing enables people to live safely, maintain employment, access services and support networks, and participate fully in community life.
 - 2.2.2 Supporting affordable housing helps maintain diverse, resilient and functioning communities by enabling a wide range of households to contribute to the social, economic and cultural life of the shire.
 - 2.2.3 Council recognises that access to affordable housing also affects the ability of local workers and essential service providers with low and moderate incomes to live within the shire, with implications for workforce sustainability and service delivery.
 - 2.2.4 Community understanding of what affordable housing is, who it is for and how it is delivered is important to reducing misinformation, building support and achieving long-term community benefit.
- 2.3 Long-term security and retained affordability are essential features of effective affordable housing.

- 
- 2.3.1 Affordable housing should remain affordable over time and be secured through appropriate ownership, management and governance arrangements, rather than short-term or one-off outcomes.
- 2.3.2 A mix of affordable housing across the continuum, including social housing, affordable rental and affordable purchase options, supports long-term security and enduring affordability.
- 2.3.3 Council recognises the value of approaches that improve the quality, sustainability and effective use of affordable and social housing assets, particularly where they respond to demonstrated housing need.
- 2.3.4 Decisions about Council-owned or Council-managed housing should consider long-term social, financial and community value, including asset condition, suitability, location, long term management and future demand.
- 2.4 A diverse mix of affordable housing is needed to reflect different household needs, life stages and changing circumstances.
- 2.4.1 Affordable housing should include a range of dwelling types, sizes and designs that respond to different household structures, including lone-person households, families, older people and people with disability.
- 2.4.2 Affordable housing should be designed to accommodate changing needs over time, including ageing, mobility and accessibility requirements, to support long-term housing stability and ageing in place.
- 2.5 The location of affordable housing is critical to supporting access, participation and opportunity.
- 2.5.1 Affordable housing should be well located to enable access to transport, services, employment, education and community infrastructure, and to reduce living and transport costs.
- 2.5.2 Poorly located housing can entrench disadvantage, even where housing costs are lower.
- 2.6 High-quality design, sustainability and neighbourhood integration are fundamental to successful affordable housing outcomes.

- 
- 2.6.1 Affordable housing should be safe, accessible, well designed and environmentally sustainable, supporting dignity, wellbeing and inclusion.
- 2.6.2 Affordable housing should be tenure-blind and integrated within neighbourhoods, avoiding stigma, segregation or concentrations that reinforce disadvantage.
- 2.6.3 Good design should minimise ongoing living costs through energy efficiency, durability and reduced maintenance, recognising that affordability extends beyond upfront housing costs. High-quality, climate-responsive design also strengthens resilience for households more vulnerable to heat, extreme weather and rising living costs.
- 2.7 Planning decisions that increase development opportunity can reasonably support affordable housing outcomes where public value is created within the scope of legislative and planning mechanisms.
- 2.7.1 Where land-use change, rezoning or development uplift occurs, Council may seek affordable housing outcomes, having regard to the scale of development, feasibility and demonstrated housing need.
- 2.7.2 Affordable housing outcomes rely on collaboration between Council, government, registered housing agencies, developers and service providers.
- 2.7.3 Economic feasibility should be balanced with public benefit, long-term housing need and value created through planning decisions.
- 2.8 Affordable housing policy should be evidence-based, adaptable and responsive to changing conditions.
- 2.8.1 Policy and decisions should be grounded in local data, lived experience and settlement patterns, rather than generic targets or one-size-fits-all approaches.
- 2.8.2 Affordable housing markets and policy settings change over time, and Council policy should allow flexibility in mechanisms while remaining clear about objectives and principles.
- 2.8.3 Affordable housing need extends beyond shire boundaries, and collaboration with neighbouring councils and regional partners can strengthen advocacy and outcomes.

Commitments

These commitments set out how Council will apply its affordable housing principles in practice:

- 3.1 Use an evidence-based and consistent approach to affordable housing by:
 - 3.1.1 using current local housing data and analysis to inform Council's position, priorities, decision-making and advocacy, and to support transparent community understanding of local affordable housing needs;
 - 3.1.2 applying relevant legislative provisions, where available, to consider affordable housing need, location, type and longevity in planning and policy contexts;
 - 3.1.3 aligning Council's approach with relevant local, state and national housing and homelessness frameworks, while responding to current and emerging issues in the Macedon Ranges Shire.
- 3.2 Focus Council's affordable housing approach on households most excluded from the market, and on outcomes that provide long-term security, by:
 - 3.2.1 prioritising very low- and low-income households in consideration of affordable housing outcomes, while also supporting and encourage affordable housing outcomes for moderate-income households where feasible and appropriate;
 - 3.2.2 explicitly considering equity and intersectional impacts in the formation of Council positions and decisions related to affordable housing;
 - 3.2.3 prioritising affordable housing outcomes that support long-term affordability and housing security when weighing options, rather than short-term or one-off outcomes.
- 3.3 In principle, support affordable housing that is well-located, high quality and responsive to diverse household needs by considering whether proposals:
 - 3.3.1 enable access to services, transport, employment and community infrastructure, and reduce ongoing living and transport costs;
 - 3.3.2 provide a mix of dwelling types, sizes and designs that respond to different household needs and life stages;
 - 3.3.3 are accessible and adaptable, supporting people with disability, ageing populations and long-term housing stability;

- 
- 3.3.4 demonstrate high-quality, tenure-blind and environmentally sustainable design that supports dignity, wellbeing and inclusion.
- 3.4 Use Council's statutory and strategic planning role, within the scope of legislative and planning mechanisms, to support affordable housing outcomes where development opportunity or public value is created, by:
- 3.4.1 considering affordable housing outcomes having regard to scale and feasibility, when planning decisions increase development capacity, land use potential or public value;
 - 3.4.2 applying a balanced approach that weighs housing need, community benefit and economic feasibility;
 - 3.4.3 considering opportunities for new or innovative affordable housing approaches through planning policy, structure planning and land use frameworks, where consistent with Council's role and authority;
 - 3.4.4 ensuring planning approvals and structure plans respond to affordable housing needs by supporting a diversity of housing options, including smaller dwellings in well-serviced locations.
- 3.5 Work with State and Commonwealth governments, registered housing agencies, developers, service providers, advocacy organisations, philanthropic partners and regional peers to advance affordable housing outcomes by:
- 3.5.1 advocating to State and Commonwealth governments for improved policy, funding and planning mechanisms that respond to local affordable housing need and deliver genuinely affordable outcomes;
 - 3.5.2 supporting partnerships that strengthen affordable housing outcomes and improve support for households living in affordable housing;
 - 3.5.3 collaborating with neighbouring councils and regional groups where coordinated approaches strengthen evidence, advocacy or outcomes, including through relevant regional housing action plans;
 - 3.5.4 participating in inter-council forums and working with peak bodies, including the Municipal Association of Victoria (MAV) and the Community Housing Industry

- Association (CHIA), to contribute to shared affordable housing objectives at regional and state levels;
- 3.5.5 engaging with local employers and industry groups to monitor emerging workforce housing pressures and identify appropriate advocacy or partnership responses.
- 3.6 Use Council's ownership, management and stewardship of land and housing assets to support long-term affordable housing outcomes and broader community value by:
- 3.6.1 considering the maximisation of long-term social, financial and community value in decisions affecting Council-owned or Council-managed social and affordable housing, including through renewal, redevelopment or partnership approaches where these improve yield, quality, accessibility, sustainability and long-term affordability;
- 3.6.2 Proactively identifying and considering opportunities to support affordable housing outcomes on vacant or underutilised land, particularly land owned by Council, and developing and applying clear, transparent and evidence-based criteria to guide that consideration, having regard to demonstrated housing need and long-term social, financial and community value;
- 3.6.3 applying Council's Asset Plan to Council-owned or Council-managed seniors' housing to inform decisions about renewal, redevelopment or reinvestment, in collaboration with registered housing agencies and relevant stakeholders;
- 3.6.4 prioritising approaches that improve the overall yield, quality and long-term sustainability of social housing within the shire;
- 3.6.5 requiring, where Council land is sold or leased to a registered housing agency, that the agency demonstrates a long-term commitment to affordable housing in the Macedon Ranges, an understanding of local housing needs, a proven delivery and management track record, sound governance and the capacity to secure ongoing funding.
- 3.7 Support informed and constructive community understanding of affordable housing by:
- 3.7.1 providing clear and accurate information about what affordable housing is, who it is for, and Council's role and limits in supporting it;

- 3.7.2 supporting communication and engagement approaches that respond to diverse housing circumstances and help manage expectations about affordable housing outcomes.

