

Council Meeting Agenda

Ordinary Council Meeting

Wednesday 27 May 2020 at 6.00pm

Held online and livestreamed at mrsc.vic.gov.au

Public Question Time:

Written questions submitted by the public will be considered during Deputations and Presentations to Council. Question forms are available on Council's website.

As this meeting will be held online, questions must be submitted via the website **by 3.00pm** on the day of the meeting.

Questions submitted after this time will be referred to the next Ordinary Council Meeting or referred to relevant Council officers for a direct response.

Attachments:

All attachments are available for viewing or downloading from Council's website, mrsc.vic.gov.au

Recording of Council Meetings:

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

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ACKNOWLEDGEMENT OF COUNTRY

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

1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

Ladies and gentlemen

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

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

This meeting is being held online and Councillors are attending via electronic means.

The meeting will be conducted in accordance with Council's existing Meeting Procedure Local Law 11, noting that as indicated in some parts of the agenda, procedures have been slightly modified to ensure the meeting remains compliant but can run effectively in the online environment.

As this meeting is being held online there will be no one present in the public gallery.

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

Thank you

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Councillors' attention is drawn to Division 1A Sections 76-81 of the Local Government Act 1989 regarding interests.

Councillors are reminded that:

1. Disclosures of Conflicts of Interest must be declared immediately before the consideration of the item Section 79 (2) (a) (i); and
2. They should classify the type of interest that has given rise to the conflict of interest, and describe the nature of the interest Section 79 (2) (b) (c).

Online meeting: *The Mayor will call on each Councillor by name to declare whether or not they hold a conflict of interest in relation to any agenda items.*

5. MAYOR'S REPORT

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

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

Recommendation:

That the Mayor's report be received.

6. PETITIONS

Pursuant to Council's Meeting Procedure Local Law No. 11, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

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

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

Online meeting: A Councillor seeking to table a petition for an online meeting will do so by providing an electronic copy of the petition to the Coordinator Governance by 12.00pm on the day of the meeting. The first page of the petition must be signed by the Councillor as required by Meeting Procedure Local Law 11. During the meeting, the Mayor will call on a Council officer to confirm receipt of any petitions tabled by Councillors via this process. Following confirmation, the Mayor will call on the relevant Councillor to present the petition.

7. ADOPTION OF MINUTES

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

Ordinary Council Meeting: Wednesday 25 March 2020

Special Council Meeting: Friday 1 May 2020

Recommendation:

That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 25 March 2020 and the Special Meeting of the Macedon Ranges Shire Council held on Friday 1 May 2020 as circulated be confirmed.

8. RECORD OF ASSEMBLIES OF COUNCILLORS – MAY 2020

1. Summary / Purpose

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the minutes of the formal Council Meeting.

2. Policy Context

Section 80A of the *Local Government Act 1989* (the Act) requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the minutes of that meeting.

3. Background Information

The Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. Is an Advisory Committee of the Council where one or more Councillors are present.

Note: Advisory Committee means any committee established by the Council, other than a special committee, that provides advice to (a) the Council, or (b) a special committee, or (c) a member of Council staff who has been delegated a power, duty or function of the Council under Section 98 of the Act.

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

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

4. Report

Outlined below are the details of assemblies of Councillors held since the last meeting.

1.	Date / Time	Type of Assembly
	22 March 2020 3.00pm – 5.00pm	Councillor Briefing
	Venue	<i>Via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Jukes, Mees, Pearce, Radnedge, Traits, West
	Present – Officers	Margot Stork, John Hausler, Gina Lyons, Shane Walden, Sarah Noel, Leanne Manton, Nathan Upson, Stephen Pykett
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> Coronavirus (COVID-19) update: <ul style="list-style-type: none"> - response to date - current situation - Council meetings - CGT procurement matter
	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 assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

2.	Date / Time	Type of Assembly
	25 March 2020 3.30pm – 4.30pm	Councillor Briefing
	Venue	Gisborne Administration Centre – <i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Rob Ball
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Gisborne Futures Project • Agenda Review • Economic Development Strategy • Gisborne Primary School – use of laneway
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
	Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

3.	Date / Time	Type of Assembly
	1 April 2020 8.30am – 11.30am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Sarah Noel, Leanne Manton, Nathan Upson, Dean Frank, Gary Randhawa, John Edwards, Rod Clough and Michelle Nolte
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Risk Management • Final Ash Wednesday Park Master Plan • Feasibility Study for Glass Recycling/Reuse • Loan Guarantee and Community Contributions Policy • Economic Development Strategy • Planning Matters • Pandemic Response

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 assembly? N/A
Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

4.	Date / Time	Type of Assembly
	8 April 2020 8.30am – 9.10am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, Tim Nightingale, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Stephen Pykett, Will Rayner
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> RV Facilities Plan – Kyneton Disposal Point
	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 assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

5.	Date / Time	Type of Assembly
	15 April 2020 8.30am – 10.15am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Leon den Dryver, Leanne Khan
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> Feedback on Draft Budget, Council Plan & Strategic Resource Plan COVID-19 discussion

	<ul style="list-style-type: none"> • Planning Scheme Amendment C126 – Review & Response to Submissions
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

6.	Date / Time	Type of Assembly
	22 April 2020 8.30am – 10.25am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Jukes, Mees, Pearce, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Gary Randhawa, Sarah Noel, Lauren Reader, Leanne Manton, Leon den Dryver, Fiona Alexander
	Presenters	Seamus Haugh, Brian Westley, Barry Green, Mark Simons, Regional Roads Victoria
	Items discussed	<ul style="list-style-type: none"> • Budget Discussions • Regional Kitchen • Continuation of Delivered Meals for Six Months • Documents referred to in Strategies and Policies • Discussion with Regional Roads Victoria [confidential]
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
	Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

7.	Date / Time	Type of Assembly
	29 April 2020 8.30am – 10.25am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Gary Randhawa, Sarah Noel, Lauren Reader, Leanne Manton, Leon den Dryver, Hayley Drummond, Rod Clough, Dean Frank
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Agenda review <ul style="list-style-type: none"> - c138macr – Lot 1 TP 879826 Walshes Road, Woodend rezoning - Ash Wednesday Park Master Plan - Powercor’s vegetation management practices - Small Project Grants – Consideration of grant applications - Revised Instrument of Delegation to members of Council staff (S6) - Flag Policy - Update on East Paddock, Hanging Rock, Woodend (confidential item) - Knight Court, Kyneton – Potential discontinuance and sale (confidential item) - Response to invitation for expressions of interest for the future management of the former Kyneton Primary School • Budget discussion
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the assembly? N/A</p>
	Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

8.	Date / Time	Type of Assembly
	6 May 2020 12.00pm – 2.40pm	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Althea Jalbert, Jill Karena, Stephen Pykett, Bob Elkington, William Rayner, Awais Sadiq
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Mobile Trading Guidelines • COVID-19 Pandemic Update • 2020-21 Budget, Strategic Resource Plan and Council Plan • Business Awards and Regional Tourism Review • Tourism Activity Update • Planning Matters <ul style="list-style-type: none"> - PLN/2019/580 Barry Street Romsey • Submitters Committee virtual meeting trial • Hanging Rock East Paddock • Former Kyneton Primary School (KPS) site
	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 assembly? N/A
	Conflicts of interest declared by officers	Nil Did they leave the assembly? N/A

9.	Date / Time	Type of Assembly
	13 May 2020 8.30am – 11.20am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Sarah Noel, Lauren Reader, Stephen Pykett, Danni Findlay, Leanne Manton, Stephen Hiley, Awais Sadiq, Naomi Scrivener, Christo Crafford, Leon den Dryver
	Presenters	Nil

Items discussed	<ul style="list-style-type: none"> • Agribusiness Forum – Terms of Reference • Reconciliation Action Plan • Council Meeting Agenda Review <ul style="list-style-type: none"> - PLN/2010/477 – 1-3 Station Street, Riddells Creek - PLN/2015/294/A – 936 Bacchus Marsh Road, Bullengarook - PLN/2019/340 – Rochford Road, Lancefield - PLN/2018/55/C – 9 Ladye Place, Woodend - Planning Scheme Amendment C126 – Submissions - RV Facilities Plan – Kyneton disposal point - Heritage overlay control Bunjil Creek bridge and channel - Hanging Rock Project Control Group report - Quarterly Report for the period ended 31 March 2020 - Draft Budget, Strategic Resource Plan and Council Plan - Kyneton Airfield • Review of the Flag Policy
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Pearce declared a conflict of interest in writing to the CEO prior to the briefing regarding the item PLN/2018/55/C – 9 Ladye Place, Woodend.</p> <p>Did they leave the assembly? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

10.	Date / Time	Type of Assembly
	20 May 2020 9.15am – 11.20am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Jukes, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Shane Walden, Angela Hughes, Lauren Reader, Leanne Manton, Leon den Dryver, Stephen Pykett, Will Rayner, Nicole Pietruschka, Danni Findlay, Christo Crafford, Alexia Paterson
	Presenters	Nil

Items discussed	<ul style="list-style-type: none"> • Draft Budget, Draft Strategic Resource Plan and Draft Council Plan • Peri Urban Group of Rural Councils Economic Development Strategy Review • Events and Festivals Strategy • Woodend Community Centre Redevelopment Master Plan & Feasibility Study & Stakeholder Consultation • Planning Matters: <ul style="list-style-type: none"> - Brooke Street, Woodend - Holgates Brewery
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Pearce declared a conflict of interest in writing to the CEO prior to the briefing regarding the item Planning Matters – Brooke Street, Woodend.</p> <p>Did they leave the assembly? Yes</p>
Conflicts of interest declared by officers	<p>Nil</p> <p>Did they leave the assembly? N/A</p>

Officer Recommendation:

That Council endorse the record of assemblies of Councillors as outlined in this report.

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

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

RECOGNITION OF AUSTRALIA DAY HONOUR RECIPIENT

In the 2020 Australia Day Honours Awards, Mr Charles Curwen AO, Mr James Lindsay OAM and Mr Manfred Zabinskas OAM were recipients for their significant contribution to the community.

Mr Curwen and Mr Lindsay attended the 26 February 2020 Ordinary Council Meeting to receive a letter under the Common Seal of Council in recognition of their achievements.

Mr Manfred Zabinkas OAM was invited to attend this meeting to receive a letter under the Common Seal of Council in recognition of the award which was presented in recognition of 25 years of work assisting and saving wildlife and providing a 24 hour voluntary service to rescue sick, injured and orphaned wildlife.

Officer Recommendation:

That a letter under the Common Seal of Council be presented to Mr Manfred Zabinkas OAM at a suitable time in recognition of the Order of Australia award.

PE.1	APPLICATION FOR EXTENSION OF TIME FOR PLANNING PERMIT PLN/2010/477 DEVELOPMENT OF THE LAND FOR A SUPERMARKET WITH ASSOCIATED CAR PARKING, A REDUCTION IN THE CAR PARKING REQUIREMENTS AND SIGNAGE 1-3 STATION STREET, RIDDELLS CREEK
Officer	Tamara Broadsmith, Statutory Planner
Council Plan Relationship	Improve the built environment
Attachments	1. Planning Permit 2. Endorsed Plans 3. Previous Council Report 4. VCAT Decision 5. Approval letter for CHMP 6. Statement of Planning of Policy Response
Applicant	W B Jacobs and Bill Jacobs Pty Ltd
Date of Receipt of Application	11 November 2019
Trigger for Report to Council	Councillor Call in

Purpose and Overview

The application proposes to extend the time allowed under Condition 72 of Planning Permit PLN/2010/477 by two years to commence and complete the approved development.

Planning Permit PLN/2010/477 allows the development of the land for a supermarket with associated car parking, a reduction in the car parking requirements and signage. The proposal includes the construction of three (3) buildings to accommodate a supermarket, sixteen (16) shops, and a café. It was issued on 22 December 2014 at the direction of the Victorian Civil and Administrative Tribunal (VCAT).

Officers have assessed the application for the extension of time. It is considered appropriate to extend the time allowed under the planning permit by two years.

Recommendation

That Council grant an extension of time for a period of 2 years from 20 December 2019 to commence and complete the approved development.

Existing conditions and relevant history

Subject Land

The site consists of five lots and is located between Station Street and the railway line in Riddells Creek. The site is irregular in shape with a northern frontage of approximately 70m onto Station Street. The total size of all lots is 16,040m².

The site is in the Commercial 1 Zone (C1Z) and is currently vacant. Access to the site is from Station Street.

The site includes some vegetation located in the north-western corner and along the south western boundary on the adjoining property. The site slopes toward the east to a recently named creek which drains through a culvert under the railway line to the south.

Surrounds

The land to the north and east is zoned Commercial 1 Zone and includes a mix of retail, medical centre and residential land uses. The land to the west is zoned Public Park and Recreation Zone and includes a Reserve, Neighbourhood House and community buildings. The land to the south is zoned Public Use Zone (railway line) with land further south zoned Rural Living Zone.

Relevant Planning Permit History

Planning Application PLN/2010/477 was originally received by Council on 29 October 2010. As part of its assessment, the application was advertised and seven (7) objections were received.

The application was considered by Council at the Ordinary Council Meeting on 27 February 2013. Council resolved to approve the application and a Notice of Decision to Grant a Permit (NOD) was issued shortly after.

An appeal was lodged at VCAT by the objectors, with the matter being heard in November 2014. VCAT ordered that Council's decision be upheld and that a planning permit be issued. This planning permit was issued on 22 December 2014.

Further details of the permit application can be reviewed in the attached Council Report and VCAT Decision.

Condition 72 of this planning permit relates to the permit expiry. This condition states:

This permit will expire if one of the following circumstances applies:

- (a) The development is not commenced within three years of the date of this permit*
- (b) The development is not completed within five years of the 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 periods referred to in this condition.

At the time the planning permit was originally issued, the applicant/land owner had until 22 December 2017 to commence the development and 22 December 2019 to complete the development.

A two-year extension of time to Condition 72 was granted on 12 December 2017. The outcome of this decision required:

- The development to be commenced by 22 December 2019
- The development to be completed by 22 December 2021.

Proposal

It is proposed to extend the time allowed under Condition 72 of the planning permit by two years to commence and complete the development.

Officer Assessment

Applications for an extension of time to a planning permit are assessed against the tests set out in VCAT decision *Kantor v Murrindindi Shire Council* (1997). These tests are:

Whether there have been any changes to relevant planning controls or planning policy.

The likelihood of a permit being granted if a fresh application was made for the proposal.

The total elapsed time, taking into account whether the originally imposed time limit was adequate.

Whether the landowner is seeking to 'warehouse' the permit (that is, store the permit without intending to act upon it).

Intervening circumstances which bear upon the grant or refusal of the extension request.

The economic burden imposed on the landowner by the permit.

Changes to planning controls or planning policy

DESIGN AND DEVELOPMENT OVERLAY

Since the approval of the planning permit, the Design and Development Overlay Schedule 24 (DDO24) has been applied to the subject site. The DDO24 came into effect on 27 July 2017. The DDO24 was formulated with recognition of the planning approval for the development in question.

In addition to implementing the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF), the purpose of the overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development.

Under the overlay, a permit is required to construct a building or construct or carry out works, and buildings and works must be constructed in accordance with any requirements in a schedule to the overlay.

Schedule 24 includes the following specific design requirements for the subject site:

Design requirements for key opportunity sites - 1-3 Station Street

- *Activate the frontage to Station Street and reinforce the fine grain pattern of existing development in the street, i.e. narrow frontages with horizontal and vertical articulation.*

The proposed development comprises three separate buildings with Building A and Building B including street frontage to Station Street. Building A is to include three separate shop fronts facing Station Street with significant glazing. Building B is to include one shop front facing Station Street with significant glazing. Both Building A and B extend to the south west with additional shop frontages facing the proposed car park. To the east of Building A, a proposed landscaped village square aims to lower the impact of the built form along Station Street and serve as integration between the street and the built form. The proposed crossover that provides the entrance to the complex is 6.4m wide with landscaped splays to minimise the appearance of the crossover. It is considered that the proposed development achieves appropriate street activation given the size of the development and the numerous elements involved.

- *Enhance pedestrian access, safety and amenity on street frontages and through car parking areas.*

The proposed car park includes pedestrian routes with clear crossings aided by constructed pedestrian islands to ensure safety and amenity. The existing footpath along Station Street is to be maintained and pedestrian safety is to the satisfaction of the Engineering Unit.

- *Facilitate pedestrian and cycling through the site that enables connectivity to Station Street and Lake Reserve (including a potential route under the railway bridge that would connect Lake Reserve to any future development area to the South).*

Connection between Station Street and Lake Reserve is provided for. The central area of the car park remains open at the boundary of Lake Reserve with pedestrian access specifically provided for. Pedestrian access would also be possible under the railway bridge that could connect Lake Reserve to any future development area to the south.