Definitions

Term	Definition
Affordable housing	Housing, including social housing, that is appropriate for the needs of very low-, low- or moderate-income households and is provided in a way that enables households to meet other essential living costs.
Council-owned housing	Housing where Council holds ownership of the land and/or dwellings and has responsibility for decisions relating to the asset, including its use, renewal, redevelopment or disposal.
Housing stress	A situation where a household spends more than 30 per cent of its income on housing costs, limiting its ability to meet other essential living expenses and increasing the risk of housing insecurity.
Registered Housing Agency/Provider	A not-for-profit organisation registered under the <i>Housing Act 1983</i> that develops, owns and/or manages social and affordable housing and is regulated by the Victorian Housing Registrar.
Social housing	Rental housing for very low- and low-income households that is owned or managed by government or a registered housing agency and provided with ongoing subsidy to ensure affordability and security of tenure.
Very low-, low- or moderate-income households	Households whose gross annual income falls within the very low-, low- or moderate-income ranges specified under section 3AB of the <i>Planning and Environment Act 1987</i> , as set out in the current Governor in Council Order.

References

- > Affordable Housing Policy Background Paper

Related Policies

> Shaping the Ranges 2025-2035

> Asset Plan 2025-2035

Related Legislation

> *Local Government Act 2020 (Vic)*

> *Planning and Environment Act 1987 (Vic)*

> *Housing Act 1983 (Vic)*

DRAFT

COM.2	COMMUNITY ENGAGEMENT POLICY 2026
Officer:	Emma Sodamaco, Community Engagement Lead
Council Plan relationship:	Our Performance
Attachments:	Community Engagement Policy 2026 ↓

Summary

This report presents a reviewed and updated draft Community Engagement Policy 2026. The Policy includes some amendments from the previous iteration in order to make clearer and strengthen Council's approach to genuine, consistent and transparent community engagement, while meeting legislative requirements.

The report seeks Council adoption of this updated Policy and outlines a staged approach to developing the remaining elements of the Community Engagement Framework. The Policy establishes Council's shared principles, roles and expectations, while future Framework elements that fall under this Policy – such as a tailored strategy, process, and guidelines/tools – will be developed and tested through practical trial projects, to support continuous improvement and scalable application.

Recommendation

That Council

- 1. Adopts the Community Engagement Policy 2026 as attached which replaces all previous versions.**
- 2. Notes the proposed staged approach to developing and trialling the remaining elements of the Community Engagement Framework, with learnings to inform broader application across Council's community engagement activities.**

Background

Under the Local Government Act 2020, Council is required to develop, adopt and maintain a Community Engagement Policy. The Policy was last amended in 2022 and is due for review in 2026.

The draft Community Engagement Policy 2026 was developed as an evolution of the 2022 Policy. It retains Council's existing commitment to meaningful, inclusive and transparent engagement while reflecting legislative maturity, sector best practice and Council's own experience over time. The review recognises that while the 2022 Policy established a strong foundation, Council continues to refine how engagement is undertaken and how it informs decision-making.

The proposed changes represent refinement rather than reinvention. The Policy focuses on clarity, consistency and strengthened governance, intentionally separating enduring Policy principles from operational detail that is better addressed through supporting framework elements.

The presentation of the draft Policy is not intended to mark the completion of Council's work in this area. Community engagement is an ongoing practice, underpinned by policy but realised through day-to-day actions, relationships and decisions. Adoption of the Policy provides a stable foundation from which continued learning and improvement can occur.

DiscussionPolicy scope

The Community Engagement Policy 2026 explicitly clarifies:

- the purpose of engagement and how it informs decisions;
- the respective roles of Councillors, officers and the community; and
- the importance of being transparent about scope, influence and constraints.

In doing so, the Policy supports the trust-building behaviours that underpin effective engagement activity, while recognising that trust is ultimately established through practice, including openness, consistency and follow-through.

Separation of policy and practice

The Policy is intentionally concise and principle-based. Operational detail — such as specific methods, tools and actions — has been relocated to a supporting Community Engagement Framework. This approach prevents the Policy from becoming overly prescriptive, allows flexibility over time, and aligns with best practice governance.

Staged development of the Community Engagement Framework

Following adoption of the Policy, the remaining framework elements (including strategy, processes, guidelines and tools) will be developed through a staged, trial-based approach..

These trial activities will enable Council to test engagement approaches in real contexts, assess accessibility and representation, and refine processes before broader application. Learnings will inform the development of consistent guidelines and tools, supporting scale and alignment.

Consultation and engagement

Development of the proposed Community Engagement Policy 2026 commenced with an internal review of existing engagement information, feedback and insights to build a clear understanding of current community expectations and participation.

This review identified consistent themes across previous engagement activities, including expectations for:

- earlier and more meaningful involvement in decision-making;
- clear communication about how community input informs outcomes, including “closing the loop”;
- transparency about what is, and is not, open to influence; and
- engagement approaches that meet people where they are, rather than relying primarily on surveys.

Review of feedback from previous engagement activities indicated that the draft Policy itself required only minor refinement. The primary opportunity for improvement lies not in the intent or commitments of the Policy, but in strengthening engagement practice through clearer processes, improved capability and consistent application.

Given the limited change to the core intent and commitments of the Policy, in addition to the review taking into consideration anecdotal and written community feedback already received over recent years, broader community engagement on the Policy itself is not proposed.

This approach ensures that engagement effort and resources are directed towards matters where there are clear opportunities for community members to most influence changes and

decisions which will have a clear impact on community outcomes. The approach ensures that participation is purposeful, proportionate and aligned with Council's decision-making processes.

Collaboration

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

Innovation and continuous improvement

The proposed Policy supports a continuous improvement approach by establishing stable principles while enabling engagement practice to evolve. The use of trial projects to develop supporting framework elements allows Council to learn through doing, refine approaches and strengthen capability before broader implementation.

Relevant law

The Community Engagement Policy 2026 was developed in alignment with the following relevant legislation.

- Local Government Act 2020 (Vic)
- Local Government Act 1989 (Vic)
- Freedom of Information Act 1982 (Vic)
- Privacy and Data Protection Act 2014 (Vic)
- Health Records Act 2001 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Public Records Act 1973 (Vic)
- Privacy Act 1988 (Cth)
- Copyright Act 1968 (Cth)
- Other relevant legislative instruments

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 report.