- *Minimise the impact of the development on view lines between Lake Reserve and Riddells Creek Railway Station.*

The development is setback 30m from the southern boundary of the site with view lines from the entrance to Lake Reserve to the Riddells Creek Railway Station running behind the proposed development. Views between Lake Reserve and the Riddells Creek Railway Station would also be possible in front of the main building over the car park area.

- *Minimise the visual impact of the development, including car parking and loading bays, through site planning and landscaping measures.*

The proposed development includes significant landscaping around the site boundaries with a particular concentration along the waterway to the east.

Additional landscaping throughout the car parking area also assists the reduction of the visual impact. The bulk of the proposed development is also nestled behind existing commercial properties that assists in co-locating built form in the area.

- *Mitigate any flooding risk along the drainage line and the railway embankment.*

Extensive consideration was given during the application process to ensure mitigation of any flood risk along the drainage line (now Murnong Creek) to the east of the site.

Overall, the development responds positively to the requirements of the Design and Development Overlay Schedule 24.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

The original application required the preparation of CHMP due to the proximity of Riddells Creek. At the time the application was submitted to Council, the area of Cultural Sensitivity affected a triangular area in the lower south-west of the subject site. It considered that the whole of the site may have been disturbed and compromised by the historic use of the site for retail and the adjoining railway line. The CHMP includes a Contingency Plan to be incorporated into the development.

A CHMP was submitted as part of the original application, with this covering the whole of the site and not just the area of Cultural Sensitivity referred to in the above paragraph.

Since the approval of approval of the application in 2014, the area of Cultural Sensitivity has increased to incorporate the recently named former drainage line, now called Murnong Creek.

As the CHMP submitted for the original application assessed the whole site, including the (now) formally named Murnong Creek, it is not considered that a further CHMP is required to be submitted to Council to accompany this extension of time application.

Likelihood of permit issuing upon fresh application

The development responds to the strategic land use and urban design objectives contained within the Macedon Ranges Planning Scheme and the Riddells Creek Structure Plan. The development represents a significant investment in the economic and employment base of Riddells Creek with socio-economic benefits likely. It is considered that the development will not have an unreasonable detrimental impact on the amenity of the area. As such, it is likely that should a fresh application be made, the development would be approved.

Time lapse

The permit approval was issued on 22 December 2014.

The original date in which works were to commence was 22 December 2017 with completion to be by 22 December 2019. The permit has been extended on one previous occasion with works to then commence by 22 December 2019 and completed by 22 December 2021.

The total timeframe for works to commence has been five years to date. While it is considered that this is a reasonable timeframe for works to have commenced, the scale of the development affords some consideration. The applicant has advised that works have been delayed due to financial constraints.

Warehousing of permit

While it is difficult to determine the intentions of the land owner, there is no indication that suggests the land owner is warehousing the permit.

Intervening circumstances

There are no apparent intervening circumstances to support either approval or refusal of the application.

Economic burden

No evidence of economic burden imposed by the permit conditions has been provided by the applicant.

Officer declaration of conflict of interest

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

Conclusion

The application has been assessed against the Planning Scheme.

While planning controls have changed (increased) since the original planning permit was granted in 2014, it is considered that the approved development accords with the introduced controls and that the planning permit should be extended as proposed.

This would result in the development being required to commence by 22 December 2021 and be completed by 22 December 2023.

The development has the potential to strengthen the retail base of the Riddells Creek primary trade with socio-economic benefits for a township.

PE.2	APPLICATION FOR PLANNING PERMIT PLN/2019/279 APPLICATION FOR MISCELLANEOUS CONSENT MCA/2019/63 USE AND DEVELOPMENT OF THE LAND FOR A CHILD CARE CENTRE AND MEDICAL CENTRE 2-8 POPLAR DRIVE, ROMSEY
Officer	Awais Sadiq, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Plans 2. Statement of Planning of Policy
Applicant	Archsign Pty Ltd
Date of Receipt of Application	19 June 2019
Trigger for Report to Council	Councilor call in

Purpose and Overview

The application is for the use and development of a child care centre and medical centre. The child care centre is proposed to accommodate up to one hundred and four (104) children with a maximum of nineteen (19) staff members. It is proposed to operate 6:30am to 6:30pm – Monday to Friday.

The medical centre is proposed to accommodate eleven (11) staff (9 medical practitioners and 2 admin staff). The hours of operation for the medical centre will be Monday to Friday - 8:30am to 8pm and 8:30am to 3:30pm on Saturday. Five (5) practitioners will provide services after 5pm on Monday to Friday. Two (2) practitioners will be available in case of emergency between 8pm and 10pm.

The notice of application was given pursuant to Section 52 of the Planning and Environment Act 1987. Nineteen (19) objections and one (1) petition have been received to date.

Key issues to be considered relate to the appropriateness of the proposal in accordance with the zoning of the land and issues in relation to noise, traffic and general amenity.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to Grant a Planning Permit be issued.

Recommendation

That Council:

- 1. Issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and medical centre for the land at LOT 177, LOT 178, LOT 179 and LOT 180 PS 735236V P/Monegetta, 2-8 Poplar Drive, Romsey subject to the conditions below:**

- 1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted on 11 February 2020, prepared by Archsign Pty Ltd but modified to show:**
 - a) Location of waste storage area for the Medical Centre;**
 - b) Height of the northern terrace wall on the first floor level of the Medical Centre along the northern elevation to be 1.7m;**
 - c) Additional articulation (i.e. additional design features, recession of walls or employment of various buildings colours and materials) along the northern, western and southern elevations of Medical Centre;**
 - d) Landscape Plan in accordance with Condition 2 of this permit.**

- 2. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of this permit. The plan must show:**
 - a) A survey of all existing vegetation and natural features;**
 - b) Three advanced trees (minimum height of 1.6m and 45 Litre pot when planted) in the Poplar Drive reserve frontage – with offsets from infrastructure as per Councils Tree Management Policy, 2019;**
 - c) Species in this case to be *Fraxinus pennsylvanica* 'Cimmzam' Cimmarron Ash;**
 - d) An advanced tree planting detail with a minimum 52 Greenwell Water saver and 3 hardwood stakes;**
 - e) All existing street trees to be retained must be fenced prior to any works commencing, or any heavy machinery entering the site;**
 - Tree Protection fencing is to comprise temporary security fencing of minimum 1.8m high and fixed to block bases.**
 - Fencing is to be installed a minimum of two (2) metres in each direction from the trunk surrounding the tree to create an exclusion zone and must remain in place until the conclusion of works.**

- No trenching or removal of soil, dumping or storage of fuel, material or equipment is to take place within the protected zone.
- f) Provision of additional landscaping (inclusive of tree or shrubs) along the entire southern boundary;
- g) The area or areas set aside for landscaping;
- h) A schedule of all proposed trees, shrubs/small trees and ground cover;
- i) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
- j) Appropriate irrigation systems.

Notes on Landscape Plan

The following notations added to the landscape plan;

- Contractors are to confirm the location of all underground services prior to commencement of any excavation.
 - Tree planting is to occur between April & September to maximise establishment and survival.
3. The uses and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 4. Unless with the prior written consent of the Responsible Authority, before the commencement of the uses, the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.
 5. Before the commencement of the development, LOT 177 PS 735236V P/Monegeetta, LOT 178 PS 735236V P/Monegeetta, LOT 179 PS 735236V P/Monegeetta and LOT 180 PS 735236V P/Monegeetta must be consolidated under the Subdivision Act 1988.
 6. Unless with the prior written consent from the Responsible Authority, the loading and unloading of goods from any vehicles must only be carried out within the boundaries of the land and must not be conducted before 8:00am or after 6:00pm on any day.
 7. Unless with the prior written consent from the Responsible Authority, the child care centre hereby permitted must only operate between the following hours:

Child Care Centre

- Monday to Friday – 6:30am to 6:30pm
8. Unless with the prior written consent from the Responsible Authority, the medical centre hereby permitted must only operate with following number of practitioners on site at any one time and between the hours:

Medical Centre

- **Nine (9) Practitioners: Monday to Friday – 8:30am to 5pm**
 - **Five (5) Practitioners: Monday to Friday – 5pm to 8pm**
 - **Two (2) Practitioners (Emergency Only): Monday to Friday – 8pm to 10pm**
 - **Nine (9) Practitioners: Saturday – 8:30am to 3:30pm**
 - **Sunday and Public Holidays – Closed**
- 9. The child care centre hereby permitted must not exceed one hundred and four (104) children on site at any one time unless with the prior written consent of the Responsible Authority.**
- 10. The child care centre hereby permitted must not exceed nineteen (19) employees on site at any one time unless with the prior written consent of the Responsible Authority.**
- 11. The development shall be adequately lit at all times during the hours of darkness. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.**
- 12. A directional sign to the satisfaction of the Responsible Authority shall be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.**
- 13. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.**
- 14. The development and uses hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:**
- a) Transport of materials, good or commodities to or from the land;**
 - b) Appearance of any building, works or materials;**
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) Presence of vermin.**
- 15. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.**
- 16. Air-conditioning and other plant and equipment installed on the subject building(s) shall be positioned and baffled so that noise disturbance is minimised and appropriately screened from public view, to the satisfaction of the Responsible Authority.**
- 17. A minimum of fifty one (51) car spaces must be provided on the land for the uses including the provision of three (3) disabled car spaces for the**

- exclusive use of disabled persons. The disabled car spaces must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons, to the satisfaction of the Responsible Authority.**
- 18. The buildings and internal facilities must be designed having particular regard to the accessibility and convenience of disabled people in accordance with the provisions of the Victorian Building Regulations unless otherwise agreed to in writing by the Responsible Authority.**
 - 19. Provision shall be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.**
 - 20. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts or playing of music.**
 - 21. Vehicles under the care, management or control of the operator of the uses, including staff vehicles must not be parked in any nearby road.**

MRSC Engineering Conditions

- 22. Prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
 - a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;**
 - b) Dust control;**
 - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;**
 - d) Where access to the site for construction vehicle traffic including parking will occur;**
 - e) The location of any temporary buildings or yards.****

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

- 23. 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.****

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

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

25. Prior to the commencement of the uses, the following works must be constructed or carried out to the satisfaction of the Responsible Authority:
- a) Construction of crossover in Poplar Drive in accordance with endorsed plans.
 - b) Crossovers are to be a minimum of 10m from any intersection, 1m from any power pole, sign or service pit and an absolute minimum of 3m from any street tree.
 - c) Removal of all redundant crossovers in Poplar Drive and Maple Drive and reinstatement of kerb and gutter, nature strip and footpath.
26. Prior to the commencement of the uses, the areas set aside for the parking of vehicles and access driveways as shown on the endorsed plans must be:
- a) Constructed in concrete or asphalt to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Drained and maintained.
 - d) Marked to indicate each car space and all access lanes.
 - e) Clearly marked to show the direction of traffic along access lanes and driveways.

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

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

VicRoads Condition

- 29. Vehicular access to the subject land via Poplar Drive must be left-in, left-out and must be mitigated with a suitable treatment to the satisfaction of and at no cost to Council.**

Expiry of Permit

- 30. This permit will expire if one of the following circumstances applies:**
- a) The development is not commenced within two years of the date of this permit.**
 - b) The development is not completed within four years of the date of this permit.**
 - c) The use is not commenced within two years of the completion of the development.**

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

Permit Notes:

- Future owners of the land must be made aware of the existence of this permit.**
 - Business identification signage has not been approved as part of this permit and a separate permit application may be required to be made in this regard.**
 - Child care centre will need to be registered under the provisions of the Food Act with Councils Environmental Health Unit.**
- 2. Grant a Miscellaneous Consent to allow for buildings and works within 5 metres from the rear boundary of lots 177, 178, 179 and 180 and for buildings and works within 10 metres of the western boundary of Lot 177 in accordance with Clause 3 of Section 173 Agreement AQ027145M.**

Existing conditions and relevant history

Subject land

The subject site is located on the south side of Poplar Drive, at the intersection of Poplar Drive and Maple Drive. The site comprises four contiguous allotments and is currently vacant. The site is clear in terms of any vegetation.

Surrounds

Land to the north and east is zoned General Residential Zone, comprising similar sized allotments with few of them comprising dwellings under construction as the entire area is part of a new estate. Land to the south is within Farming Zone and is currently vacant. Land further north and opposite the site to the west side of Melbourne-Lancefield Road is also included in the General Residential Zone, Schedule 1. These properties are generally developed with detached single storey dwellings. Melbourne-Lancefield Road is categorised as Road Zone, Category 1.

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

The allotments are encumbered by two Section 173 Agreements and a sewerage easement.

Details of the Agreements are as follows:

Section 173 Agreement AQ027145M (10/07/2017)

The Owner agrees, unless with prior written consent of the Responsible Authority:

1. *On Lots 168 to 176 (inclusive);*
 - a) *All Buildings and Works must be setback at least 15 metres from the western (front) boundary of the Lot;*
 - b) *All Buildings and Works associated with a Dwelling must be setback at least 15 metres from the eastern (rear) boundary of the Lot; (save for Lot 176 as a corner block) and*
 - c) *All Buildings and Works associated with an Outbuilding must be setback at least 1 metre from the eastern (rear) boundary of the Lot (save for Lot 176 as a corner block);*
2. *On Lots 177 to 183 (inclusive)*
 - a) *All Buildings and Works must be setback at least 5 metres from the southern (rear) boundary of the lot;*
 - b) *All Landscaping within the Landscape Buffer Zone must be maintained to the satisfaction of the Responsible Authority.*
3. *On Lot 168 the Turning Circle shown on the Endorsed Plan over the Western part of the Lot must be made available and maintained for the purpose of vehicle turning until such time as the Service Road is extended to the north. At such time as the Service Road may be extended, the Turning Circle is to be removed and the area be developed in accordance with the Road, Drainage, Landscaping and Footpath Plans Endorsed under the Planning Permit.*
4. *No more than 2 Dwellings may be constructed on a Dual Occupancy Lot; and any proposal to develop a Dual Occupancy Lot will be assessed against the Design Requirements to the satisfaction of the Responsible Authority.*

5. *On Lots 177 all Buildings and Works must be setback at least 10 metres from the western (side) boundary of the Lot.*

The applicant has applied for miscellaneous consent to construct buildings and works within 5m from the rear boundary of Lots 177, 178, 179 and 180 and within 10m from the western boundary of Lot 177.

Section 173 Agreement AR413622S (03/09/2018)

The Owner agrees, unless with prior written consent of the Responsible Authority:

1. *All lots on the Endorsed Plan of Subdivision:*
- a) *Unless with the prior written consent of the Responsible Authority, prior to occupation of any dwelling on the Lot, a Rainwater Tank with a minimum capacity of 5000 litres must be constructed and maintained on each lot and the rainwater collected to be used for domestic purposes, to the satisfaction of the Macedon Ranges Shire Council.*

This Agreement relates to the requirements of a water tank associated with dwellings on the lots. The proposal is for child care centre and medical centre therefore it will not contravene the Agreement.

A 2.5m sewerage easement runs along the rear boundaries of the lots however the proposal will not contravene the easement as no buildings will be constructed over the easement.

Previous planning permit history

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

Permit No.	Description
MCA/2019/63	Miscellaneous Consent to Vary setback requirements under the Section 173 Agreement AQ02714SM.

Proposal

The application proposes the use and development of the land for a child care centre and a medical centre.

Child Care Centre

The child care centre will be located on the eastern section of the land having a minimum setback of 9.2m from the southern boundary and a minimum setback of 14.5m from Poplar Drive.

The child care building will have an area of 642m² comprising the following:

- A secured entry foyer accessed from the carpark;
- Staff room, manager room, interview room, sleeping rooms, a laundry, kitchen, storage area and toilets;
- Six (6) children's' rooms with each having access to amenities and outdoor play area;

The facility will have an outdoor play area of 754m². The centre will accommodate up to one hundred and four (104) children and the proposed hours of operation will be:

- Monday to Friday – 6:30am to 6:30pm
- Saturday and Sunday – Closed
- Public Holidays – Closed

Nineteen (19) staff (including 2 admin staff) will occupy the child care centre at any one given time. The building will be single storey with a maximum apex height of 5.16 metres. The building will compose a number of skillion roof forms and will be clad in materials of assorted muted tones.

Medical Centre

The medical centre will be located on the western section of the land having a setback of approximately 16.3m from the southern boundary and a minimum setback of 2m from Poplar Drive and setback of 15m from the western boundary. The building will be double storey having a total area of 702m² (inclusive of ground floor and first floor) comprising the following:

The ground floor level includes:

- Two secured entry foyers accessed from the carpark;
- Reception and waiting area;
- Eight (8) consulting rooms;
- Two (2) dentist rooms with a shared preparation room;
- Two (2) pathology rooms;
- One (1) dispensary room;
- One (1) nursing room;
- An admin and manager offices.
- Male and female toilets, including staff toilets and one disabled toilet.
- Lunchroom.