- Principle 3 of the Community Engagement Policy requires that "...participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the engagement".
- As the Policy affects the entire community, the following design principles have been adopted in the proposed communications and engagement approach:
 - Engaging with hard-to-reach community members (elderly and youth): engagement activities are designed to support community to participate in the way that suits them (in person, in writing, or over the phone).
 - Engaging with Traditional Owners: The Engagement Lead will collaborate with Council's Community Partnership Officer to determine the most appropriate engagement methods and timing.

- All communication collateral will be written in plain language – writing is clear, direct and easy to understand (see ISO 24495-1:2023).

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

The Community Engagement Policy 2026 was developed in alignment with the following relevant Council plans and policies.

- Governance Rules
- Freedom of Information Part II Statement
- Model Councillor Code of Conduct
- Employee Code of Conduct
- Complaint and Unreasonable Behaviour Policy
- Live Streaming and Publishing Recordings of Meetings Policy
- Public Transparency Policy
- Privacy Policy

Climate Impact Assessment

How will the recommendation impact on Council's energy usage and greenhouse emissions profile? Not applicable.

How will the recommendations mitigate risks posed by climate change to Council operations and services? Not applicable.

How will the recommendation help to prepare the community for future climate scenarios? Not applicable.

Financial viability

Adoption of the Community Engagement Policy 2026 has no direct financial implications. By establishing clear principles, expectations and governance settings, adoption provides Council with a stronger basis for investing in community engagement in a more targeted and value-focused way. Development of the remaining framework elements will occur progressively through existing projects, trial activities and business-as-usual resourcing, enabling Council to focus effort and investment where it delivers the greatest insight and outcomes, and to improve the return on engagement investment over time.

Sustainability implications

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

Next Steps

This report represents the progression from internal consideration and reflection to formal policy adoption. Subject to Council's decision, officers will proceed with promoting the Policy broadly through an 'Inform' approach, while implementing the Policy and progressing staged development of the Community Engagement Framework, with learnings reported as part of future engagement processes.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- AI tools were used for analysis or synthesis of information, for example summarising documents or identifying themes. Outputs were verified and validated by Council officers.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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



Community Engagement Policy

Date of Adoption	[TBC]		
Adoption Method	☒ Council	☐ CEO	☐ Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Community Engagement Lead, Engagement and Advocacy		
Nominated Review Period	☐ Annually	☒ Every 4 years	☐ Other (<i>please specify</i>)
Last Endorsement Date	8 June 2022		
Next Endorsement Date	30 June 2030		

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			

Contents

Purpose/Objective	3
Background/Reasons for Policy	3
Gender Impact Assessment	3
Scope	4
Scope of Influence and Decision-Making Parameters	4
Definitions	5
Engagement Principles	5
When We Engage	6
Deliberative Engagement	8
Statutory Consultation Overview	8
Roles and Responsibilities	8
Reporting and Transparency	9
References	9
Related Policies	10
Related Legislation	10

Purpose/Objective

The purpose of this Policy is to:

- state Council's commitment to high-quality, meaningful community engagement
- outline when and how Council engages with the community
- describe how engagement influences Council decisions and how this will be communicated
- embed the legislative principles of community engagement
- support inclusion, accessibility, privacy and human rights
- provide a clear framework for consistent engagement practice
- confirm Council's commitment to reporting back to the community on engagement outcomes, including how input influenced decisions or why it did not.

Background/Reasons for Policy

Macedon Ranges Shire Council recognises that meaningful community engagement leads to more informed, transparent and trusted decision-making. Engagement provides opportunities for people to contribute lived experience, ideas and local knowledge.

This Policy fulfils Council's obligations under the *Local Government Act 2020* and reflects Council's commitment to transparency, accessibility, inclusion and deliberative practice. The Policy forms the foundation of Council's Community Engagement Framework and is supported by the Community Engagement Strategy, Engagement Process, Guidelines and tools.

The Policy applies to all engagement undertaken by or on behalf of Council, including by staff, contractors and consultants.

Gender Impact Assessment

In accordance with the *Gender Equality Act 2020*, a Gender Impact Assessment was not required in relation to the subject matter of this policy. The Policy establishes high-level principles and commitments rather than operational or service-delivery changes.

Policy

Scope

This Policy applies to all statutory and non-statutory community engagement undertaken by or on behalf of Macedon Ranges Shire Council.

Council engages in accordance with relevant legislation, including but not limited to:

- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Victorian Aboriginal Heritage Act 2006*
- *Traditional Owner Settlement Act 2010*
- *Multicultural Victoria Act 2011*
- Privacy, human rights, equal opportunity and gender equality legislation
- Child Safe Standards

Scope of Influence and Decision-Making Parameters

For all engagement activities, Council will clearly communicate:

- the purpose of the engagement
- which aspects of the decision are open to community influence

- which aspects are not negotiable due to legislation, budgets, adopted strategies, contractual obligations or prior Council decisions
- how community input will be considered in decision-making.

Engagement will not present decisions as open to influence where such constraints prevent change.

Definitions

Term	Definition
Community	People and groups who live, work, visit or participate in the Macedon Ranges, including Traditional owners of the land, ratepayers, residents, businesses, community organisations and visitors
Community Engagement	A planned process that gives people the opportunity to influence decisions that affect them
Deliberative Engagement	A structured process where a representative group of participants is given time, information and support to carefully consider complex issues and make recommendations

Engagement Principles

This Policy is underpinned by the following principles:

1. Transparent Influence – Council communicates how engagement input has shaped decisions and the reasons for decisions made.
2. Honest and Genuine Engagement – Engagement is undertaken in good faith within clearly defined parameters.
3. Clear Purpose – Engagement activities have a clear purpose and scope.
4. Informed Participation – Participants have access to objective, timely and accessible information.

5. Inclusive and Representative – Engagement seeks participation from all affected groups, upholding cultural safety, gender equity, disability access and Child Safe Standards.
6. Enabling Participation – Reasonable support is provided to enable participation using accessible formats and recognised standards.

When We Engage

Council engages when:

- engagement is required by legislation
- a decision may significantly affect the community or specific groups
- community insight can meaningfully inform the decision
- there is high interest or potential risk
- engagement supports transparency and community trust.

The IAP2 Spectrum of Public Participation is used as one tool to help identify the appropriate level of engagement.

Table 1: IAP2 Spectrum of Public Participation (2018) adapted by Council to include the community role and relevant engagement examples.



	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
COMMUNITY ROLE	Listen/be informed.	Contribute information/ideas.	Contribute ideas/alternatives.	Partner. Engage in shared problem solving.	Lead and Partner.
ENGAGEMENT EXAMPLES	• FAQs • Information sheets • Updates on Council website • Door Knocking	• Survey • Focus Group • Listening posts • Polling	• Workshop • World café • Crowd sourcing • Fairs and festivals	• Community reference group • Consensus building • Co-design • Community Assembly	• Delegated decision making • Community ballot • Citizens jury

Engagement on Budget and Financial Planning

Engagement on Council's annual budget, long-term financial plan and related financial strategies is undertaken in accordance with statutory requirements and adopted Council processes.

Engagement focuses on understanding community values, priorities and trade-offs within Council's overall financial constraints, rather than on individual line-item funding decisions. Engagement may occur at different levels depending on the nature and impact of a decision. Council's Community

Engagement Framework and Guidelines provide further detail on engagement approaches and tools informed by recognised practice.

Deliberative Engagement

Deliberative engagement is required for the Community Vision, Council Plan, Financial Plan and Asset Plan.

Council may also use deliberative approaches where issues are complex, long-term, involve trade-offs or reflect diverse community values. These processes use independent facilitation, representative recruitment and supported learning and reflection.

Statutory Consultation Overview

Where legislation prescribes consultation requirements, Council will undertake engagement in accordance with those requirements and any relevant regulations or ministerial guidance. Additional engagement may occur where it adds value.

Roles and Responsibilities

Role	Responsibility
Mayor and Councillors	- Champion the value of engagement. Participate in engagement activities consistent with their governance role without directing operational staff. - Consider engagement outcomes alongside other relevant considerations including technical, financial, environmental and legislative factors in decision making.
CEO and Senior Leadership Team	- Advocate for and model a culture of good practice engagement. - Ensure adequate resourcing of engagement. - Communicate cross organisationally.

Role	Responsibility
Council Officers – Central Engagement Function (within the Engagement and Advocacy Department)	● Provide strategic advice, frameworks, tools and capability support to assist Councillors, officers, contractors and consultants to deliver engagement consistent with this Policy.
Council Officers	● Design and deliver engagement aligned with this Policy and Framework. ● Ensure information is accurate, accessible and timely. ● Protect privacy and manage information securely. ● Report engagement outcomes transparently.
Community	● Participate respectfully. ● Share insights and ideas. ● Seek information to understand issues.

Reporting and Transparency

Council will share engagement outcomes with participants and the broader community, explain influence on decisions, publish information in accessible formats and make this Policy publicly available. Engagement information is managed in accordance with privacy legislation.

Council will use engagement outcomes and feedback to evaluate and improve future engagement practice, supported by the Community Engagement Framework, Guidelines and associated tools.

References

This policy is informed by a range of external research and best practice standards, including:

- > Public Participation in Government Decision Making – Victorian Auditor General's Office – better practice guide
- > International Association for Public Participation www.iap2.org (IAP2) Quality assurance standards – Core Values, Practitioners Code of Ethics and the IAP2 Spectrum of Public Participation
- > Co-design Community Engagement, Victorian Government

Related Policies

- > Governance Rules
- > Freedom of Information Part II Statement
- > Model Councillor Code of Conduct
- > Employee Code of Conduct
- > Complaint and Unreasonable Behaviour Policy
- > Live Streaming and Publishing Recordings of Meetings Policy
- > Public Transparency Policy
- > Privacy Policy

Related Legislation

- > *Local Government Act 2020 (Vic)*
- > *Local Government Act 1989 (Vic)*
- > *Freedom of Information Act 1982 (Vic)*
- > *Privacy and Data Protection Act 2014 (Vic)*

- 
- > *Health Records Act 2001 (Vic)*
 - > *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
 - > *Equal Opportunity Act 2010 (Vic)*
 - > *Public Records Act 1973 (Vic)*
 - > *Privacy Act 1988 (Cth)*
 - > *Copyright Act 1968 (Cth)*
 - > *Other relevant legislative instruments*

14 ASSETS AND OPERATIONS REPORTS

AO.1	NATURE STRIP LANDSCAPING POLICY REVIEW
Officer:	Sian Bloom, Subdivision Landscape Assessment Officer
Council Plan	Our Places
relationship:	Our Environment
Attachments:	Attachment 1 - Nature Strip Landscaping Policy - Update 2026 ↓

Summary

To present Council with the outcomes of the review of the Nature Strip Landscaping Policy, outline the proposed revisions and seek approval to release the updated Policy for community consultation.

Recommendation

That Council endorses the release of the updated Macedon Ranges Nature Strip Landscaping Policy for community consultation for a period of four (4) weeks.

BackGround

In 2017, in response to regular community requests, Council identified an opportunity for residents to enhance streetscape amenity by landscaping nature strips adjacent to their properties. Preparation of the Nature Strip Landscaping Policy (the Policy) commenced in August 2017 and incorporated feedback from Councillors, community consultation and relevant Council departments.

The Policy provides guidance on permissible landscape treatments and to encourage suitable alternatives to grass on nature strips. The Nature Strip Landscape Guidelines (operational document) supports the Policy and is available on Council's website.

At the August 2019 Ordinary Council Meeting, Council resolved to adopt the Policy, consider a permit fee in the 2020/21 budget, and review implementation after twelve months. Officers and Councillors subsequently determined that this timeframe was insufficient to meaningfully assess the Policy's effectiveness, and a further review period was scheduled.

A preliminary officer review in 2021 resulted in minor operational amendments, which were presented to Council in August 2021 and endorsed for further community consultation. Community feedback primarily related to concerns regarding prescriptiveness, interest in native plantings, enforcement clarity, weed guidance, and tree management (which sits outside the Policy's scope).

Following consideration and incorporation of this feedback, including minor refinements, Council adopted the revised Nature Strip Landscaping Policy in 2022. A further review of the Policy's effectiveness was scheduled to occur after three (3) years.

The Nature Strip Landscaping Guidelines (not required to be endorsed) contain a diagram, a checklist of steps and materials for residents to follow when landscaping their nature strips, a visual guide outlining allowable and non-allowable treatments, and a suggested plant list.

The 2026 officer review of the Policy (refer to Attachment 1) focuses on alignment with the current MRSC Policy template, including the consolidation and reorganisation of several sections. It also updates references to current legislation, policies, and the Council Community Local Law (2023), along with minor wording changes to improve clarity, consistency and overall readability.

Proposed changes to the draft Policy are provided below:

- (1) Local Law Reference - section 5
 - Page 7 - Previously the General Purposes and Amenity Local Law No.10 (2013) updated to the Community Local Law (2023)
 - Page 8 - excerpt of the relevant Clause (18) for Nature Strip Landscaping
 - Page 8 - clarification of a permit exemption if nature strip landscaping complies with the requirements outlined in the Policy
- (2) Street Tree Requests – section 9.3 (Page 13)
 - Internal responsibility updated from Operations Department to Arboriculture unit
- (3) Purpose/Objective - Section 1 (Page 4)
 - Previously, two separate sections (Purpose/Objectives and Policy Objectives), these have now been consolidated
- (4) Background/Policy Intent- Section 2 (Page 4)
 - Previously, two separate sections (Background / Reasons for Policy and Policy Intent) with the former included in the policy header table. These have now been consolidated
- (5) Terminology - Section 3 (Pages 5-7)
 - Sub-title Definitions retitled to Terminology
 - Formal definitions relocated to a concise Definitions Table at Section 16 (Page 16) in accordance with current policy template
 - Section 3 now provides contextual explanation and interpretation of key terms rather than solely legal definitions
- (6) Scope - Exclusions - Section 4.2 (Page 7)
 - Scope now explicitly excludes roundabouts and road median strips
- (7) Maintenance Responsibility - Section 8.1 (Page 8)
 - Clarifies resident responsibility by explicitly listing routine maintenance tasks expected of the adjacent resident.
- (8) Appropriate Plants – Section 8.1 (Page 9)
 - Terminology refinement from local native plants to locally native plants (indigenous) as the preferred planting type
- (9) Gender Impact Assessment - Section 15 (Page 15)
 - Inclusion of a statement confirming a GIA will be carried out and the summary findings included in the final Policy as per Council Compliance and Policy template
- (10) Related Legislation, Policies, Strategies, and Standards – Sections 17-19, (Pp 16- 17)

- Relocated to the end of the document in accordance with the updated policy template.
- All referenced legislation and Council policies reviewed and updated to reflect current versions.
- Inclusion of recently adopted Council policies and strategies, including the Climate Emergency Plan.