The first floor level includes:

- Two (2) wellbeing rooms with access;
- Fifty five (55) m² terrace and toilets;
- Plant equipment and services room.

Eleven (11) staff (9 medical practitioners and 2 admin staff) will occupy the medical centre at any one given time. Overall operation of the medical centre will be as follows:

- Nine (9) Practitioners: Monday to Friday – 8:30am to 5pm
- Five (5) Practitioners: Monday to Friday – 5pm to 8pm
- Two (2) Practitioners (Emergency Only): Monday to Friday – 8pm to 10pm
- Nine (9) Practitioners: Saturday - 8:30am to 3:30pm

The building will compose of skillion roof form and will be clad in an assortment of muted toning.

Car Parking

Fifty one (51) car parking spaces will be provided on site in association with the child care centre and medical centre including the provision of three (3) disabled car parking spaces.

Miscellaneous consent application

The applicant has also applied for consent under the Section 173 Agreement AQ027145M – 10/07/2017 to construct the proposed car parking associated with the use within the 10m setback of the western boundary of Lot 177 (2 Poplar Drive) and buildings and works within 5 metres of the rear boundary of Lots 177, 178, 179 and 180.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11	Settlement
11.01-1R	Settlement - Loddon Mallee South
13.02	Bushfire
13.05	Noise
15	Built Environment and Heritage
17	Economic Development

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.08-3	Built Environment
21.10	Economic Development and Tourism
21.13-4	Romsey

Zoning

Clause No.	Clause name
32.08	General Residential 1 Zone (Schedule)

Overlay

Clause No.	Clause name
43.02	Design and Development Overlay (Schedule 18)
43.04	Development Plan Overlay (Schedule 9)
45.06	Development Contributions Plan Overlay (Schedule 1)

Particular Provisions

Clause No.	Clause name
52.06	Car Parking

52.34	Bicycle Facilities
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General Provisions

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

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 Regulation 6 *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
Nil	

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Health	No objection subject to a condition.
MRSC Economic Development	No objection.
MRSC Parks and Garden	No objection subject to conditions.
CFA	No objection.

Department of Transport	No objection subject to a condition.
MRSC Strategic Planning	No objection.
MRSC Early Years	No objection.

Advertising

The application was advertised by sending notices to the owners and occupiers of surrounding and adjoining land and by requiring a notice to be erected on the land for a period of 14 days. Nineteen (19) objections and one (1) petition have been received.

Following is the summary of the objections:

- Child care centre and medical centre not required;
- Car Parking;
- Increase in Traffic;
- Noise;
- Devaluation of property;
- Not appropriate location;
- Hours of operation for medical centre;
- Lighting;
- Risk of accident;
- Not appropriate zoning;
- Contrary to neighbourhood character;
- Outside main commercial area of Romsey;
- Height of medical centre;
- Scale of Development;
- Materials;
- Drainage and flooding issues;
- Number of Children;
- Fencing;
- Vegetation Removal;
- Setback of the buildings;
- Lack of landscaping;
- Loading;
- Waste Collection;
- Bicycle Parking;
- Impact on Views;
- Safety of children;
- Number of General Practitioners;
- Dispensary within the medical centre.

Officer assessment

Planning Policy Framework (PPF)

Planning policy promotes growth and development of settlements within Melbourne's peri urban areas, while maintaining their attractiveness and amenity on land which has been identified and zoned as appropriate for residential development.

Clause 11 outlines that *“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health, wellbeing and safety*
- *Diversity of choice*
- *Adaptation in response to changing technology*
- *Economic viability*
- *A high standard of urban design and amenity*
- *Energy efficiency*
- *Prevention of pollution to land, water and air*
- *Protection of environmentally sensitive areas and natural resources*
- *Accessibility*
- *Land use and transport integration.*

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.”

Clause 13.02-1S outlines the requirement for the consideration of bushfire risk to a child care centre. The applicant has provided a Bushfire Development Report which recommended that the Child care centre must be constructed to BAL 19. The site abuts rural land to the south which is relatively clear in terms of vegetation. It is considered that in light of the assessment and in consideration of the surrounding neighbourhood and surrounding non-urban land, the risk to the subject site can be appropriately managed.

The policies relating to the Built Environment also broadly emphasise the importance of creating quality environments which contribute positively to local urban character and sense of place and reflect the particular characteristics, aspirations and cultural identity of the community. Clause 15.01-1S outlines the need to *“create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity”*.

Clause 15.01-2S outlines the need *“to achieve building design outcomes that contribute positively to the local context and enhance the public realm”*.

The objective of Policy 15.01-5S (Neighbourhood Character) is *“to recognise, support and protect neighbourhood character, cultural identity, and sense of place.”* The strategies associated with this policy are to:

- *Ensure development responds and contributes to existing or preferred neighbourhood character.*

- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - *Pattern of local urban structure and subdivision*
 - *Underlying natural landscape character and significant vegetation*
 - *Heritage values and built form that reflect community identity.*

These policies place great emphasis on the need for new development to respond to the urban character and natural features, in order to maintain the attractiveness and amenity of towns.

The policies in relation to Economic Development under Clause 17 seek to provide a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. It also outlines the need for planning to contribute to the economic wellbeing of communities and the State as a whole by supporting economic growth and development.

The development is considered to respond appropriately in terms of the location within Romsey and the neighbourhood character. It is therefore considered consistent with the outcomes sought by Clauses 11, 13, 15 and 17.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement provides strategic directions for land use planning throughout the municipality.

Clause 21.03-2 identifies that development should provide for a “*diverse range of residential and commercial opportunities are provided in appropriate locations, including appropriately zoned and serviced land to meet the needs of the Shire’s changing demographic. Growth is generally directed to the transport corridors, in-line with infrastructure provision and cognisant of constraints*”.

Clause 21.04 relates to the Shire Settlement strategy which highlights growth within the Shire and that Romsey is expected to grow within to a Large District Town of over 10,000 residents by 2036.

Clause 21.08-3 seeks to “*protect and enhance the existing character and form of the Shire’s Towns*”. The applicable strategies include:

- *Strategy 2.2 - Encourage development that respects the distinctive character and defining attributes of each settlement.*
- *Strategy 2.3 - Ensure development in sensitive areas respects its context and the preferred character of the area.*
- *Strategy 2.4 - Identify appropriate locations for higher density urban development in town centre structure plans and outline development plans that do not detrimentally affect the heritage values, preferred neighbourhood character or landscape character of the Shire’s towns.*
- *Strategy 2.5 - Ensure the planning density and design of new residential development recognises the environmental and infrastructure constraints and preserves the distinctive characters of the Shires various communities and individual towns and settlements.*

Clause 21.10 supports Clause 17 of the PPF. It seeks to support additional services and facilities within Romsey in appropriate areas. This is to provide local employment opportunities and to service the needs of residents.

Clause 21.13-4 (Romsey) defines the character of Romsey as having the following elements to the neighbourhood character:

- *Historic buildings.*
- *Wide streets.*
- *Significant vegetation.*
- *Five Mile Creek.*
- *Open space.*
- *Large residential lots.*

It also outlines that young and middle aged families are a significant feature of the town's age structure – 32 per cent of the population is under 18. It also outlines that at least 55 percent of the employed people living in Romsey work in the metropolitan area while only 33 percent work within the Macedon Ranges Shire. It outlines that a key issue for Romsey is “*ensuring that new development reflects the neighbourhood character of the established residential areas of Romsey, which is very different from metropolitan Melbourne and highly valued by residents*”.

The proposal will address the following key issue under Clause 21.13-4:

- *Balancing future growth needs between residential growth and employment, business services and community infrastructure if sustainability objectives are to be met.*

The following objectives under Clause 21.13-4 are relevant to the proposal:

- *To strengthen the role of Romsey as the major urban centre in the north-eastern part of the Shire.*
- *To provide a balance between residential growth and employment, business services and community infrastructure, in order to reduce the need for residents to travel outside the town.*
- *To strengthen Romsey's economic base by making additional land available for the establishment of industry and service business, in order to provide local employment and business services, while maintaining the semi-rural nature of the township environs.*
- *To protect the townscape and heritage features of the town.*
- *To create an attractive urban environment with a strong sense of place.*

This clause also outlines that it is policy to “*Support additional child care facilities where appropriately designed and located close to the town centre or existing education facilities*”. It is considered that this supports the use of a child care centre within Romsey due to the population growth forecasts and from an economic development perspective.

The Municipal Strategic Plan also seeks to allow development and infrastructure to support the growing population within all townships within the Shire. The proposed use as a medical centre will be in close proximity to the Romsey business area and within the residential area and is therefore considered appropriate and is supported.

Overall, it is considered that the proposed development will be in keeping with local policy as it will be located adjacent to the arterial road and has adequate pedestrian footpaths available.

General Residential Zone

The purpose of the General Residential Zone is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The provisions of the zone provide a number of decision guidelines for non-residential use and development within the zone. The applicable decision guidelines are:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The proposal will be compatible with the residential uses in the area as the site can comfortably accommodate the proposed development given its generous size (four allotments), whilst still allowing for appropriate landscaping opportunities. It is acknowledged that the proposal is not residential in nature. However, such uses can be considered under the zone as they serve local community needs in relation to health and child care facilities.

General Residential Zone supports the provision of such uses within residential areas as one of the purposes of the zone is to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. The location of the proposal is appropriate as the site is located within approximately 2km of the main commercial area of Romsey in a residential area with a Farming Zone interface to the rear. It will service local residential area and is on a main road. There are numerous VCAT decisions which outline such uses are appropriate in General Residential Zone.

The site is adjoined by residential land to the north and east. However, the land is separated from adjoining residential uses by roads (Poplar Drive and Maple Drive).

The site abuts the Farming Zone land to the rear. It also has a main road context which makes it a reasonable candidate for such development.

This site has attributes that supports its potential to be used and developed for a child care centre and medical centre. It has an area of 4222m² (four allotments) and the size of the site is important given that it can be difficult to assemble a site of suitable size for uses like proposed in this case. The site is also relatively flat and it is not constrained by buildings, vegetation or awkwardly positioned easements.

The proposed child care centre design is modest as it will be single storey with a 14.5m setback from Poplar Drive. The façade and presentation of the building to the street will ensure that the child care centre will make a positive contribution to the streetscape and character of Poplar Drive. It will have adequate landscaping within the front setback adjacent to the car parking area which will contribute to the aesthetics of the centre.

The scale of medical centre building is acknowledged to be a large building which is double storey. However, the second storey component of the building will be recessed further from the street than the ground storey. The building will have a setback of 2m from Poplar Drive which is not consistent with the adjoining area however, the setback variation will allow the accommodation of car parking spaces on site.

The façade of the medical centre building will be articulated by using a variety of building materials and the provision of reasonable landscaping at the front of the building which will soften the dominance of the building within the streetscape. It is also noted the reason for reduced setbacks for the medical centre is to allow landscaping along the rear boundary in accordance with the Section 173 Agreement to maintain a rural interface with the Farming Zone.

The proposal will result in an increase in traffic coming to the subject land which will be likely to be during peak times in the morning as well as afternoon. The movement and general noise however of vehicles is not considered to be an unexpected sound in the area. Any increase in vehicular traffic to the site will more than likely be absorbed into the general increase in vehicular traffic as the whole area develops and the resulting increase in residential activity.

It is further noted the development requires fifty one (51) car parking spaces and the required car spaces will be provided on site which will alleviate any traffic congestion on the road as it would avoid car parking on the road. Four bicycle parking spaces will also be provided for the medical centre. The loading and waste collection will be managed via permit conditions.

Therefore, the level of traffic generated by the development is not anticipated to have a significant adverse impact on Poplar Drive, Melbourne-Lancefield Road or the surrounding road network.

A 1.8m high timber acoustic fence will be located along the eastern boundary of the land in order to reduce the transmission of noise to adjoining properties to the east.

The outdoor space area associated with the child care centre will be located to the rear (south) of the centre abutting the farming zoned land therefore noise from the playground area will not adversely impact on the amenity of dwellings to the north. The child care centre will be setback 14.5m from Poplar Drive which is reasonable and will not impact the amenity of the dwellings to the north across Poplar Drive.

The medical centre use will not generate significant amounts of noise and standard conditions will be included to control noise and protect amenity. Landscaping within the frontage will improve the overall northern (front) appearance of the development that contributes to the streetscape. Landscaping also surrounds the car park improving the overall visual appearance and reduces the visual bulk of the development on the land.

The proposed hours of operation for the uses are considered reasonable given the nature of the uses and will be conditioned on the permit. A condition will be included on the permit requiring the development to be safely lit at all times during the night time to improve safety, and such lighting shall be located and designed with suitable baffles so that no direct light is emitted outside the site. The hours of operation for the medical centre are considered reasonable as one of the other medical centre in the area operates generally with similar hours.

Overall, it is deemed that the proposal will meet the outlined decision guidelines for a non-residential use for the subject site. Therefore, the proposal can be supported under the provisions of the zone.

Design and Development Overlay Schedule 18

The Design and Development Overlay Schedule 18 seeks to implement the Municipal Planning Strategy and Planning Policy Framework. It identifies areas which are affected by specific requirements that relate to the design and built form of new development.

Schedule 18 outlines three precincts within Romsey. The subject site is located within the “Greenfield Area” character precinct. The applicable general design objectives of the schedule are as follows:

All precincts

- *To encourage design which reflects the valued character attributes of Romsey, which broadly consists of low scale dwellings with generous setbacks from front, rear and side setbacks, a dominance of landscaping and either low or no front fencing.*
- *To protect residential amenity by ensuring development does not intrude on neighbouring dwellings.*
- *To ensure any fencing sited forward of a building is of a low height and accommodates a high degree of visual permeability.*

Building form

- *To maintain substantial setbacks from all boundaries, and larger setbacks from a rear boundary.*

- *To require buildings to have a high degree of façade articulation, with varied setbacks from the front boundary.*
- *To avoid excessive building bulk through design measures to provide actual or implied breaks in building form to break up mass, particularly towards the rear of a site.*
- *To encourage architectural interest through varied roof form.*
- *To avoid mock replication of heritage features and styles.*
- *To encourage eaves and verandahs.*

Building height

- *To encourage single storey building form, particularly at the rear of sites.*
- *To encourage low roof forms of 30 degrees or lower.*

Access/car parking

- *To encourage only one crossover per site to the street.*
- *To encourage curvilinear driveways to allow planting to the side.*
- *To require driveways to avoid street trees / significant trees.*

Landscaping

- *To encourage the retention of existing significant trees.*
- *To encourage planting of canopy trees within the frontage and in other open areas throughout a site.*
- *To encourage landscaping to be provided in a side setback, including adjacent to a driveway located within a setback between a dwelling and a side boundary.*
- *To avoid excessive hard surfaces and encourage buildings to be accompanied by substantial landscaping.*
- *To encourage a permeable surface of 45% in the Medium Density Area, 55% in the Greenfield Area and 65% in Established Area A.*

Design objectives of the overlay generally relate to the construction of dwellings. However, the objectives should be considered for non-residential development. The proposal in general complies with the objectives as discussed below.

It is acknowledged that the review site will appear different to the surrounding residential properties. Non-residential land uses have a particular form and function, often require additional car parking, and have other attributes or requirements that must be provided in a proposed design. The development is designed in such a way, so as to allow it to respond to and integrate with the surrounding neighbourhood character.

The development will not present as a residential building however the site is located on a large corner site that has an interface with a major arterial road. The development will not be out of place as it will be seen as a corner lot site and will be viewed as distinct from the remainder of the street.

Car parking is proposed within the front setback of the child care centre and it will be setback behind a landscaped strip having a depth of 2m.

Landscaping will allow the front of the site to contribute to the modest way that front landscaped gardens form part of the character of this neighbourhood. A condition will be included for the provision of a detailed landscape plan specifying the number and species of plants.

Adequate setbacks will be provided to side and rear boundaries to allow a landscaping outcome to be achieved which will contribute to the character of the neighbourhood. Landscaping will enhance the appearance and will minimise the visual impact of the development on adjoining and nearby residential properties.

The development has been deliberately designed in a manner that reflects the character of the surrounding housing. This will be achieved through the modest scale of the front elevation, the presentation of an entry door and appropriate sized windows along front elevation.

The proposed design also has avoided some of the usual attributes of a commercial property as no signage has been proposed and also no proposal to contain any services such as a fire hydrant booster within the front setback.