(11) Updated links for Resident Reference:

- Section 3.8 (Page 7) - Map of Declared Roads for arterial road identification.
- Section 12 (Page 14) and section 13 (Page 15): Updated references to Dial Before You Dig.

Additional internal feedback

Following further internal discussion, it was noted that while the Policy is strong in risk minimisation and governance, it could be refined to encourage positive community outcomes. It was also suggested that the Policy adopt a more enabling, less compliance-focused approach, with greater emphasis on economic and amenity benefits.

In response, the Draft Nature Strip Landscaping Policy has been updated to ensure the language appropriately balances an encouraging approach for residents with the necessary compliance requirements. As a result, minor refinements are proposed to introduce more positive and opportunity-focused wording in selected sections, without compromising the Policy's intent, clarity, or enforceability.

This approach will be further supported through review of the Nature Strip Landscaping Guidelines, which will be updated following community consultation.

Examples of revised wording are provided below:

(1) Section 1. Purpose/Objective - page 3

- Support and encourage residents to creatively and sustainably contribute to the landscaping and maintenance of nature strips in ways that enhance streetscape character, biodiversity, and community engagement, while maintaining safety and access.

(2) Section 2. Background/ Policy Intent – pages 3-4

- Well-designed and maintained nature strips can contribute to more attractive and walkable streets, support local neighbourhood character, and help reduce urban heat through increased vegetation cover. These outcomes also deliver broader community and economic benefits over time.
- (the Policy) provides practical guidance to assist residents in designing, establishing and maintaining nature strips that contribute positively to their local streetscape and environment.
- Council supports residents to landscape their nature strips in ways that align with this Policy and the accompanying Guidelines to ensure their underlying purpose and the ongoing safety of the community is maintained

(3) Section 7. Requirements for Landscaping Nature Strips -page 8

- Council encourages residents to enhance their nature strips in a safe, low-maintenance and environmentally sustainable way. Nature strips may be

landscaped where works comply with the following requirements, ensuring they are safe, functional and contribute positively to the broader streetscape.

(4) Section 8 Permitted Items – Page 9

- Residents may select from a range of drought-tolerant and low-maintenance plants to landscape their nature strips, including native species, to enhance biodiversity and complement the local streetscape. Suitable plant types include shrubs, ground covers, grasses and bulbs that are drought and frost tolerant and grow to less than 600 mm in height.

Feedback Since Policy Inception

Officers also reviewed the volume and nature of community enquiries received in relation to nature strip landscaping, including whether any proposals fell outside the scope of the Policy and required a permit. To date, no permit applications for works outside the scope of the Policy have been submitted.

Most customer enquiries during this period related to requests for clarification about permitted works, often indicating that residents were not aware of the Policy. In these cases, officers provided a copy of the Policy and the accompanying Nature Strip Landscaping Guidelines or directed residents to Council's website.

Engagement during this time also included collaboration with the Health Broker from Healthy Loddon Campaspe, which commenced in 2023. This partnership supported a promotional initiative encouraging edible gardens as a means of strengthening health and social inclusion outcomes. This initiative led to the launch of the "Veg on the Verge" program, through which selected residents were supported to learn about and establish edible nature strip gardens.

Council contributed to the development of a supporting guidance document for food growing on nature strips. This document is available on Council's website, Veg on the Verge, complements the Nature Strip Landscaping Policy and Guidelines by providing additional practical advice specific to edible plantings.

Discussion

Overall, the review indicates that the Nature Strip Landscaping Policy has operated effectively since its adoption, with minimal operational issues and a low volume of community enquiries. The proposed updates primarily focus on improving clarity, aligning the document with the current Council policy template, and updating references to legislation and Council policies. No significant changes to the intent or operational application of the Policy are proposed.

Given the minimal level of community enquiry to date, extensive feedback and changes are not anticipated. However, to ensure an appropriate opportunity for community input, officers recommend that Council endorse a four-week *Your Say* engagement period.

No significant risks have been identified. The proposed amendments are primarily administrative and for improved clarity, with benefits including improved readability, stronger alignment with current policy frameworks, and enhanced community understanding and engagement.

Consultation and engagement

Internal engagement included targeted discussions within relevant staff, departments and Councillors. Feedback has been incorporated into the updated Policy. Community feedback will be sought through the proposed *Your Say* consultation period. Following review of

feedback received, where relevant the Policy will be updated and presented to Council at a future Scheduled Council Meeting for consideration of adoption.

Collaboration

Collaboration was not required in relation to this report.

Innovation and continuous improvement

The 2026 review demonstrates innovation and continuous improvement through iterative refinement of policy structure and language, incorporation of feedback, and alignment with contemporary Council frameworks. It also includes a reframing of policy intent to better support positive behaviour change through a more enabling, opportunity-focused approach, while maintaining governance, compliance, and clarity.

Relevant law

Legislation applicable to the Policy has been listed within the body of the Policy and includes:

- The updated Macedon Ranges Council Community Local Law, 2023
- Road Management Act 2004 (Vic)
- Road Safety Act 1986 (Vic)
- Road Safety (Traffic Management) Regulations 2019 (Vic)
- Road Safety Road Rules 2017 (Vic)
- Local Government Act 2020 (Vic)
- Catchment and Land Protection Act 1994 (Vic)
- Flora and Fauna Guarantee Act 1988 (Vic)

In accordance with the Gender Equality Act 2020, a Gender Impact Assessment will be undertaken for the Nature Strip Landscaping Policy prior to its presentation to Council. The findings of this assessment will be incorporated into the final updated Policy submitted for Council consideration.

Relevant regional, state and national plans and policies

While no specific relevant regional state and national plans are applicable to the Policy it does list the following related guidelines:

- Code of Practice for Worksite Safety – Traffic Management (2023)
- Code of Practice: Operational Responsibility for Public Roads (2017)
- Austroads Guide to Temporary Traffic Management (AGTTM) (Parts 1–10)
- AS 1742.3:2019 Manual of uniform traffic control devices, Part 3

Relevant Council plans and policies

The proposal relates to the Council Plan (Shaping the Ranges 2025 – 2035) under the headings of:

- Our Places: Connected and active places and spaces for everyone.

The Policy will improve the amenity and accessibility of nature strips as shared public space; while ensuring they continue to function as safe and fit-for-purpose infrastructure through clear design and management guidance.

- Our Environment: Rural and natural surroundings that are cared for and protected.
The Policy encourages low water-use and locally appropriate planting, enhancing biodiversity and supporting more sustainable nature strip landscaping practices. It contributes to the protection of the natural environment and promotes climate-responsive approaches that enable the community to act in environmentally sustainable ways.

Relevant Council strategies, plans or policies are referenced in the body of the Policy and include:

- Tree Management Policy
- Asset Protection Policy
- Statement of Planning Policy
- Road Management Plan
- Biodiversity Strategy
- Environment Strategy
- Climate Emergency Plan
- Shire-wide Footpath Plan

Climate Impact Assessment

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

Adopting the final Nature Strip Landscaping Policy is not anticipated to have any significant impact on Council's energy use or greenhouse gas emissions profile.

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

The policy supports climate-resilient streetscapes by promoting low water-use, locally native plantings, which can reduce maintenance demands and enhance the resilience of Council-managed environments to changing climate conditions.

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

At the community level, these landscaping practices encourage residents to adopt plantings that are better suited to future heat and rainfall variability, contributing to more resilient neighbourhood streetscapes and preparing the community for future climate scenarios

Financial viability

The proposed updates are expected to have minimal financial and resource implications, internal staff time and community consultation activities will be managed within existing operational budgets.

Sustainability implications

No significant adverse social or environmental impacts are anticipated. The Policy is expected to deliver positive environmental and social outcomes, supported by clear guidance and appropriate mitigating controls within the Policy and accompanying Guidelines.

AI use disclosure

Council officers are required to disclose any use of artificial intelligence tools in the preparation of this report. All content remains the responsibility of Council officers and has been reviewed for accuracy, relevance, bias and compliance with Council policies and legislative obligations. For this report:

- AI tools were used for editing or quality improvement only, for example grammar, readability or formatting.

Declaration – Human-in-the-Loop (HITL)

All judgements, decisions, and recommendations contained in this report were made by a human decision-maker. Any use of artificial intelligence tools was advisory only and did not replace human judgement. The final content and recommendations have been reviewed and approved by a Council officer in accordance with Council's AI policy, and governance, risk and accountability frameworks.

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



Nature Strip Landscaping Policy

Date of Adoption			
Adoption Method	☒ Council	☐ CEO	☐ Other (<i>please specify</i>)
CEO Signature			Date
Responsible Officer and Unit	Manager Parks, Civil Services and Resource Recovery		
Nominated Review Period	☐ Annually	☒ Every 4 years	☐ Other (<i>please specify</i>)
Last Endorsement Date	March 2022		
Next Endorsement Date	August 2030		

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	1	02/03/2026	S Bloom
Second Draft	2	13/04/2026	S Bloom
Final Draft			
Approval			

Contents

1.	Purpose/Objective	3
2.	Background/ Policy Intent	3
3.	Terminology	4
4.	Scope	6
5.	Governing Legislation	6
6.	Nature Strip Responsibility	7
7.	Requirements for Landscaping Nature Strips	8
8.	Permitted Items on Nature strips	8
9.	Non-permitted Items on Nature Strips	10
10.	Nature Strip Maintenance	12
11.	Failure to Maintain a Nature Strip	12
12.	Safety and Liability	13
13.	Landscaping Nature Strips – Steps for Residents	14
14.	Review	14
15.	Gender Impact Assessment	14
16.	Definitions	15
17.	Related Council Policies, Strategies and Plans	15
18.	Related Legislation	16
19.	Related Guidelines and Resources	16

1. Purpose/Objective

The objectives of the Nature Strip Landscaping Policy are to:

- Support and encourage residents to creatively and sustainably contribute to the landscaping and maintenance of nature strips in ways that enhance streetscape character, biodiversity, and community engagement, while maintaining safety and access.
- Clarify the respective roles and responsibilities of Council and the community in relation to nature strip maintenance.
- Support the use of low maintenance, low growing and drought tolerant planting as alternatives to the traditional grassed nature strip, in keeping with the Macedon Ranges' natural environment.
- Achieve environmental and social benefits, including water conservation, habitat enhancement, improved visual amenity, and reduced maintenance.
- Ensure nature strips continue to safely accommodate pedestrian, cycling and vehicle movement, including maintaining safe sight lines at intersections and curves.
- Ensure access is maintained for utility services, postal delivery, fire hydrants, kerbside parking and waste management.
- Support and complement the Nature Strip Landscaping Guidelines

2. Background/ Policy Intent

Macedon Ranges Shire Council (Council) acknowledges that nature strips play an important role in the aesthetics, environmental and social health of the towns and villages within our Shire.

Well-designed and maintained nature strips can contribute to more attractive and walkable streets, support local neighbourhood character, and help reduce urban heat through increased vegetation cover. These outcomes also deliver broader community and economic benefits over time

The Macedon Ranges Shire Council Nature Strip Landscaping Policy (the Policy) provides practical guidance to assist residents in designing, establishing and maintaining nature strips that contribute positively to their local streetscape and environment.

It recognises that residents and landowners may consider alternatives to traditional grassed nature strips and provides direction on their appropriate design and maintenance..

The Policy also acknowledges the impacts of climate change and supports low water-use and low maintenance alternatives to traditional grassed nature strips, where these are consistent with the character of the Macedon Ranges' natural environment. Nature strips also serve an important function as access corridors for utility services

Council supports residents to landscape their nature strips in ways that align with this Policy and the accompanying Guidelines to ensure their underlying purpose and the ongoing safety of the general public is maintained.

This Policy supersedes the Nature Strip Landscaping Policy 2022.

3. Terminology

The following key terms are used throughout this Policy and should be read in conjunction with the Definitions Table at Section 16.

3.1 Nature strip

Nature strips are set aside to provide one or more of the following uses:

- to accommodate utility services such as power and light poles, water supply, sewer or storm water pipe, gas supply mains, underground communication and electrical infrastructure and footpaths;
- to allow for door opening space and facilitate pedestrian movement between the road and the footpath;
- to allow pedestrian access along a street where there is no footpath;
- where possible to provide a space for the location of household garbage, recycling and green waste bins;
- to provide visibility of and for motorists, cyclists, and pedestrians at intersections, curves in the road, and near driveways;
- to provide space for the provision of street tree planting.

3.2 Town

A town boundary can be generally defined as where the road speed zone changes to within or below 60km per hour.

The streetscape character varies between, and even within, towns such as the width of the streets, type of road edging or drainage infrastructure. Streets may or may not contain a footpath but have a nature strip between the road and the property boundary.

3.3 Rural Roadsides

Rural roadsides/reserves are outside town boundaries. These have different functions and values to town nature strips and often contain remnant native vegetation that supports biodiversity and habitat. Native vegetation occurring within rural roadsides is protected and removal/re-planting is not permitted without a Planning or Local Laws permit. Refer to Council's *Roadside Conservation Management Plan* for further information.

3.4 Town native nature strips

This vegetation provides a buffer between natural and introduced vegetation and also serves an important environmental function by providing habitat links.

Native vegetation within town native nature strips is protected and removal/re-planting is considered prohibited unless approved under special conditions and with a Planning or Local Laws permit.

3.5 Heritage nature strips

These nature strip plantings generally reflect the patterns of settlement, connect us with our past, and contribute significantly to the local character of the town.

Heritage nature strips are protected, and removal/re-planting is not permitted - unless under special circumstances and with Planning approval.

3.6 Water Sensitive Urban Design (WSUD)

WSUD is an engineered environmental design approach to provide water quality treatment, flood management, and reduce pollution from entering our waterways.

Nature strips which incorporate the principles of WSUD include swales and rain gardens and must be maintained in accordance with the design intent. Removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.7 Coordinating Road Authority (CRA)

Council is the CRA for most local roads, including service roads.

The CRA for arterial roads (other than service roads) is VicRoads. Aside from regular maintenance activities on an arterial road nature strip, including mowing, weeding and picking up litter, all other activities carried out on an arterial road may be considered “works” under the Road Management Act 2004 and will require a “Works within the Road Reserve Permit” from VicRoads.

3.8 Arterial Road

These are high-capacity, main roads that connect traffic between town centres or one existing arterial road to another. To determine if a road is an arterial road visit ‘Maps of declared roads’ at the VicRoads website or [Map of Declared Roads](#).

4. Scope

4.1 Areas within the scope of this Policy

This Policy only applies to the landscaping of a nature strip on a Council managed road or street in a town.

4.2 Areas not covered by this Policy (exclusions)

This Policy does not apply to the following areas:

- Nature strips on arterial roads (other than service roads)
- Rural roadside /reserves
- Town native, Heritage or WSUD nature strips
- Roundabouts or road median strips

Residents who are unsure whether their nature strip is covered by this Policy can contact Council to confirm.