The site does not directly abut any residential dwelling and a 1.8m high metal picket front fence will provide a high level of permeability. The development will be unable to meet the permeability for the site. This is 55% for the Greenfield Area for which variation is justified in this instance given the provision of all car parking spaces on site and to accommodate the development more appropriately in terms of its built form.

Precinct 2 - Greenfield Area

It is noted that the design requirements specified in the overlay as discussed above relates to dwellings and there are no specific requirements for non-residential development under the overlay. The proposal being a non-residential development has been assessed against the requirements of Greenfield area. Following is the assessment of the proposal against the relevant requirements of Greenfield Area:

- *Street setback*

The child care centre component of the development complies with front street setback requirements however the medical centre building will not comply with the front setback requirements. The variation is justified in this instance as it will allow the development to fit appropriately within the site with associated car parking. The setback variation will also allow the design of the development to respond appropriately to the site context.

- *Side setback: ground floor - minimum of 3 metres to side boundaries*

The child care centre and medical centre will comply with this side setback requirement.

- *Side setback: first floor - minimum of 5 metres to side boundaries.*

The first floor level side setback of the medical centre will comply with this setback requirement.

- *Rear setback: minimum of 10 metres for dwellings and 1 metre for outbuildings.*

Rear setback of the entire development will comply with this setback requirement as development will setback more than 10m from the rear boundary. 1m setback requirement is for outbuildings associated with dwellings which is not applicable in this instance.

- *Building coverage: maximum 40% of the site area.*

The maximum building coverage for the development will be 26%.

- *Building height maximum 7.5 metres, excluding any television antenna, chimney or flue.*

The child care centre will be single storey and will comply with this height requirement. The medical centre will not comply with this height requirement. However, the first floor component will be further recessed within the building footprint which will not result in any dominance along the streetscape.

It is considered that the proposal does meet most of the objectives under the DDO18. On balance, the proposed development will be an appropriate response to the design objectives expressed within the DDO18.

Development Contributions Plan Overlay (Schedule 1)

The Development Contributions Plan Overlay seeks to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

A Development Contributions Plan is currently implemented within the Township of Romsey via Schedule 1. The site is located in Area 5 under the overlay and there is no amount specified for contributions for commercial development.

Car Parking

Clause 52.06 (Car Parking) of the Macedon Ranges Planning Scheme aims to ensure that the appropriate number of car parking spaces are provided in association with different uses, having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

A child care centre is required to have 0.22 car parking spaces to each child attending the centre. The proposed child care centre will have 104 children therefore child care centre component requires 22 car parking spaces. A medical centre requires five car spaces for the first person providing health services plus three car parking spaces for every other person providing health services. Nine medical practitioners will provide health services and therefore a total of 29 car parking spaces will be required for the medical centre.

A total of fifty one (51) car parking spaces will be required for both uses and the site plan shows the provision of 51 car spaces including the provision of three (3) disabled car parking spaces. The proposal therefore complies with the car parking requirements.

Bicycle Facilities

There is no requirement under the planning scheme to provide bicycle facilities for a child care centre. A medical centre requires 1 employee bicycle parking space for each 8 medical practitioners and 1 visitor bicycle parking spaces for each 4 medical practitioners. The medical centre will have a total of nine (9) medical practitioners therefore three (3) bicycle parking spaces will be required (1 for employee and 2 for visitors). The site plan shows the provision of four bicycle parking spaces.

Other Concerns

Property devaluation was a concern raised by objectors. Case law through the Victorian Civil and Administrative Tribunal (VCAT) has determined that property devaluation is not a valid planning consideration and has not been further considered in the assessment of this application.

The application has been referred to MRSC Engineering Department and no concerns have been raised in relation to drainage or flooding. A condition will be included for the requirement of an appropriate drainage system. Loading and unloading will occur within the site and garbage will be collected by a private contractor. The location of rubbish bins for the child care centre has been shown and a condition will be included for amended plans to show the location of garbage area for the medical centre.

One hundred and four (104) children have been proposed in association with the child care centre which is considered reasonable given the size of the site. The application was referred to MRSC Early Years Unit and the proposal complies with *Children's Services Amendment Regulations 2011* with regards to the numbers of children to staff ratio, area of children rooms and outdoor space area etc. The applicant has provided a needs analysis report to justify the need for a medical centre with an associated small scale dispensary in Romsey.

No vegetation will be removed as part of the application and the development will not impact on any significant landscape as it is not located within close proximity of a significant landscape area. A condition will be included on the planning permit

Miscellaneous Consent

In light of the above considerations, it is deemed that a miscellaneous consent should be issued to allow for buildings and works (fencing and landscaping works) within 5 metres of the rear boundary of lots 177, 178, 179 and 180 and for buildings and works (car parking and accessways) within 10 metres of the western boundary of Lot 177. The proposed development is considered appropriate and therefore the issuing consent will be required to vary the requirements under the Section 173 Agreement.

Officer declaration of conflict of interest

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

Conclusion

Overall it is deemed that the proposal can be supported. Planning and local polices support identifies the need to support the provision of community facilities. The scale, design and intensity of the development is appropriate in relation to the site and its context. It is therefore recommended the application be supported.

PE.3	APPLICATION TO AMEND PLANNING PERMIT PLN/2015/294/A - USE AND DEVELOPMENT OF THE LAND FOR AGRICULTURE: FOR HORTICULTURE AND THE KEEPING OF 30 POULTRY, FOUR SHEEP AND TWO ALPACAS (APPLICATION TO AMEND PLANNING PERMIT, CONDITIONS AND PLANS) - 936 BACCHUS MARSH ROAD, BULLENGAROOK
Officer	Awais Sadiq, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Site Plan 2. Addendum Land Management Plan 3. Statement of Planning Policy Assessment
Applicant	Caddick Designs
Date of Receipt of Application	17 September 2019
Trigger for Report to Council	Councillor call in

Purpose and Overview

Planning Permit PLN/2015/294 was issued on 10 March 2017 allowing the site to be used and developed for agriculture, horticulture, the keeping of thirty poultry, four sheep and two alpacas, and the alteration of access to a road in a Road Zone Category 1.

It is proposed to amend this planning permit to increase the number of animals that may be kept on the site and to increase the areas used for horticulture and animal grazing.

Parts of the proposed amendment are retrospective.

The application has been advertised and three objections have been received to date.

Key issues to be considered relate to the impact of the increased agricultural use in the Rural Conservation Zone, the protection and enhancement of native vegetation (including fencing), waterways and pest plant and animal control.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to Amend a Permit be issued.

Recommendation

That Council:

Amend the Planning Permit PLN/2015/294/A as follows:

- 1. Amend the preamble of the permit read as follows:
Use and development of the land for agriculture: For horticulture and the keeping of 30 poultry and Twelve (12) Dry Sheep Equivalent Animals**
- 2. Issue the Notice of Decision to Amend a Permit by amending the permit conditions to read as follows:**
 - 1. Before the development and use commences, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans amended 24 March 2016 and prepared by Caddick Designs, but modified to show:**
 - a) Detail that the greenhouses are to be covered with ‘clear plastic’.**
 - b) The location of any water tanks on the site (These must be located in a concealed location, shielded by buildings on the site).**
 - c) A 1.8m high Colorbond (muted tone) fence along the full south-west side of the proposed planting field indicated in LMZ2 area.**
 - 2. Within three (3) months of the issue of this permit, fencing required under Condition 1c) must be erected and thereafter maintained to the satisfaction of the Responsible Authority.**
 - 3. All track construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works sites and again before being removed from the works sites to the satisfaction of the Responsible Authority.**
 - 4. Before the development and use commences, three (3) copies of an updated Land Management Plan based on the *Land Management Plan* prepared by Coliban Ecology (dated February 2016) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the LMP will be endorsed and will then form part of this permit. The LMP must include in addition to other content in the February 2016 Plan at least:**
 - No horticultural activities may occur in LMZ4.**
 - Planting in LMZ4 must be limited to local indigenous vegetation.**
 - Non-indigenous vegetation must be removed from LMZ4.**
 - No native vegetation (including trees, shrubs, grasses and herbs) to be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.**

- **Recommendations for any proposed actions in addition to those in the attached Revegetation Plan and the Weed and Pest Management Plan as referenced in conditions 4 and 5.**
- 5. Before the development and use commences, three (3) copies of a Revegetation Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority as an attachment to the *Land Management Plan* for the review land. When approved, the plans will be endorsed and will then form part of this permit. The plans must show:**
- a) **A site plan showing where revegetation will be located.**
 - b) **Further planting areas within *Land Management Zone Three (LMZ3)* with native understorey ground cover vegetation to prevent any nutrients entering the ephemeral creek.**
 - c) **Removal of non-native planted vegetation within LMZ4.**
 - d) **Vegetation screening around the two sheds. These must be of indigenous native species with the following spacing:**
 - **Trees: 1 tree/5m²**
 - **Shrubs: 1 plants/2-3m²**
 - **Ground cover/grasses: 4-5 plants/m².**
 - e) **Local indigenous plants including scientific and common names.**
 - f) **Density/hectare – based on EVC benchmark revegetation guidelines.**
 - g) **Ongoing weed management for revegetation areas.**
- 6. Before the development and use commences, three (3) copies of a Weed and Pest Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority as an attachment to the *Land Management Plan* for the review land. When approved, the plans will be endorsed and will then form part of this permit. The plans must show:**
- a) **A site plan that indicates the weeds that are present on the site.**
 - b) **A weed list including species listed by common names and scientific names.**
 - c) **Method/s of control for each species.**
 - d) **Timing of control.**
 - e) **Frequency of control.**
 - f) **Weed management techniques to be employed for the next five years.**
 - g) **Any current weed control present on the site.**
 - h) **Monitoring techniques for pests.**
 - i) **Timing of pest treatment and control.**
 - j) **Pest management techniques to be employed for the next three years.**
- 7. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 8. Before the use and development commences, the owners of the land must enter into an agreement with the Responsible Authority and in**

accordance with Section 173 of the *Planning and Environment Act 1987*. This agreement must provide for:

- a) The owner of the land must implement all the recommendations and requirements of the Land Management Plan endorsed under the Planning Permit PLN/2015/294 on an ongoing basis to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.
- b) The owner of the land must implement all the recommendations and requirements of the Revegetation Plan endorsed under the Planning Permit PLN/2015/294 on an ongoing basis to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.
- c) The owner of the land must implement all the recommendations and requirements of the Weed and Pest Management Plan endorsed under the Planning Permit PLN/2015/294 on an ongoing basis to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land, under Section 181 of the same Act, prior to the commencement of the use and development.

The owners must pay all costs including the costs of the Responsible Authority, associated with the preparation, execution, registration and (if later sought), cancellation of the Section 173 Agreement.

9. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site must only take place between the hours of 8:30am and 5pm.
10. All external lighting must be designed, baffled (where appropriate) and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
11. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, good or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
12. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.

- 13. Provision shall be made for the appropriate storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.**
- 14. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall harmonise with the environment, to the satisfaction of the Responsible Authority.**
- 15. No direct sales of goods or other materials may be made to the public on site, to the satisfaction of the Responsible Authority.**
- 16. The boundaries of the area to be used for the purpose of animal husbandry and grazing shall be fenced to the satisfaction of the Responsible Authority, and once erected the fencing must be maintained in a suitable condition to constrain animal movement to Creek to the satisfaction of the Responsible Authority.**
- 17. There are to be no more than 12 Dry Sheep Equivalent (DSE) animals on the site at any time, to the satisfaction of the Responsible Authority.**

VicRoads conditions

- 18. Prior to the development coming into use hereby approved:**
 - a) The existing unsealed crossover must be upgraded to be constructed in accordance with Truck Access to Rural Properties, Type A. SD2064.**
 - b) The access lane, driveway and crossover works must be provided and available for use and be:**
 - Formed to such levels and drained so can be used in accordance with the plan; and**
 - Treated with an all-weather seal or some other durable surface.**
- 19. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).**

Southern Rural Water conditions

- 20. The extraction and use of groundwater for the purpose of providing water for this development must be licensed in accordance with Section 51 of the *Water Act 1989*. This matter must be resolved prior to the commencement of any works.**
- 21. The existing dam used to provide water for this development must only be filled from direct runoff or from a licensed water source.**

22. The existing dam used to provide water for this development must be constructed in accordance with a 'turkeys nest' design so as no natural surface water runoff can enter the dam.
23. All works must not interfere with any nearby waterway being a watercourse, drainage line or a natural channel with a regular flow.
24. Irrigation development must be supported with sediment control barriers to eliminate the movement of soils and sediment loaded water onto adjoining properties and the downstream catchment.
25. Sediment control measures outlined in the EPA's *Publication No 275 Sediment Pollution Control*, must be employed during the construction phase of buildings and maintained until the disturbed areas have been revegetated.
26. On completion of the works Southern Rural Water must be advised so as a site inspection can be undertaken.

Western Water conditions

27. The recommendations and actions contained within the Land Management Plan prepared by Coliban Ecology Final Draft dated 24/3/16 Reference No CE20160213-001-R must be followed and implemented to the satisfaction of Western Water (other than the land area identified as LMZ4).
28. The LMZ4 rehabilitation and revegetation protection areas identified in the Addendum Land Management Plan prepared Eco Vision Australia Reference No. 76HO19 LMP ADD dated August 19, 2019 must be followed and implemented to the satisfaction of Western Water.
29. Stocking rates within the LMZ4 area must be kept to a minimum to avoid over grazing. The area must be periodically rested to allow regeneration of grass cover to the satisfaction of Western Water.
30. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
31. Any existing or proposed shed must not be used for the purposes of accommodation, or contain facilities that result in the discharge of wastewater.
32. Sediment Pollution Controls shall be employed and maintained until any disturbed areas have regenerated.
33. Storm water must be managed in a way to minimise risk to erosion of the surrounding land.

Melbourne Water conditions

- 34. Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions relating to floor levels and fencing. Plans must be submitted with ground and floor levels to Australia Height Datum.**
- 35. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains and waterways.**
- 36. The land owner must fence off the waterway to a distance of 20m both sides of the waterway, measured from the centreline of the waterway, to restrict stock access to the satisfaction of the Responsible Authority. Allowance is made for gates, in order to access the rear part of the property.**
- 37. The land owner must prepare a Revegetation Plan for the fenced off creek area, and submit this to Melbourne Water for comments and approval.**
- 38. The land owner must implement the agreed Revegetation Plan in order to protect the waterway in the long term.**
- 39. Any new shed must be constructed with finished floor levels set no lower than 524m Australian Height Datum (AHD), which is 300mm above the applicable flood level of 523.7m AHD.**
- 40. Any new fencing below the applicable flood level must be of an open style (50%) or timber paling construction type, to allow for the passage of flood water/overland flow.**
- 41. Imported fill must be kept to a minimum on the property below the applicable flood level and must only be used for the sub floor areas of the building envelopes.**
- 42. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for the approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.**

Expiry of permit

- 43. This permit will expire if one of the following circumstances applies:**
 - a) The development is not started within two years of the issue date of this permit.**
 - b) The development is not completed within four years of the issue 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 periods referred to in this condition.

44. This permit as it relates to use will expire if the use does not commence within two (2) years after the issue 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.

Existing conditions and relevant history

Subject land

The subject site is located on Bacchus Marsh Road in Bullengarook. It contains an existing dwelling, sheds, water tanks, two dams, orchard trees (hazelnuts and fruit trees), established boundary screening (generally Cyprus trees), a creek line (seasonal creek/drainage line) and some scattered native vegetation. The site is 8.1ha in size.

The allotment gradually slopes away from Bacchus Marsh Road, downward to the creek line, reaching this depression then sloping upwards from the creek to the north-west. The site is predominately cleared aside from existing development, boundary vegetation and scattered native vegetation toward the creek line.

The use and development of the site allowed by PLN/2015/294 has commenced on the site.

Surrounds

The surrounding area features a number of dwellings and various agricultural uses. Evidence of historic agricultural use on the subject site and broader area is evident, due to the cleared nature of the area clustered to Bacchus Marsh Road. Current agricultural uses include animal keeping/extensive animal husbandry (including goats and poultry), grazing and some small scale horticultural production. The area then links into a more heavily vegetated, undulating landscape to the north-west.

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

The property is encumbered by a Section 173 Agreement AR595096R which relates to the implementation of land management, revegetation and weed and pest management plans.

Previous planning permit history

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

Permit No.	Description
PLN/2009/74	Vegetation Removal
PLN/2015/294	Use and development of the land for agriculture: For horticulture and the keeping of 30 poultry, four sheep and two alpacas

PLN/2015/294 was issued at the direction of VCAT. The appeal was lodged against the decision of the Macedon Ranges Shire Council to grant planning permit. Key issues in the hearing were related to consistency of the proposal with the provisions of the zone and overlays, capability of the land to sustain the proposal, adverse off-site amenity impacts and the compatibility of the proposal with adjoining and surrounding land uses.