5. Governing Legislation

5.1 Community Local Law 2023 (or as amended)

This Policy must be read in conjunction with the requirements of Macedon Ranges Council Community Local Law ('the Local Law').

The Local Law sets out requirements for the use of Council land and roads, including obtaining a permit for certain uses and activities. Under Clause (13) of the Local Law a person must obtain a permit to carry out any works in the nature strip, including excavating, digging holes, or otherwise remove, damage, destroy, interfere with, alter, affix to or tap into a Council asset.

The Local Law includes a clause (18) to outline a permit exemption in accordance with this Nature Strip Landscaping Policy:

(18.) Planting on Nature Strips

Unless acting in accordance with Council's Naturestrip Landscaping Policy as shown on Council's website, a person must not, without a permit, on a naturestrip:

- (a) plant or remove any vegetation (excluding the mowing of non-native grass);*
- (b) undertake any landscaping; or*
- (c) remove any soil.*

Residents within Macedon Ranges Shire are not required to obtain a permit to landscape the nature strip adjoining their property where works comply with this Policy and accompanying Guidelines. Where proposed landscaping does not comply, a permit must be obtained under Council's Community Local Law 2023. Further information on permit applications is available on Council's website

6. Nature Strip Responsibility

The CRA is responsible for the management of nature strips; however, it does not undertake any renovation or routine maintenance, including mowing, weeding, fertilising, mulching, removing rubbish, fallen leaves, sticks and bark, trimming edges, topping up soil levels or repairing tyre damage - which is expected to be carried out by the adjoining property resident.

Council is responsible for the planting and maintenance of street trees within nature strips.

Ongoing maintenance of a modified and landscaped nature strip is the responsibility of the owner (or tenant), or any subsequent owners of the property for the life of the landscape. Where a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may reinstate the nature strip with natural turf grass.

Utility companies are obligated to reinstate the nature strip following maintenance work but are not required to reinstate nature strips that have been modified and landscaped with anything other than grass (soil and seed).

7. Requirements for Landscaping Nature Strips

Council encourages residents to enhance their nature strips in a safe, low-maintenance and environmentally sustainable way. Nature strips may be landscaped where works comply with the following requirements, ensuring they are safe, functional and contribute positively to the broader streetscape:

- The location must be within the Scope of this Policy - refer to Section 4 Scope.
- Maintain a minimum clearance of one (1) metre from the back of kerb, or one (1) metre from the back of table drains where no kerb and channel exist. This area must remain free of plantings to allow safe vehicle access and placement of waste and recycling bins.
- Where no existing footpath is present, maintain a minimum clear width of 1.8 metres for pedestrian access and service deliveries.
- Select plants that grow to no more than 600 mm in height. On corner blocks, only ground cover plants to a maximum height of 250 mm are permitted within ten (10) metres of an intersection to maintain sightlines for motorists and pedestrians.
- Locate plants to ensure mature growth and mulch do not encroach onto footpaths, maintaining safe and accessible pedestrian movement at all times.

Comply with the permitted and non-permitted items set out in Section 8.

8. Permitted Items on Nature strips

8.1 Appropriate Plants

Residents may select from a range of drought-tolerant and low-maintenance plants to landscape their nature strips, including native species, to enhance biodiversity and complement the local streetscape. Suitable plant types include shrubs, ground covers, grasses and bulbs that are drought and frost tolerant and grow to less than 600 mm in height.

Plants that are well-suited to the Macedon Ranges natural environment, including some exotics, are recommended however locally native plants (indigenous) are the preferred type. Native indigenous plants provide a usable habitat for birds, small reptiles and insects, and increase biodiversity within the Shire.

Residents who wish to grow vegetables on their nature strips as an alternative to landscaping are encouraged to in a sustainable way that protects the surrounding environment. This can be achieved by limiting high inputs such as irrigation, fertilisers or pesticides and ensuring materials used are suitable near gutters and storm water drains (and not in the Section 9 Non-permitted Items on Nature Strips list on the following page).

More information about native plants of the Macedon Ranges and suitable plants for food growing on the verge is available on Council's website and at Customer Service Centres. Council officers can also provide plant advice as required.

8.2 Grass/Turf

Traditionally nature strips have been turfed or grassed. Guidelines on how to establish a grassed nature strip and information on suitable grass varieties are available in the Macedon Ranges Nature Strip Landscaping Guidelines.

8.3 Permeable Surfaces

The following mulches and gravels are permitted:

- Wood chips or gravel between 7mm to 25mm in size, to a depth of 75mm, natural in colour, and in conjunction with plantings only – to discourage illegal parking
- Fine gravel mulches, such as granitic sand or toppings to a maximum depth of 100mm may be used for areas that are required to be kept clear - see Section 7, and must be well compacted.

Where a gravel or wood chip mulch is used on the nature strip:

- It is not permitted to encroach onto the footpath, driveways, roadways or into the kerb and channel
- The level of the mulch must not extend above the level of the footpath or kerb

- The mulch on the nature strip must be maintained at a reasonable level and in a weed free condition.

9. Non-permitted Items on Nature Strips

In addition to any item which an Authorised Officer of Macedon Ranges Shire Council considers may constitute a risk, items that must not be installed or which are not permitted as part of landscaping the nature strip include:

- bluestone pitchers, railway sleepers or retaining walls
- objects and/or barriers such as fencing, large rocks, logs, or bollards
- garden edging that protrudes above the nature strip or footpath level
- shredded plant products such as compost, pea straw or fine wood chips (other than that specified in Section 8.3 of this policy) or similar
- scoria, any other loose materials that can enter and obstruct storm water drains
- fertilisers or garden sprays that may wash into storm water drains
- spiny, thorny, or artificial plants
- plants with an aggressive root system
- noxious or environmental weed species. Information regarding common weeds in the Macedon Ranges can be found on Council's website [artificial turf](#) ¹
- irrigation systems
- hard paving such as concrete, brick or asphalt
- temporary or permanent electrical wiring, including tree lights
- timber or metal stakes, or star pickets.

¹ The use of synthetic turf is not encouraged throughout Macedon Ranges Shire Council due to the adverse effect it has on the environment. It may only be installed on nature strips in exceptional circumstances and an application for a permit must be approved prior.

9.1 Car parks on nature strips

Parking is not permitted on nature strips under State law, irrespective of the surface used. This is to protect Utility services, Council assets, and is law under the *Victorian Road Safety Road Rules*, 2017.

9.2 Fire Hydrant Visibility

Any modifications to the nature strip must not cover, obscure or hide any fire hydrant or their marker posts. Fire Hydrants must remain accessible at all times.

9.3 New Street Trees

Residents are not permitted to supply or plant new trees on the nature strip. Council is responsible for the planting and maintenance of street trees within nature strips.

If a resident requires a street tree in the nature strip, a request can be made to Council's Arboriculture Unit. The planting of street trees is subject to the requirements of Macedon Ranges Shire Council's Tree Management Policy.

9.4 Existing Street Trees

Residents are not permitted to prune or modify existing trees on the nature strip in any way (other than watering or mulching). Requests may be made to Council if pruning is required.

Any digging or cultivation within the nature strip for landscaping must be by hand only i.e. no mechanical excavation. Vegetation should not be planted within a metre (1.0m) from the base of any existing tree as it will compete for moisture and nutrients. Any mulch installed on the nature strip must be kept back from the trunk of existing trees to prevent collar rot.

9.5 Utilities and maintenance work

Council and utility companies that supply water, gas, electricity, sewerage, drainage and telecommunications may occasionally require access to the nature strip to carry out repairs and/or maintenance work. The utility companies are required to reinstate the nature strip following maintenance work but are not required to reinstate residential nature strips that have been modified and landscaped other than in grass (soil and seed).

Council and utility companies or maintenance contractors will not be responsible to replace plants, landscaping, or any other modifications made to the nature strip, to the condition existing prior to maintenance work.

10. Nature Strip Maintenance

Nature strips landscaped in accordance with this Policy must be kept in a well maintained and safe condition by the resident at all times by:

- regularly mowing all grassed areas
- ensuring that plants are pruned and mulches are contained so that they do not extend onto pathways, driveways, roadways or over the kerb
- keeping plants (other than street trees) to a height of no more than 600mm at all times
- maintaining the nature strip in a neat and safe condition - free of weeds and rubbish, any tripping hazards, and any protruding objects.

11. Failure to Maintain a Nature Strip

Council retains the right to request the rectification of a modified or landscaped nature strip where a resident fails to maintain it in accordance with this policy and the following:

- the condition of the nature strip is a traffic or pedestrian hazard
- it does not provide appropriate pedestrian access
- it is a safety or fire hazard
- it interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways
- it impacts unfavourably and significantly on the local amenity as described in Point 9.
- it contains noxious or environmental weed species.

The resident will be given a fair and reasonable time to rectify the works unless the level of risk warrants a more timely response.

In instances where the property owner does not comply with Council's requests, an Authorised Officer may enforce the requirements of this Policy as a Notice to Comply under the Community Local Law 2023.

If the resident fails to observe the requirements of a Local Law Notice to Comply, the Macedon Ranges Shire Council will take action to remove the landscaping and reinstate the nature strip to a safe and tidy condition. All costs in these instances, will be charged to the property owner.

12. Safety and Liability

During landscaping or maintenance works on the nature strip, the person conducting the works has a duty of care under common law to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

The resident should confirm with their insurer they have adequate Public Liability insurance to allow for any claims that may arise as a result of any modification or landscaping of the nature strip.

Residents must contact "Dial Before You Dig" or visit the website <https://www.byda.com.au/>, (a free national service) to determine the presence of any underground services before commencing any excavation to the nature strip. Any excavation for landscaping the nature strip must be carried out by hand, not machinery, to minimise any potential damage to existing street trees or infrastructure.

Council will not be liable for any financial penalties that the resident incurs from damaging any underground services.

Council accepts no occupational health, safety or public liability related to works carried out on the nature strip by residents.

13. Landscaping Nature Strips – Steps for Residents

Residents are required to take the following steps when planning new landscaping within a nature strip:

1. Residents must confirm their nature strip is permitted to be landscaped under this Policy – Refer to section 4 Scope.
2. If renting, tenants must gain the prior approval of the property owner or management body
3. Refer to section 7. Requirements for Landscaping Nature Strips and the accompanying Nature strip Landscaping Guidelines
4. Consider at the planning phase:
 - > the suitability of the design
 - > if it complements the neighbourhood character
 - > whether it suits the streetscape.
5. Conduct a Dial Before You Dig prior to any excavation <https://www.byda.com.au>
6. Confirm the works can be carried out in a safe manner
7. Consider the ability to maintain the landscaping in a safe and tidy condition in the long term.

14. Review

This Policy will be reviewed every four (4) years, or more frequently if required in response to regulatory changes, Council priorities, operational needs, or safety considerations.

15. 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 report. *A summary of the findings and recommendation of the assessment will be inserted here on completion.*

16. Definitions

Term	Definition
Nature strip	As defined in the Dictionary of Road Safety Road Rules, 2017: <i>“an area between a road (except a road related area) and adjacent land but does not include the shoulder of a road or a bicycle path, footpath or shared path”</i> Note: Sometimes also referred to as the ‘Verge’ in Victoria.
Town	A town is a centre of concentrated population settlement within the surrounding rural district and in planning terms, is area zoned for township land use. These zones include the residential, commercial and industrial zones.
Rural Roadsides	Rural roadsides are road reserves outside town boundaries - the planning zones include rural living, rural conservation, and farming zones. They may contain native or exotic vegetation or a mix of both.
Town native nature strips	Native nature strips are those located within the town boundary that contain existing native vegetation to be protected.
Heritage nature strips	Heritage nature strips contain garden beds that have been historically planted and maintained.
WSUD	Water Sensitive Urban Design (WSUD) is an alternative urban drainage system that integrates water cycle management into the built environment to reduce pollution, manage stormwater, and improve environmental outcomes
CRA	Coordinating Road Authority (the CRA) means the road authority with the responsibility for the management and coordination of works within a particular road or road reserve.
Arterial Road	An arterial road is a high-capacity road, or main road, that connects traffic between town centres or one existing arterial road to another.

17. Related Council Policies, Strategies and Plans

- > Tree Management Policy
- > Asset Protection Policy
- > Statement of Planning Policy
- > Road Management Plan

- > Biodiversity Strategy
- > Environment Strategy
- > Climate Emergency Plan
- > Shire-wide Footpath Plan

18. Related Legislation

- > Road Management Act 2004 (Vic)
- > Road Safety Act 1986 (Vic)
- > Road Safety (Traffic Management) Regulations 2019 (Vic)
- > Road Safety Road Rules 2017 (Vic)
- > Local Government Act 2020 (Vic)
- > Catchment and Land Protection Act 1994 (Vic)
- > Flora and Fauna Guarantee Act 1988 (Vic)

19. Related Guidelines and Resources

- > Code of Practice for Worksite Safety – Traffic Management (2023)
- > Code of Practice: Operational Responsibility for Public Roads (2017)
- > Austroads Guide to Temporary Traffic Management (AGTTM) (Parts 1–10)
- > AS 1742.3:2019 Manual of uniform traffic control devices, Part 3
- > Macedon Ranges Nature Strip Landscaping Guidelines (2022)
- > Your Guide to the Weeds of Central Victoria (2024)
- > Flora of the Macedon Ranges: A Bushwalker's Guide (2019)

15 NOTICES OF MOTION AND RESCISSION**No. 18/2025-26: NOTICE OF MOTION - NEW PUBLIC SECONDARY PROVISION FOR MACEDON RANGES SHIRE**

I, Councillor Kate Kendall, give notice that at the next Meeting of Council to be held on 27 May 2026, I intend to move the following motion:

That Council

- 1. Writes to the Department of Education Victoria requesting an update on the status and future planning for public secondary education provision within the Macedon Ranges Shire, including:**
 - (a) How Macedon Ranges Planning Scheme Amendment C161 (Amess Road, Riddells Creek) and Draft Macedon Ranges Planning Scheme Amendment C164 (Clarkefield), facilitated through the State Government, are being considered within current and future population and enrolment forecasting**
 - (b) What population, enrolment and broader planning considerations, including population thresholds and enrolment criteria, are used by the Department when determining the need for new public secondary education provision within the Macedon Ranges Shire**
 - (c) Whether the Department intends to revisit, refresh or recommence consultation associated with the 2018 Romsey School Project given its proximity to Clarkefield and Riddells Creek**
 - (d) Whether any land within the Macedon Ranges Shire has been identified, reserved or acquired for future public secondary education provision**
 - (e) If a need for additional public secondary provision is identified, what indicative planning and delivery timeframes would apply**
- 2. Provides a copy of the correspondence to the Minister for Education, the Hon. Ben Carroll MP, and the Member for Macedon, the Hon. Mary-Anne Thomas MP.**

16 URGENT BUSINESS

17 CONFIDENTIAL REPORTS

Nil