VCAT issued the planning permit on the basis that agriculture is an appropriate use in the zone and under the provisions of Planning and Local Planning Policy Framework.

Proposal

It is proposed to amend the planning permit to increase the number of animals allowed to be kept from 30 poultry, four sheep and two alpacas to 30 poultry and animals equivalent 12 Dry Sheep Equivalent (DSE).

It is also proposed to increase the area used for horticulture from 10115m² to 15410m². This increase will occur in the paddock closest to Bacchus Marsh Road.

It is also proposed to increase the area to be used for animal grazing from approximately 1.32ha to 2.82ha (additional 1.5ha) with this increase to occur in the rear paddock.

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 3 contains the officer assessment against the SOPP.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11-03-3S	Peri-Urban Areas
12.01	Biodiversity
13.02	Bushfire
14.01	Agriculture
14.02	Water

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.05	Environment and Landscape Values
21.06-3	Bushfire
21.07-1	Agriculture
21.07-3	Water

Zoning

Clause No.	Clause name
35.06	Rural Conservation Zone (Schedule 3)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay 5
44.06	Bushfire Management Overlay

Particular Provisions

Clause No.	Clause name
Nil	

General Provisions

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

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 Regulation 7 *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
Western Water	No objection subject to conditions.
Southern Rural Water	No response received.

Authority (Section 52)	Response
MRSC Environment	No response received.

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 and three objections have been received to date.

In summary, the objections raise the following concerns:

- Non-compliance with existing permit conditions
- Amenity concerns including odour, dust and noise
- Inaccuracies in the submitted plans
- Impact on water table and water quality
- There are already other animals (goats) on the property

Officer assessment

The relevant policies aim to manage land use and development in rural areas to protect agricultural farmland, environmentally significant landscapes (such as the Macedon Ranges), water catchments and biodiversity, while managing and minimising environmental risks, such as bushfire.

The proposal retains the rural feel of the area, whilst contributing to the productive environment of the shire. The proposal is considered appropriate and will have no impact on the quality of the land in the area and access to water.

The proposal is in keeping with the purposes of the zone and is consistent with the objectives of both Planning and Local Policy in terms of agriculture.

Planning Policy Framework

Planning Policy Framework (PPF) seeks to protect Victoria's agricultural base as an important component of the State's economy. Throughout the PPF, preventing dispersed settlement in rural areas, limiting or reducing fragmentation of agricultural land, and discouraging incompatible land uses are the predominant themes in relation to agriculture.

Clause 14.01-1S, relating to the protection of agricultural land aims "*to protect the state's agricultural base by preserving productive farmland.*" The clause states that in considering a proposal to develop agricultural land, the following factors must be considered:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*

- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *Land capability.*

Clause 14.01-2S aims “*to encourage sustainable agricultural land use.*”

The proposal is considered sustainable due to the low numbers of stock, the commitment to rehabilitation and the fact the proposal supports the ‘from paddock to plate concept’ by harvesting vegetables to be utilised in hospitality.

It is considered that small scale agricultural pursuits will play an important role in the future of food security.

The subject site is situated within the proclaimed catchment of the Rosslyn Reservoir. There is a waterway traversing the site which contributes to the movement of water in a local context. As part of the original planning permit the applicant was required to do the rehabilitation of the waterway on site which was previously dammed up. The waterway was required to be replanted and fenced off, enabling its health to re-establish. The amended proposal will not impact the health of the waterway as no buildings and works have been proposed in this area

Local Planning Policy Framework

Clause 21.03-2 – Land use vision states the following:

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

Local policy further emphasises the intrinsic value of agricultural land particularly Clause 21.07-1 (Agriculture) which emphasises the importance of agriculture as an important contributor to the productivity and economy of the shire.

Clause 21.07-1 provides local content to support Clause 14.01 of the PPF. The relevant objectives provided within this clause are:

- *To protect agricultural land.*
- *To maximise benefit from high value agriculture.*
- *To facilitate productive agricultural activity and ensure new development is related to the on-going productive use for agriculture.*

The various strategies associated with these objectives generally encourage the use and management of land for agriculture, discourage conversions of productive agricultural land to non-productive purposes, ensure new development relates to the productive use of the land and ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.

It is considered that the increased agricultural use will not adversely impact upon the environmental and landscape values of the area. It will continue to support the productive potential of the agricultural and horticultural industry and actively encourage sustainable management of land and water resources.

Rural Conservation Zone (RCZ)

The purpose of the RCZ is to protect and enhance the natural environment, natural resources and the biodiversity of an area, and to ensure that use and development is consistent with sustainable land management.

The RCZ seeks to protect and enhance the natural environment, natural resources, and to provide for agricultural use which is consistent with sustainable practice. Schedule 3 of the RCZ specifically speaks to the protection of water catchments, landscape and the achievement of sustainable agricultural practice.

The practical application, in this case, of the RCZ is considering the balance between the environmental features of the area and the ability of the land to support the increased agricultural use.

Keeping of Twelve (12) Dry Sheep Equivalent Animals

The original planning permit (PLN/2015/294) issued for this site allows the keeping of thirty poultry, four sheep and two alpacas. The applicant is now seeking to amend this planning permit to allow thirty poultry and twelve Dry Sheep Equivalent (DSE) animals.

DSE stands for 'dry sheep equivalent' and is a standard unit used to compare the feed requirements of classes of livestock and to assess the carrying capacity of a farm or paddock. The standard DSE is the amount of feed required by a 2 year old 45 kg Merino sheep (wether or non-lactating, non-pregnant ewe) to maintain its weight. Expressed in metabolisable energy or mega- joules/day) one DSE is equivalent to 7.6 MJ/day.

A maximum of 12 DSE means the land can have a combination of variety of animals which will not exceed the DSE. Sheep and Alpacas have DSE ratio of 1 while goats, being lighter, have a DSE ratio of 0.6. Cattle have a DSE of 10.

The applicant's Land Management Consultant has determined that the site has a carrying capacity of 12 DSE and this will allow the type and number of animals to fluctuate as long as it is equivalent to 12 DSE.

The Land Management Plan endorsed as part of the original planning permit set aside 2.4 hectares of land – referred to as Land Management Zone 4 - for rehabilitation of the creek line and planting of indigenous species, and weed and pest management. No livestock was to be kept in this zone.

As part of this amended application, the Applicant is seeking to allow managed access to Land Management Zone 4 for stock and grazing. Existing areas of indigenous vegetation will be fenced off along with the creek areas as defined in the endorsed Land Management Plan.

Grazing of smaller stock species allow a greater number of animals to be grazed, whereas heavier stock animal species are to be grazed at lower stock numbers. The total stock grazing area in the Land Management Zone 4 will be 1.5 hectares and all the vegetation within zone will be protected and rehabilitated. Fencing will be erected along the waterway to protect the stock from entering into the waterway.

This is considered appropriate having regard to the RCZ and the proposal will continue to achieve appropriate balance between protection and enhancement of the site's environmental features and the land's ability to sustain the proposed agricultural use in accordance with the Planning and Local Planning Policy Framework.

It is considered that the proposal will not serve to adversely impact upon the environmental and landscape values of the area as it takes into consideration the constraints of the sites such as vegetation and waterway. It will support the productive potential of the agricultural and horticultural industry and actively encourage sustainable management of land and waterway.

Increase in the horticultural use

The increase in the area used for horticulture from 10115m² to 15410m² in Land Management Zone 2 is also considered to be appropriate due to the generally flat, lightly sloping nature of the land and the quality of soil. It is acknowledged that the increased horticultural use will give rise to more dust for a part of the year before harvesting occurs.

The application was referred to relevant water authorities who did not object to the proposal.

The front two thirds of the property does not contain significant native vegetation. Therefore the proposed agricultural operations will not diminish environmental values across that part of the property.

It is considered that the proposed agricultural use of the site will be proportionate to the land's size. The amendment is considered to enable sustainable agriculture, due to the proposed stock numbers, the nature of horticulture (both in ground and above ground), and flexibility of the use.

In the VCAT case *Beggs v Macedon Ranges SC* [2017] VCAT 371 for this site, the Tribunal Member made following comments in relation to the capability of land for sustaining the agricultural use:

I have elsewhere stated that the number of livestock proposed to be held (30 chickens, four sheep, and two alpaca) is very small by any standards. The proposed scale is non-commercial rural living levels that will effectively 'keep the grass down'. While the council has transposed this into a stocking rate equivalent to six sheep on part of the property, this is largely inconsequential given that such a small livestock 'herd' can readily be supported as necessary with supplementary feed. I therefore have no issue with the potential of the land to sustain the proposed livestock.

The 0.53ha lot proposed for 'potato growing' appears to be good quality land with good soil depth that has clearly experienced past cultivation with no apparent sign of land degradation. If used for the growing of cultivated crop it can do so sustainably into the future.

Based on the above comments from the Tribunal Member, it is considered that a reasonable intensification of the agricultural use on site can be accommodated without having detrimental impacts on the capability of the land.

In the same decision the Tribunal Member made following comments in relation to water:

The Permit responses from Western Water, Southern Rural Water and Melbourne Water include conditions that are intended to mitigate and rehabilitate water management on the site, including the control of sediment discharge. The council transposed the conditions onto its Notice of Decision. The Tribunal must have confidence that the water authorities implement their responsibilities appropriately, and I place considerable weight on the qualified absence of objection from the three authorities, and their provision of conditions. Nonetheless, I have reviewed the various conditions including but not limited to:

- *The fencing-off and revegetation of the intermittent drainage line on the property that is some 25m from the closest point of the proposed main greenhouse,*
- *Irrigation development must be supported with sediment control barriers to prevent the movement of soils and sediment laden water onto adjoining properties and the downstream catchment.*
- *Storm water is to be managed such as to minimise risk of erosion.*
- *The requirement for water authority inspections.*

The permit conditions proposed by the water authorities will ensure the restriction of sediment into watercourses. Conditions will also aim to protect and rehabilitate the watercourse, and restructure the existing dam to ensure it only is fed from water from roofs of buildings and from licenced groundwater extraction.

Overall, the proposal is considered to comply with the outcomes of the Rural Conservation Zone. The proposal continue to enhance the sustainable management of the land.

Environmental Significance Overlay Schedule 5

The subject site is situated within the proclaimed catchment of the Rosslyn Reservoir, which supplies potable water to Sunbury, Gisborne and the Mount Macedon region. The land is also within close proximity of a tributary of the Rosslyn Reservoir.

The amendment was referred to Western Water and Southern Rural Water. Western Water have provided amended conditions. Southern Rural Water have provided deemed consent to the amended proposal.

The application has not been referred to Melbourne Water as the amendment will not result in impact on Creek traversing the site. The creek will be fenced off to prevent the stock from entering into it.

Bushfire Management Overlay

The property is in the Bushfire Management Overlay, however the proposal does not trigger consideration under this overlay.

Officer response to objector concerns

Objector concern	Officer response
<p>Non-compliance with existing permit conditions, including that there are already other animals (goats) on the property</p>	<p>A site inspection by officers confirmed the presence of goats in contravention of Planning Permit PLN/2015/294. No other breaches were detected.</p> <p>As an application has been made to amend the planning permit to allow other animals (such as goats), no enforcement action has been taken against the land owner with regard to the (current) breach.</p> <p>If this application is refused by Council, then Council officers will commence enforcement proceedings after the appeal period against Council's decision expires and providing no VCAT appeal is lodged.</p>
<p>Amenity concerns including odour, dust and noise</p>	<p>Agriculture is a permissible use in this zone. With agriculture comes impacts that are not usually experienced in General Residential or Neighbourhood Residential zones like noise from the operation and movement of farm plant and equipment, and noise/dust generated by livestock.</p> <p>Standard condition are recommended to be included on this amended planning permit in relation to the protection of amenity from noise and odour.</p> <p>In relation to dust, a condition has been included for the provision of a 1.8 Colorbond fence along the full south-west side of the proposed planting field indicated in LMZ2 area to avoid any potential dust impacts to the adjoining neighbour to the south-west.</p>
<p>Inaccuracies in the submitted plans</p>	<p>It is considered that the plans submitted are suitable for the assessment of the application under the Planning Scheme.</p>

Impact on water table and water quality	Concerns in relation to water quality were raised in the original application and the Member in VCAT case stated that the evaluation of applications for and the issuing of bore-water extraction licence is a matter for the Southern Rural Water under the State's <i>Water Act 1989</i> . The amended application was referred relevant water authorities and no objection has been raised from the water authorities. Melbourne Water conditions in relation to the protection of waterway will remain on the amended permit.
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Officer declaration of conflict of interest

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

Conclusion

The protection of agricultural land and native vegetation is of paramount importance to the policy contained within the planning scheme and to the local and wider community.

It is considered that the proposal will achieve appropriate balance between protection and enhancement of the site's environmental features and the land's ability to sustain the proposed agricultural use. The application should therefore be supported.

PE.4	APPLICATION FOR PLANNING PERMIT PLN/2019/340 - USE AND DEVELOPMENT OF THE LAND FOR A RURAL STORE AND A DWELLING (INCLUDING AN OUTBUILDING), REDUCTION OF CAR PARKING AND ALTERATION TO ACCESS FROM A ROAD ZONE, CATEGORY 1 - ROCHFORD ROAD, LANCEFIELD
Officer	Awais Sadiq, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Statement of Planning Policy 2. Land Management Plan 3. Plans
Applicant	S M Sankey
Date of Receipt of Application	8 August 2019
Trigger for Report to Council	Councillor call in

Purpose and Overview

It is proposed to use and develop the land at Rochford Road, Lancefield for a dwelling with associated outbuilding and rural store. The dwelling is to be located in the approximate centre of the site adjacent to western boundary.

The application was advertised. Eight submissions in support of the application have been received. No objections have been received to date.

Key issues to be considered relate to the impact of the proposal on the agricultural land and the genuine need for a dwelling on the land given small scale of agricultural use being proposed for the land.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered not appropriate. It is recommended that a Notice of Refusal to Grant a Planning Permit be issued.

Recommendation

That Council issue a Notice of Refusal for the use and development of the land for a rural store and a dwelling (including an outbuilding), reduction of car parking and alteration to access from a Road Zone, Category 1 for the land at LOT 5 LP 96904 P/Lancefield Rochford Road, LANCEFIELD VIC 3435, on the following grounds:

- 1. The agricultural use proposed is not sufficient to justify the need for a permanent dwelling on site due to the following reasons:**
 - A generic nature of the farm plan which concentrates more towards maintenance of the site rather than improving the agricultural capacity;**
 - Minor level of infrastructure for horse husbandry use (5 horses) including an arena and seven (7) paddocks with an additional speller paddock, reflects a small scale and low intensity rural use that appears to be more in line with a hobby farm or rural lifestyle block, rather than a substantial bona fide agricultural pursuit.**
- 2. The size of the dwelling is large (6 bedrooms) indicating that the property will be primarily used for rural lifestyle living.**
- 3. Use of the land for a rural store can operate without a dwelling on site and it does not relate to the agricultural (horse husbandry) use.**
- 4. The proposal is contrary to Clause 14 of the Planning Policy Framework as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long term capacity of the land to be used for agriculture.**
- 5. The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.**
- 6. There is potential for consolidation of the subject land into allotments within the immediate vicinity.**
- 7. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.**
- 8. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.**
- 9. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).**

Existing conditions and relevant history

Subject land

The subject site is located on the northeast side of Rochford Road, approximately 100m north from the intersection of Rochford Road and Otts Lane. The site has an area of 10.117 hectares.

The site is irregular in shape and gently undulates over much of the site. The site currently contains two agricultural buildings and is mostly clear in terms of vegetation. There are three existing dams on the property and an un-named waterway traverses the site in the southeast corner.

Surrounds

Surrounding landholdings are similar in size with lot sizes in the broader region being somewhat variable but most are significantly larger. The predominant land uses in the area are grazing animal production or equine production and training. Most surrounding lots containing dwellings.

Land to the south across Rochford Road is a large parcel of farming land and clear of any buildings and works.

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

The title provided with the application shows that the property is encumbered by a drainage easement within the front half of the property. The proposal will not contravene the easement as no buildings and works will be carried out within the easement.

Previous planning permit history

The site has no previous planning permit history.

Proposal

The application proposes the use and development of the land for a dwelling with associated outbuilding in association with a Section 1 (permit not required) horse husbandry use.

It also proposes use and development of the land for a rural store and reduce the car parking associated with a rural store.

Dwelling

The dwelling is proposed to have a habitable floor area of 355.7m² and will comprise six (6) bedrooms, kitchen/meals area, a living/dining area, rumpus, study, an ensuite, two bathrooms and laundry. A verandah with a total area of 90.2m² will be constructed along the northern and southern side of the dwelling. A swimming pool will be attached to the northern part of the dwelling via a verandah. A garage having an area of 93.8m² will be attached to the southern side of the dwelling adjacent to the laundry. The dwelling will have an overall area of 542.4m².

The external walls of the proposed dwelling will be clad with Colorbond (Matt Monument), rendered hebel (Paperbark or Evening Haze), timber and stone (Sandstone stack-stone) and a Colorbond 'Monument' roof. The dwelling will have an overall height of 5.542m. It will be setback 260m from Rochford Road and 15m from the south-western boundary.

The applicant submits that a permanent dwelling is required on site to manage and provide care to the horses.

An outbuilding associated with the dwelling will be located to the north of the proposed dwelling. It will be setback 236m from Rochford Road and 60.949m from south-western boundary. It will be 18m long and 12m wide with a 6m wide verandah along the southern and eastern elevation. It will be made from Colorbond 'Monument' with two rollers doors along south-east elevation and one roller door along north-west elevation.

Rural store

The rural store building is proposed to have an area of 540m² (30m long and 18m wide) with a lean-to of 270m² along the north-western elevation. It will be located to the rear of the proposed dwelling and setback 15m from south-western boundary. It will be made from Colorbond 'Monument' with two rollers doors each along south-east north-west elevations. It will be used for the storage of agricultural and earthmoving machinery.

Car parking reduction

Pursuant to Clause 52.06 of Macedon Ranges Planning Scheme, 10% of site area is required to be set aside for car parking associated with the rural store land use. As no car parking is specifically proposed for the rural store, a car parking reduction is sought.

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.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11	Settlement
11.03-3S	Peri-Urban Areas
14.01-1S	Protection of Agricultural Land
14.01-2S	Sustainable Agricultural Land Use
16.01-5S	Rural Residential Development

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement (MSS)
21.03	Vision-Strategic Framework Plan
21.04	Settlement
21.07	Natural Resource Management

Zoning

Clause No.	Clause name
35.07	Farming Zone

Overlay

Clause No.	Clause name
Nil	

Particular Provisions

Clause No.	Clause name
52.06	Car Parking
52.29	Land Adjacent to a Road Zone, Category 1

General Provisions

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

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a Cultural Heritage Management Plan is not required in accordance with Part 2 Division 1 Regulation 7 *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
VicRoads	No objection subject to conditions.

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Health	No objection subject to conditions.

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. Eight submissions of support for the application have been received.

No objections have been received to date.

Officer Assessment

Planning and Local Policies seek to support and enhance agricultural pursuits by ensuring future development, particularly residential development, does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of existing agricultural uses. These objectives are reiterated in the purpose of the Farming Zone.

The proposed use and development of the land for a dwelling is not in keeping with the purposes of the zone and is inconsistent with the objectives of both Planning and Local Policy. The information submitted with the application does not reasonably demonstrate the need for a dwelling on the site to operate a rural store and agricultural use.

Planning Policy Framework

In both direct and indirect references, the Planning Policy Framework (PPF) strongly discourages fragmentation and loss of productive agricultural land. The policies seek to protect Victoria's agricultural base as an important component of the State's economy. Throughout the PPF, preventing dispersed settlement in rural areas, limiting or reducing fragmentation of agricultural land, and discouraging incompatible land uses are the predominant themes in relation to agriculture.

Clause 14.01-1S, relating to the protection of agricultural land aims "*to protect the state's agricultural base by preserving productive farmland.*" The clause states that in considering a proposal to develop agricultural land, the following factors must be considered:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*

- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *Land capability.*

Collectively, these policies place great emphasis on the importance of protecting existing agricultural land from inappropriate development, which will permanently remove the land from agricultural use. Clause 14.01-1S is particularly clear in requiring a nexus between development of farmland and ongoing productive use of agriculture, to protect against loss of agricultural land.

Clause 16.01-5S aims “to identify land suitable for rural residential development.” The relevant strategies associated with this objective also aim to:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

It is considered that insufficient information has been submitted with the application to justify the need for a dwelling on the site. The dwelling does not relate to a genuine need to facilitate agriculture and operation of proposed rural store use.

Local Planning Policy Framework

Clause 21.03-2 – Land use vision states the following:

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

The “Strategic Framework Plan” associated with this clause identifies the site as an area of “Class 2 Good Capability – Agriculturally Productive Land”. Development in these areas should not prejudice the agricultural activities because they contribute to the character and economy of the Shire.

Local policy further emphasises the intrinsic value of agricultural land particularly Clause 21.07-1 (Agriculture) which emphasises the importance of agriculture as an important contributor to the productivity and economy of the shire.

Clause 21.07-1 provides local content to support Clause 14.01 of the PPF. The relevant objectives provided within this clause are:

- *To protect agricultural land.*
- *To provide for sustainable, productive agriculture within the Northern Catchments and Agricultural Landscapes areas identified on the Rural Framework Plan in*

Clause 21.03, discourage land use and development that is contrary to the vision for these areas and limit expectations of land use change and speculation.

- *To protect the quality soils of land with high capability for agriculture.*
- *To maximise benefit from high value agriculture.*
- *To facilitate productive agricultural activity and ensure new development is related to the on-going productive use for agriculture.*

The various strategies associated with these objectives generally encourage the use and management of land for agriculture, discourage conversions of productive agricultural land to non-productive purposes, ensure new development relates to the productive use of the land and ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land. Of particular importance, construction of dwellings is discouraged unless it can be demonstrated it is required to facilitate or enhance the ongoing primary use of the land for productive, sustainable agriculture.

Both Planning and Local planning policies emphasise the importance of preserving and maintaining agricultural productivity and viability of rural areas. The subject land is located outside the established townships, with the closest towns being Lancefield (approximately 4.5km from the site) and Romsey (approximately 6.5km from the site). It is in an area consisting of rural allotments utilised for various agricultural purposes.

In a VCAT case *Milan v Macedon Ranges SC* [2014] VCAT 717, the Tribunal Member made the following remarks in relation to the need of the owner to live on a farm:

“Mr. Milan can visit the farm frequently without having a second dwelling on the land. The trip from metropolitan Melbourne to the farm takes 90-120 minutes, which is not an undue length of time. Overnight accommodation is available in Romsey and other nearby towns. He can provide strategic direction for its future without having a second dwelling on the land, as this can be done on visits or remotely by telephone, email and many other wireless means. His activities benefit the farm yet do not warrant the granting of a permit for a second dwelling given that planning policy for this area mainly discourages the grant of such a permit.”

The proposal does not demonstrate a nexus between agricultural land use and the necessity of a dwelling on the land. It is considered that the proposal is contrary to the relevant policies and vision within the PPF and LPPF relating to protection and sustainable use of agricultural land. The proposal is also deemed contrary to specific objectives and strategies sought in the Municipal Strategic Statement which discourage rural living/residential type development on productive agricultural land.

Farming Zone

The purpose of the Farming Zone is to provide land for agriculture, retain productive agricultural land and to ensure non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The Farming Zone sets out the following relevant decision guidelines in relation to the proposal:

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

In assessing this application, key consideration is the appropriateness of the dwelling use in the zone. The dwelling will result in loss and fragmentation of productive agricultural land.

The agricultural and rural store use proposed is not sufficient to justify the need for a permanent dwelling on site. The large size of the dwelling is also a concern, one which potentially indicates that the predominant use of the site will be for residential purposes. Rural store and agricultural use of the land can operate without a dwelling on land.

This lack of justification is due to the relatively generic nature of the ‘farm plan’ (concentrated more towards maintenance of the site rather than improving the agricultural capacity), and the minor level of infrastructure proposed for horse husbandry use (5 horses) being arena and seven (7) paddocks with an additional speller paddock. This reflects a small scale and low intensity rural use that appears to be more in line with a hobby farm or rural lifestyle block, rather than a substantial bona fide agricultural pursuit.

In a VCAT case *J and M Pulis v Macedon Ranges SC* [2012] VCAT 1457, the Tribunal Member addresses the need for dwellings when undertaking animal husbandry uses and concludes that the uses do not require a permanent 24 hour presence on site and can be undertaken without a dwelling and made following comments:

‘Further while I agree with the Council that the Farm Management Plan submitted with the application is light on substance, those activities that are identified as being necessary to support the breeding herd do not carry any imperative for a 24 hour presence on the site. Indeed many of the activities are seasonal rather than daily requirements and are consistent with general stock grazing and farmland management. Apart from the need to monitor cattle in late stages of pregnancy other aspects of breeding management appear to have no imperative for an ongoing 24 hour presence.

Apart from having to have a substantive connection or need to support the agricultural enterprises on the land, policy and the zone decision guidelines call for consideration on issue about the dwelling use being subsidiary to the agricultural use and the impact on the agricultural landscape.

The scale of the agricultural enterprise is small. As the Council helpfully and concisely puts it the dwelling ‘...will not support a substantial agricultural use but will simply be occupied by someone who runs a small scale agricultural enterprise’. The dwelling is not a use that will be secondary to or ancillary to the use. Rather it is a use of the land that in many ways will have equal if not more dominance over the agricultural use, being the primary place of residence for people who only undertake agricultural pursuits on a part time basis. In other aspects, the dwelling will convert the land into defacto residential land.’

A further case which is relevant to this application, is *Ward v Macedon Ranges SC* [2013] VCAT 1758. The Tribunal upheld Council’s refusal of the application for a dwelling in Farming Zone. The applicant submitted that a dwelling is necessary for a property/stock manager to provide the necessary levels of security, training and stock management regimes in support of a horse training enterprise.

In the decision, the Tribunal Member described how activities required to support the horse raising and training operations do not carry any imperative to live on the property and further signalled the incremental impact and consequential change created by a dwelling application to the area. He commented:

“A number of questions remain as to why the issues about stock and land security cannot be addressed by other means or what activities the resident would be engaged in that requires a full time presence....”

Planning policy at a state and local level also seeks for land to be available for consolidation into larger enterprises consistent with a vision for broad acre agricultural activity. Allowing a dwelling on this land would mean future consolidation into larger land holdings would be unlikely. The effect of the dwelling would be to de-couple this land from its agricultural value and hence the purposes of the zone”

In *Seyit v Macedon Ranges SC* [2017] VCAT 1210, Member made comments for the necessity of a full time presence in order to feed the goats daily, protect them from predators, respond to weather conditions and manage the birthing process. In refusing the grant the permit, the Tribunal commented on this point as follows:

‘I was also unconvinced by Mr Seyit’s submissions at the hearing that a dwelling is necessary to support the proposed goat business. I consider that an appropriate level of care and management of the goats could be provided without the need for a constant 24-hour presence on the subject site ... Mr Seyit’s submission did not persuade me the management of goats is so different to the existing farm business as to justify the construction of a dwelling. I think that other security techniques could be implemented to protect the goats from predators.’

Development of a dwelling on the lot could encourage development of other vacant allotments, thereby impeding the potential for both the subject allotment and adjoining allotments to be effectively farmed especially as the potential to consolidate allotments would be removed.

In *Benca v Macedon Ranges Shire Council* [2010] VCAT 470, Member Rundell remarked on setting up a precedent and proliferation of dwellings on existing farming zoned lots in the shire:

“Some lots in the locality do not have dwellings. There also may be many small lots in the Macedon Ranges Farming Zone which do not have dwellings. Planning applications utilise previous decisions. I have no doubt that should planning approval be granted this case, it will be used to support planning applications for a dwelling on other lots less than 40 hectares. An approval in this situation will form part of the long established pattern of small lots being gradually removed from farming on an ad hoc, incremental basis.

Whilst each approval may have a minimal impact, over time the cumulative impact of many approvals is that areas once used for farming are no longer used for that purpose and transition to become rural living precincts. Planning policy is clearly indicating that this incremental process needs to cease.”

These relevant VCAT decisions demonstrate that simply because a dwelling can be considered under the zone, it does not follow that every application that can meet these requirements should be approved. The application must be able to demonstrate how the purpose of the zone is fulfilled and the guiding policies addressed for approval to be a real option. In this instance it is not considered that this application achieves this.

For the reasons discussed above, the proposal would incrementally further fragment the agricultural landscape character; lead to a concentration or proliferation of dwellings in the area; impinge the opportunity to use this land for more productive, sustainable agriculture and eventually have an adverse impact on use of the land for agriculture.

Rural store

A rural store use is also proposed on site in the form of a building which will house agricultural and earthmoving machinery.

Under the Planning Scheme, a “rural store” is nested under the broader land use term of Warehouse/Store (not agricultural) which requires a planning permit in the Farming Zone.

A rural store use is not considered to be an agricultural use and can operate on site without a dwelling. The Applicant has not sufficiently justified with this is required in association with the use of the site for agricultural (horse husbandry).

Car parking

The Planning Scheme aims to ensure that an appropriate number of car parking spaces are provided on land, in association with different uses, having regard to the demand that is likely to be generated by the land use. The Planning Scheme requires that 10% of a site’s area is set aside for car parking when a “rural store” is proposed. The applicant is not providing any specific car parking for the rural store, and therefore a parking reduction is also proposed as part of this application.

Given that the store is proposed in association with the overall use and development of the site for agriculture (horse husbandry) and a dwelling, it is not considered that separate and additional car parking is required for the rural store.

It is not considered that the store in itself will increase traffic in the area, nor increase the demand for car parking on the site.

Land adjacent to a Road Zone, Category 1

The purpose of this clause is to ensure appropriate access to identified roads and to ensure appropriate subdivision of land adjacent to identified roads.

The application was referred to VicRoads as the proposal involves alteration of an access to a Road Zone, Category 1 (Rochford Road). VicRoads has no objection to the proposal subject to conditions.

Conclusion

The protection of agricultural farm zone land is of paramount importance to the policy contained within the planning scheme and to the local and wider community.

It is considered that this application does not justify a need for a dwelling and rural store on this site and that the application should be refused.

PE.5	APPLICATION TO AMEND PLANNING PERMIT PLN/2018/55/C - USE AND DEVELOPMENT OF THE LAND FOR A SECOND DWELLING (AMENDMENT FOR SECOND VEHICLE CROSSOVER) 9 LADYE PLACE, WOODEND
Officer	Yousef Taibeh, Senior Statutory Planning Officer
Council Plan Relationship	Improve the built environment
Attachments	1. Proposed Site Plan 2. Endorsed Site Plan
Applicant	John Winter
Date of Receipt of Application	20 August 2019
Trigger for Report to Council	Councillor call in

Purpose and Overview

Planning Application PLN/2018/55, was originally issued on 13 August 2018, and allows the construction of a second dwelling on the site, to be accessed via a common driveway with the main dwelling.

This application seeks to amend the planning permit to allow a new crossover and driveway to be constructed to serve the second dwelling only. This driveway is proposed to be accessed via Ladye Place. A street tree is proposed to be removed to facilitate the construction of the new crossover.

The application was advertised and four (4) submissions were received relating to impacts on the amenity and neighbourhood character, as well as the protection and enhancement of native vegetation.

Key issues to be considered when assessing this application are potential amenity impacts and implications on the nearby vegetation.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to Grant an Amendment to a Planning Permit be issued.

Recommendation

That Council resolve to issue a Notice of Decision to Grant an amendment to a planning permit for use and development of land for a second dwelling (amendment for second vehicle crossover) at Lot 1 on TP199034 and Lot 2 on PS729990, 9 Ladye Place Woodend, subject to the following:

- A. Summary of amendment changes to the existing planning permit conditions of PLN/2019/55/B:**
- 1) Add Lot 1 on TP199034 to the address preamble**
 - 2) Delete Condition 1 requiring further plans, as they have been supplied**
 - 3) Insert a new Condition 1 requiring the removal of redundant driveways and the crossover at Mount Macedon Road**
 - 4) Renumber the current Condition 2 to become Condition 4**
 - 5) Insert a new Condition 2 requiring the consolidation of the two lots**
 - 6) Re-word Condition 3 to include the removal of driveways**
 - 7) Conditions 5-14 remain the same**
 - 8) Endorse Site Plan - Bruce Kirkman Architect-Revision G**
- B. Amend the Planning Permit conditions for PLN/2018/55/C:**
- 1. Prior to the occupation of the development, the existing redundant section of the driveway and the vehicle crossing located off Mount Macedon Road must be removed and the nature strip reinstated to the satisfaction of the Responsible Authority.**
 - 2. Before the development commences Lot 1 on TP199034 and Lot 2 on PS729990 must be consolidated under the Subdivision Act 1988. Evidence that the Plan of Consolidation has been registered with the Land Title Office must be provided to, and to the satisfaction of the Responsible Authority.**
 - 3. The removal, widening and construction of the driveways must be undertaken in accordance with the recommendations contained on the endorsed plans, to the satisfaction of the Responsible Authority.**
 - 4. The development and use as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
 - 5. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.**
 - 6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked "Tree Protection Zone – No Entry" on all sides.**
 - 7. Once erected and approved by the Responsible Authority, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the**

satisfaction of the Responsible Authority. Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection such as bridging over with timber).

8. Unless with the prior written consent of the Responsible Authority, the following actions must not be undertaken in any tree protection zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
 - a. Materials or equipment stored within the zone;
 - b. Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
 - c. Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
 - d. Changes to the soil grade level within the zone.
9. Council is to be informed within 48 hours of any damage to tree trunks, crown or root systems. All damage is to be immediately repaired by a qualified arborist to the satisfaction of the Responsible Authority. Cut branches and roots are not to be sealed with wound sealing products unless specified by the Responsible Authority.
10. Unless with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed underground, and located outside of any identified Tree Protection Zone, or if no such zone is identified on the endorsed plans, the drip line of any nearby canopy tree, to the satisfaction of the Responsible Authority.

MRSC Engineering, Infrastructure and Projects Conditions

11. 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.
12. Storm water runoff from the dwelling must be dissipated as normal un-concentrated overland flow clear of property boundaries and buildings in adjacent properties.
13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

Permit Expiry

14. This permit will expire if one of the following circumstances applies:

- a. **The development is not commenced within two years of the date of this permit.**
- b. **The development is not completed within four years of the date of this permit.**
- c. **The use is not commenced within two years of the completion of the development.**

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

Permit Notes:

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

Existing conditions and relevant history

Subject land

The subject site is located within the township area of Woodend approximately 960m north of the town centre. It has three road frontages with Ladye Place to the east, the unmade road reserve Browning Street to the north, and Mount Macedon Road to the south.

The allotment is around 4,650m² in size, being a rectangular shape with an additional eight metre wide “tail” which fronts Mount Macedon Road.

Scattered remnant vegetation is present throughout the site and has been incorporated into the existing garden areas.

Two dwellings exist on the subject site, with the larger northern dwelling having access to Ladye Place and to Mount Macedon Road.

The second smaller southern dwelling utilises the same single crossover to Ladye Place through a driveway branching off from the driveway to the other dwelling.

The main dwelling (the northern dwelling) was approved under Planning Permit PLN/2014/378 as a replacement dwelling on the site. The second dwelling and the shared driveway have been approved through Planning Permit PLN/2018/55.

Surrounds

Surrounding residential lots to the south and west are of comparable sizes to the subject site. These are also within the Low Density Residential Zone (LDRZ) and most also contain dwellings within a garden setting. The majority of lots with access from Ladye Place have two crossovers.

Registered restrictive covenants and/or Section 173 Agreements affecting the site
Section 173 Agreement AL071484G deals with vegetation offsets. This has no impact on this amendment.

Previous planning permit history

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

Permit No.	Description
PLN/2013/350	Development of the land for a replacement dwelling and vegetation removal
PLN/2014/217	2 Lot Subdivision (realignment of boundaries)
PLN/2014/378	Development of the land for a replacement dwelling
PLN/2018/55	Use and development of the land for a second dwelling
PLN/2018/55/A	Request for Secondary Consent to allow minor changes to garage
PLN/2018/55/B	Amendment sought for additional rooms, skylight & windows

Proposal

It is proposed to amend the existing planning permit to allow the construction of a second vehicular crossover and driveway to the second dwelling, which is located to the south of the site. This crossover and driveway will be used exclusively by the second dwelling.

A street tree will be removed to facilitate the crossover construction.

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

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

Planning Policy Framework (PPF)

Clause No.	Clause name
11-03-3S	Peri-Urban Areas
12.01	Biodiversity
14.02	Water
15.01-1S	Urban Design
15.01-2S	Building Design
15.01-5S	Neighbourhood Character
16.01	Residential Development

Local Planning Policy Framework (LPPF)

Clause No.	Clause name
21	Municipal Strategic Statement
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.05	Environment and Landscape Value
21.07-3	Water

21.08-3	Built Environment
21.13-3	Woodend

Zoning

Clause No.	Clause name
35.03	Low Density Residential Zone (LDRZ)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay - Schedule 4 (ESO4)
42.02	Vegetation Protection Overlay - Schedules 1 & 9 (VPO1, VPO9)
45.05	Restructure Overlay (RO13)

Particular Provisions

Clause No.	Clause name
52.17	Native vegetation
55	Two or More Dwellings on a Lot and Residential Buildings

General Provisions

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

Cultural Heritage Management Plan assessment

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

Based on the above assessment, a cultural heritage management plan is not required in accordance with Part 2 Division 1 Regulation 7 *Aboriginal Heritage Regulations 2018*.

The process to date

Referral

Authority (Section 55)	Response
Western Water	No response
Goulburn Murray Water	No objection

Authority (Section 52)	Response
MRSC Parks & Gardens Unit	No objection
MRSC Engineering Unit	No objection
MRSC Environment Unit	No objection, but suggested relocating the driveway to be between a pine tree and a power pole to avoid native vegetation impact.

Advertising

The application was advertised by displaying a sign on site and by letter as registered post to surrounding land owners and occupiers. Four (4) submissions were received, with one objecting to an additional crossover on Ladye Place, and three expressing concerns about proximity to the eucalyptus tree.

The responsible planning officer along with the MRSC environmental planner conducted a site visit on 15 November 2019 and met with some concerned neighbours at this site visit.

VCAT Appeal

The Applicant has lodged an appeal at VCAT against Council's failure to determine the application within the prescribed time.

At this stage, VCAT have listed the matter to be heard on 14 July 2020.

Officer assessment

Planning Policy Framework and Local Planning Policy Framework

Planning policy promotes growth and development of settlements within peri-urban areas, while maintaining their attractiveness and amenity on land which has been identified and zoned as appropriate for residential development.

Clause 15.01 relates to urban environments and requires the provision of good quality environments with a sense of place and cultural identity. The strategies at this clause seek development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

The policies in relation to *Housing* promote the provision of a range of housing types to meet diverse needs and which are in or close to activity centres and employment corridors and sites that offer good access to services and transport.

Various clauses such as Clause 21.02 in the Municipal Strategic Statement (MSS) identify the lack of housing diversity within the Macedon Ranges Shire as being a matter of concern, which is required to be addressed.

The proposal generally complies with policy relating to housing, as it improves housing choice within the Woodend township.

Objective 2 at Clause 21.08-3 seeks to protect and enhance the rural character and form of the Shire's towns, with strategies at the clause seeking to encourage development which respects the distinctive character and defining attributes of settlements.

Clause 21.13-3 relates to Woodend and identifies the following relevant key elements

- *Secluded township setting in a valley surrounded by forest, bushland and rural areas. Unlike other towns in the Shire, Woodend is not visible from the Calder Freeway or town entry roads.*
- *Established residential development of diverse form and character typified by wide streets, varied verge treatments, low scale built form with generous setbacks and a dominant garden setting.*

Relevant key issues are identified as follows:

- *Protecting the township's key character elements, including its gateways, biodiversity / ecological values, historic and natural features as listed above.*
- *Maintaining the town's compact form.*
- *Ensuring that new residential development does not jeopardise the valued character elements of the town.*

The site is located within the *Large Lot Rural Living Character* precinct as identified at Clause 21.13-3. The key character elements of the precinct are described as follows:

This precinct features detached, often large dwellings with deep setbacks on substantial rural lots. The precinct predominantly borders the eastern and northern fringes of the township and provides a transitional scale from the township development to the surrounding rural and agricultural areas. This sense of transition is particularly important along the eastern edge of the Avenue of Honour. Areas to the north display an open character typical of their location adjacent to the rural setting, while parts to the east are dominated by greater vegetation cover. Some areas feature undulating topography. Buildings are set into formal gardens with wide lawns and often accompanied by large gates and property fences. Some have retained a more informal setting. Lot sizes are generous, ranging generally from 5,000 square metres up to 10,000 square metres on larger, undeveloped lots.

The precinct includes the following relevant strategies:

- *Maintain the spacious character of the area by siting new development to accommodate adequate landscaping (including canopy trees), using appropriate building footprints, and minimising hard surfaces.*

In respect to this application maintaining “*vegetation cover and the visual dominance of vegetation over buildings*” is particularly important. It is not considered that the proposed vegetation removal will have a detrimental impact on the site, noting that removal of a dead tree will reduce vegetation, but the extent of vegetation removal is considered acceptable.

Low Density Residential Zone (LDRZ)

The proposed crossover and driveway are associated with a site connected to reticulated sewerage. The proposal meets the requirements to have all weather access to a dwelling.

Restructure Overlay (RO13)

The purpose of RO13 is to ensure that allotments have an appropriate lot layout for access purposes. RO13 stipulates that the subject site cannot be further subdivided.

The site currently comprises Lot 1 on TP199034 and Lot 2 on PS729990. These are shown as one lot on the plan attached to RO13.

The proposed crossover/driveway will result in there being a separate vehicle access, for each dwelling on the site. This will result in there being one existing dwelling with driveway on Lot 1, and one separate dwelling (potentially with its own driveway) on Lot 2.

Given this, to ensure compliance with RO13, it is recommended that a condition be included on any amended planning permit to issue, requiring the two lots to be consolidated.

Vegetation Protection Overlay - Schedules 1 & 9 (VPO1, VPO9)

The VPO aims to preserve existing vegetation and ensure that development minimises loss of vegetation. Schedule 1 seeks to preserve remnant Black Gum trees; while Schedule 9 (Living Forest), aims to protect and enhance the existing forest mosaic.

The proposed driveway partially intrudes into the Tree Protection Zone (TPZ) of an existing eucalyptus tree. The Tree Assessment Report (arborist report) submitted with the application considers the intrusion to be acceptable, as the tree is well established, in good health and next to a driveway that has been in use for many years. It concludes that the tree has adapted well to its habitat, and the continued use of the current driveway will not have a negative impact on the tree. This information was confirmed at the site visit by Council officers on 15 November 2019 where the subject tree and the proposed location of the future crossover and driveway were inspected.

This proposed crossover removes one very poor health tree from the nature strip to facilitate the development of the new crossover and driveway to the second dwelling. The subject tree species is identified as a wattle tree (*Acacia provincialis*) in the submitted arborist report and is recommended for removal due to its low ecological retention value. The removal of the tree triggers a planning permit under Clause 52.17 Native vegetation of the Planning Scheme.

It is considered that the proposal does not contravene the purpose and requirements of the overlay, as it seeks to minimise impact on existing vegetation. The tree earmarked for removal is in a very poor health condition and has a low retention value hence, its removal is considered acceptable.

As an alternative, to remove any impact on the existing eucalyptus tree, an objector and Council's Environment team have suggested that the driveway be removed away from the eucalyptus tree to a location between the pine tree and an existing unused power pole. This suggested location would impact upon the TPZ of the existing pine tree and would cause potential safety issues as a result of reducing traffic visibility when egressing the property, given the proximity of the power pole and pine tree.

The Planning Scheme requires applications to balance the importance of minimising and avoiding impact/loss of native vegetation against the overall impact on all vegetation. Both the proposed location and suggested alternative location will have an impact on trees. Given this, it is considered acceptable to allow the current proposal, and its associated likely impact on the existing eucalyptus tree.

Environmental Significance Overlay – Schedule 4 (ESO4)

The Environmental Significance Overlay aims to ensure that development is compatible with identified environmental values. ESO4 seeks to ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area.

The impact of any removal of vegetation (native or non-native) and intrusion into a TPZ must be considered within this overlay.

The proposal is considered to be acceptable under the provisions of ESO4, as only one in poor health tree is proposed to be removed.

Native Vegetation

A planning permit is required under Clause 52.17 of the Planning Scheme to remove the street tree. This clause aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Given that the tree to be removed is of a low retention value, and the proposal will not unreasonably impact the surrounding trees, it is considered to be consistent with the requirements of the Clause. A native vegetation offset is not required in this instance.

Response to objector concerns

Objection	Officer Response
Car headlights shining into neighbor's lot	The existing level of vegetation of both the subject site and the objector site should provide adequate screening to limit the impact of headlights within the neighbourhood. The proposed crossover, while located close to the objector's property, is not directly opposite it.
Unnecessary to have a second crossover for the second dwelling	It is not relevant to the application whether or not there is a 'need' for a second crossover, but rather the impact of the second crossover on neighbourhood character and vegetation.

	<p>The officer's assessment (above) has addressed these two issues.</p> <p>It is the officer's recommendation that the amended application be approved (and a second crossover allowed).</p>
<p>New crossover for second dwelling will increase traffic into Ladye Place</p>	<p>An existing permit condition requires vehicle access to Mount Macedon Road to be removed, as it is considered that Ladye Place provides a safer access point for the site.</p> <p>This condition has not (yet) been complied with and is the subject of enforcement action being taken against the land owner.</p> <p>Both dwellings currently have access to Ladye Place. There will be no change in traffic volume. Rather, vehicles to and from the subject site, will access/egress via two separate crossovers instead of a shared crossover.</p>
<p>Concern with impact on the eucalyptus tree, suggest relocating between the pine tree and the power pole</p>	<p>The officer's assessment address this concern.</p> <p>The location of the driveway as proposed is considered appropriate.</p>

Officer Declaration of Conflict of Interest

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

Conclusion

The addition of this crossover/driveway is considered appropriate, as is the proposed removal of the street tree.

The scale of works is small and will have minimal impact upon the streetscape and neighbourhood character.

PE.6	HERITAGE OVERLAY CONTROL BUNJIL CREEK BRIDGE AND CHANNEL
Officer	Dannielle Orr, Strategic Planner – Heritage
Council Plan Relationship	Improve the built environment
Attachments	1. Melbourne Road and Kilmore Road, Gisborne Intersection Upgrade – Survey and consultation summary, Regional Roads Victoria, November 2019. 2. Local-Level Heritage Assessment - GJM Heritage, April 2020

Purpose and Overview

The purpose of this report is to outline the next steps that can be taken to protect the heritage place, the Bunjil Creek bridge and channel in Gisborne, a heritage structure that has been identified as of value to the Gisborne community during proposed Regional Roads Victoria (RRV) works.

The report provides a background to the RRV Kilmore Road Intersection Upgrade project, which proposes the demolition of this heritage place, the community consultation that has been undertaken to date, and the heritage assessment that has been carried out to identify the local significance of this 1874 bluestone bridge and channel. A request has been submitted under delegation to the Minister for Planning for an interim heritage overlay to be placed on the bluestone bridge and channel. This report proposes to introduce a permanent heritage overlay control through an amendment to the Macedon Ranges Planning Scheme.

Recommendation

That Council:

- 1. Adopt the Local-Level Heritage Assessment: Bunjil Creek Bridge & Channel, Gisborne, GJM Heritage, April 2020.**
- 2. Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143 to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel.**

Background

The Kilmore Road intersection upgrade was first announced in the media in November 2018, by the Member for Macedon, Mary-Anne Thomas, as the fulfilment of an election promise.

RRV held a public submissions period on the proposed works from 15 August to 29 September 2019. During this period, they received a number of submissions from the community expressing concern about the detrimental impact of the works to the historic nature of this important gateway entry into Gisborne township and the demolition of the bluestone bridge and channel over Bunjil Creek.

In their summary response to these community concerns, RRV stated works would not impact existing heritage listed sites (Attachment 1). However, as a historic site that is not listed in the planning scheme and therefore currently with no statutory protection, RRV was only prepared to consider the dismantling of the bridge and the possibility of reuse of the historic bluestone fabric that was to be removed from the bridge. No further consideration was given to the heritage values that the community identified as important about the Bunjil Creek bridge and channel.

In response to ongoing community and Council concerns, a formal submission on the planned works was endorsed by Macedon Ranges Shire Council at the Ordinary Council Meeting on 27 November 2019. The submission detailed Council's concern relating to the social and cultural heritage features of the site, large old trees that contribute to township character, incremental loss of public open space and lack of pedestrian connectivity considered by the proposed design. Council also resolved to investigate the costs of having a heritage assessment undertaken on the historic structures and to advise RRV of Council's decision and request a meeting to discuss intersection design options.

Context

Council engaged GJM Heritage consultants to carry out a heritage assessment of the Bunjil Creek Bridge and Channel. This was undertaken in March 2020 and completed in April 2020 (Attachment 2).

GJM Heritage's assessment identified that the historic structures did not meet the state threshold of heritage significance, but the 1874 bluestone bridge and channel met the local level of heritage significance. Alterations and additions to the Bunjil Creek bridge and channel that were more recent are not considered to be of heritage significance. GJM Heritage recommended that the Bunjil Creek bridge and channel be protected by a heritage overlay in the Macedon Ranges Planning Scheme.

As this heritage assessment was underway, Council continued to discuss with RRV the possibility of exploring alternate designs to retain the Bunjil Creek bridge and channel. Bunjil Creek Bridge and Channel is considered to be 'at risk' of demolition or substantial alteration as part of RRV's planned works for the Kilmore Road Intersection.

Given this, the Chief Executive Officer, under delegation, has submitted a formal request to the Minister for Planning to apply an interim heritage overlay control urgently to this threatened heritage place, through a Ministerial Amendment, Planning Scheme Amendment C142.

Any demolition or substantial alteration of the 1874 bluestone bridge and channel will have an adverse impact on this historic entryway into Gisborne, the township character and the community who have been active in expressing their concern and value for this heritage place. An interim heritage overlay control will recognise the local heritage significance of the Bunjil Creek bridge and channel in the Macedon Ranges Planning Scheme and temporarily provide some measure of protection until more permanent heritage overlay controls can be implemented through the proposed Planning Scheme Amendment C143macr.

Consultation and Engagement

Ministerial Amendment C142macr to apply the interim Heritage Overlay is exempt from public notice. The request for an interim Heritage Overlay control is itself an action taken by Council that is responding to the views of the community that have already been sought and are known from the RRV public submission process

Further community consultation and formal notice to all stakeholders will be required as part of Amendment C143macr, to apply the Heritage Overlay on a permanent basis. This will provide the Gisborne community, relevant authorities, including RRV and all affected parties the opportunity to make a submission on this matter. Amendment C143macr will run concurrently to the interim Heritage Overlay control, Amendment C142macr.

In preparation for Amendments C142macr and C143macr, officers have consulted with the relevant authorities, RRV, Melbourne Water and Western Water.

In RRV's earlier phases of stakeholder engagement, Melbourne Water responded that disturbance to the bluestone channel should be avoided and that remediation should occur to any areas that would be disturbed. Melbourne Water have since asked for and received clarification from Council about the potential implications of a heritage overlay on works they may undertake in the future on the Bunjil Creek bridge and channel. After a response was provided, Melbourne Water did not express any further comment or oppose Macedon Ranges Shire Council's proposal to apply a Heritage Overlay control.

The views of Western Water were also sought but unless the RRV works impact on existing water or sewer mains, Western Water will have no involvement in the project; Western Water did not express any further comment or oppose Macedon Ranges Shire Council's proposal to apply a heritage overlay control.

Strategic Alignment

This proposal assists with the achievement of priorities set out in the Council Plan 2017-2027:

- Priority Area 3 - Improve the built environment
- Priority Area 4 - Enhance the social and economic environment
- Priority Area 5 - Deliver strong and reliable government

Macedon Ranges Heritage Strategy 2014-2018

The relevant aims and objectives of the Macedon Ranges Shire Heritage Strategy are to ensure adequate protection is applied to sites of heritage significance in the Shire (4), and to enhance civic pride and sense of place (6).

Implications

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

RRV manages road and transport assets on behalf of the community and Victoria, but Council also has a role in protecting these assets for their heritage and history. These intersection works have been identified by Gisborne community over many years, as a necessary development to deliver safe movement of vehicles and people into Gisborne in the long term. The current plans put forward by RRV are just one design option for managing these road and transport assets to achieve this goal.

The protection of this heritage place with a heritage overlay control will allow this asset to be retained for the community's benefit and will facilitate the development of other design options that sympathetically incorporate the 1874 Bunjil Creek bridge and channel into a safe intersection at Kilmore Road.

The proposal to protect this heritage place has financial and resource implications, due to the costs and time required to prepare and run planning scheme amendments. The planning scheme amendment costs and resources will be undertaken through the existing budget allocations.

Policy and Legislative Implications and Risks

In seeking to protect places that have been identified of heritage value to the Gisborne community and history of this municipality, Macedon Ranges Shire Council is fulfilling its role as set out in the State and Council policies listed below.

The protection of this heritage place with a heritage overlay control will also trigger the requirement of a Council permit for roadworks which change the appearance of a heritage place, or which are not generally undertaken to the same details, specifications and materials. This will enable Council to consider the suitability of any of the proposed designs for this locally significant heritage place.

This report relates to the following Policy and Legislation:

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

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

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

The Macedon Ranges Statement of Planning Policy (SPP) has 10 policy domains, each with an objective and a series of strategies to achieve that objective.

The recommended resolution and its resultant actions are consistent with the 10 policy domains, and their respective objectives and strategies.

The proposed AmendmentC143macr is consistent with the objectives of the Macedon Ranges Planning Scheme including:

- Clause 15.03-1S ensures the conservation of places of heritage significance.
- Clause 21.01 acknowledges that heritage buildings and streetscapes contribute to the amenity and character of the towns within the municipality.
- Clause 21.02 recognises that increasing development will place pressure on these heritage buildings and streetscapes.
- Clause 21.08 acknowledges that “regulation and protection of the heritage features and values is critical in achieving sustainable development outcomes and decision making”.
- Clause 21.08-1 ‘Heritage conservation’ includes the following objective: “To protect and enhance important heritage features and values for residents, visitors and future generations.”

Sustainability Implications and Risks (Social and Environmental)

The retention of heritage places in our municipality minimises the environmental impacts associated with new constructions and the use of finite resources. There is also a social benefit to retaining and valuing those places that demonstrate important aspects of the history of Gisborne’s development as a township in this municipality.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a direct or indirect conflict of interest in this matter

Conclusion

RRV have sought the views of the Gisborne community regarding the Kilmore Road Intersection Upgrade in their public submissions period in 2019.

The historic Bunjil Creek bridge and channel is evidence of the early development of the Gisborne township. A heritage assessment recently undertaken by GJM Heritage identified that the extant 1874 bluestone bridge and channel clearly met the local level of heritage significance and they recommended its protection in the Macedon Ranges Planning Scheme (Attachment 1). This heritage assessment justifies the application of the Heritage Overlay to protect Bunjil Creek bridge and channel.

By seeking to apply the heritage overlay control, Macedon Ranges Shire Council demonstrates its commitment to retain, protect and facilitate the sympathetic development of its significant history and heritage.

CX.1	REGIONAL KITCHEN PTY LTD
Officer	Sarah Noel, Acting Director Transition
Council Plan Relationship	Promote Health and Wellbeing
Attachments	Nil

Purpose and Overview

This report outlines address issues pertaining to Regional Kitchen Pty Ltd and shareholder responsibilities.

Recommendation

As this report concerns a contractual matter then, pursuant to Section 89(2)(d) of the Local Government Act 1989, it be considered by Council together with any other confidential matters at the conclusion of that part of this meeting open to the public.

Option

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

CX.2	CONTINUED DELIVERED MEALS SERVICE TO JANUARY 2021
Officer	Fiona Alexander, Manager Community Services
Council Plan Relationship	Promote Health and Wellbeing
Attachments	Nil

Purpose and Overview

At its Ordinary Meeting on 28 August 2019 Council resolved to stop providing Meals-Individual (delivered meals) from 1 July 2020. The Australian Government is offering additional Commonwealth Home Support Program funding to increase providers' capacity to deliver meals during the COVID-19 pandemic. This report proposes to continue Council's delivered meals service to 1 January 2021.

Recommendation

That Council:

- 1. Resolve to amend its resolution of 28 August 2019 and provide the Meals-Individual program from 1 July 2020 to 1 January 2021.**
- 2. Provide notice to the Australian Government Department of Health of Council's intention to provide Meals-Individual until 1 January 2021.**

Background

At its Ordinary Meeting on 28 August 2019, Council resolved to:

Provide formal notice to the Commonwealth Department of Health of Council's intention to cease its agreement to provide the following services funded by the Commonwealth Home Support Program (CHSP):

- CHSP Meals-Individual by July 2020 as the low level of demand is not viable**
- CHSP home maintenance and home modification service by July 2021 or earlier pending commissioning of an alternate local provider.**

At the time Council was delivering meals to only 19 clients, all of whom could be supported through a CHSP activity called Social Support Individual.

Context

There has been an increase in demand for delivered meals during the COVID-19 pandemic. Council's client base for delivered meals increased to 24 clients in the first few weeks of the pandemic; these people are without access to other supports.

It is expected that demand for delivered meals will increase as the pandemic continues. The Australian Government has broadened access to CHSP in response to COVID-19. Social distancing measures are impacting on the support available to older people from family and community.

In line with advice from federal and state departments and agencies, Council has taken necessary steps to protect the safety and wellbeing of clients, carers and staff. Assisted meals preparation under Social Support Individual will not be available during the pandemic.

Consultation and Engagement

Council's Community Consultation Framework does not require consultation for a proposed extension to an existing service.

Strategic Alignment

This proposal is aligned with the Council Plan priority to Promote Health and Wellbeing.

Implications – Financial

Additional funding is being offered by the Australian Government to increase providers' capacity to deliver meals over the next six months. The additional funds may be used to replace workers with volunteers as needed, and/or may be directed towards partnerships with local commercial kitchens. There would be no cost to Council should it resolve to provide delivered meals until 1 January 2021.

CHSP Meals-Individual forms part of Food Services funding provided through CHSP. An extension to meals-individual can be administered through flexibility provisions in the current funding agreement.

Policy and Legislative Implications and Risks

This report does not relate to any internal or external policy positions or legislation.

Sustainability Implications and Risks (Social and Environmental)

There are no social and/or environmental issues that may be impacted by the outcome of this report.

Charter of Human Rights Implications and Risks

There are no implications or risks related to Council's obligations under the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

Council recognises that the COVID-19 shutdown is impacting vulnerable people in our community, particularly the elderly who are isolated from family or community supports due to social distancing.

With the funding grant on offer to CSHP services, an opportunity has arisen to ensure ongoing food security for clients as well as regular monitoring of their welfare at home.

CX.3	HANGING ROCK PROJECT CONTROL GROUP REPORT
Officer	Margot Stork, Chief Executive Officer
Council Plan Relationship	Deliver strong and reliable government
Attachments	1. Hanging Rock Update, February 2020 2. Hanging Rock Strategic Plan Update, May 2020

Purpose and Overview

To provide an update to Council on the Hanging Rock Project Control Group.

Recommendation

That Council receive this report as being an update from the Hanging Rock Project Control Group.

Background

At the Ordinary Council Meeting of 24 July 2019 it was resolved:

That Council:

- 1. Resolve to formally wind up the Hanging Rock Strategic Advisory Committee following the adoption of the Hanging Rock Strategic Plan 2018;**
- 2. Note that the Hanging Rock Interim Control Board (HRIPCB) led by the Department of Environment, Land, Water and Planning (DELWP) is progressing with the development of a ‘Joint Management with Traditional Owners’ governance model;**
- 3. Note that the Hanging Rock Interim Control Board has commenced development of a Communications Plan that will provide regular updates to the community on the progress of the implementation of the Hanging Rock Strategic Plan 2018; and**
- 4. Write to the Department of Environment, Land, Water and Planning to request that opportunities for former HRSAC members are considered when planning for the development of a new governance model and implementation of the Hanging Rock Strategic Plan 2018 more broadly.**
- 5. Request the Hanging Rock Interim Project Control Board provide Council with a quarterly report on their deliberations and progress, including who has been present at the meetings, how many meetings have been held, and what topics were discussed, that will be tabled and noted at the next available council meeting.**

Context

Below is an update on the Hanging Rock Project Control Group:

- Seven meetings have been held to date
- Meetings have been held on:
 - 8 March 2019
 - 13 June 2019
 - 4 September 2019
 - 5 December 2019
 - 6 February 2020
 - 17 March 2020
 - 7 May 2020

It should be noted that the meeting scheduled for 2 April 2020 was cancelled due to the impacts of the COVID-19 environment.

Both Council and DELWP have dedicated webpages indicating that both state and local governments are working together to safeguard the Hanging Rock precinct as a popular local and tourist destination. A copy of the community Hanging Rock Update, February 2020 (attached) provides an overview of the following:

- What is the Hanging Rock Strategic Plan?
- How is the \$3 million going to be used?
- What's been happening?
- Meet the new staff involved in implementing the Hanging Rock Strategic Plan
- Hanging Rock daily operations
- Contact us

Further community Hanging Rock Strategic Plan Update, May 2020 (attached) was released on 7 May 2020 and provides an overview of the following:

- East Paddock acquisition
- Ministerial Advisory Group
- Planning scheme amendment
- Environmental and conservation management plans
- Hanging Rock daily operations
- Contact us

Community updates will be provided quarterly and presented to Council quarterly.

Consultation and Engagement

No consultation or engagement was required in the preparation of this report.

Strategic Alignment

This report is aligned with the Council Plan priority of 'deliver strong and reliable government'.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There are no resource, IT or asset management implications as a result of this report.

Policy and Legislative Implications and Risks

There are no policy and legislative implications and risks associated with Council noting this report.

Sustainability Implications and Risks (Social and Environmental)

This report is provided for Council's information only and therefore there are no social or environmental issues that may be impacted by the outcome of this report.

Charter of Human Rights Implications and Risks

There are no direct or indirect human rights implications.

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflicts of interest in this matter.

Conclusion

This report is for noting by Council.

CS.1	CONTRACTS TO BE AWARDED AS AT 27 MAY 2020 AND PROCUREMENT POLICY BREACH
Officer	Corinne Farley, Contracts Coordinator
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The following report indicates whether or not delegated authority to award the contract exists. It also presents Council with the opportunity to (a) specifically grant delegated authority to the Chief Executive Officer and/or (b) specifically review delegated authority in any instance where Council deems it appropriate.

Recommendation

That Council:

- 1. Grant delegated authority to the Chief Executive Officer to award the following contract:**
 - C20.1067 Supply of Retail Fuel (Retender)**
- 2. Note the breach of the Procurement Policy, which will be disclosed in the 2019/20 Annual Report.**

1. Contracts to be awarded

Background

Council's delegated authority to its officers to award a contract is controlled by the financial value of the contract. The various financial limits of the authority are specified in Appendix 1 of the Procurement Policy.

Context

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

C20.1067 Supply of Retail Fuel (Retender)

This contract is for the provision of one multi-branded fuel card for Council's fleet of plant and passenger vehicles, which includes a discount for the supply of fuel from multiple fuel outlets within the Shire of Macedon Ranges. The retender process will now use a new contract number. Following insufficient response in the initial tender process, delegated authority is sought from Council for this new contract number.

The estimated fuel volumes take into account the projected impact of changes to Council's fleet that align to proposed vehicle changes in Council's Climate Change Action Plan.

The proposed three-year contract (with an option for a two-year extension) exceeds the delegated authority of the Chief Executive Officer. Operational budget funding for this contract exists.

2. Procurement Policy Breach

Cumulative Expenditure Breach

A breach of the cumulative expenditure rules within Council's Procurement Policy [Clause 5.4] has been identified. The breach occurred as a direct response to the COVID-19 pandemic for the engagement of emergency staff through CT Management Pty Ltd to assist in crisis management. The breach will be reported in Council's 2019/20 Annual Report.

Consultation and Engagement

Nil

Strategic Alignment

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

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

Implications

Policy and Legislative Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

1. Contracts to be awarded

That Council grant delegated authority to the Chief Executive Officer to award contract C20.1067 Supply of Retail Fuel (Retender).

2. Cumulative Expenditure Breach

That Council note the Procurement Policy breach with CT Management Pty Ltd.

CS.2	QUARTERLY REPORT FOR THE PERIOD ENDED 31 MARCH 2020
Officer	John Hausler, Director Corporate Services
Council Plan Relationship	Deliver strong and reliable government
Attachments	Quarterly Report for the period ended 31 March 2020

Purpose and Overview

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

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council Plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council resolutions
- Section 6 – Customer service standards responsiveness
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

Recommendation

That Council note the Quarterly Report for the period ended 31 March 2020.

Background

The quarterly report is provided in accordance with Section 138 of the *Local Government Act 1989* (Vic) ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting. This report has been expanded to include a number of other status updates to provide transparency to the community.

Context

Financial performance to 31 March 2020

Council's income and expenditure is tracking within reasonable tolerances for the year to date result. The overall operating position is \$0.3m favourable to budget (excluding adjustments) mainly due to lower expenditure to date. The pandemic has had limited impact on Council's financial statements to the end of March. Quarter four financials (April to June) will be impacted particularly by the closure of the Aquatic and Leisure Centres.

Capital works expenditure year to date totalled \$15.4m which is below budget. Several capital projects have been delayed for varying reasons and it is expected that some projects will need to be carried over into the 2020/21 financial year. The 2019/20 capital program is not expected to be significantly impacted by the pandemic.

Consultation and Engagement

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

Strategic Alignment

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

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Quarterly Report provides information on Council's operating and financial performance for the period 1 January 2020 – 31 March 2020.

Policy and Legislative Implications and Risks

This report has been prepared in accordance with the *Local Government Act 1989 (Vic)*. The financial statements have been prepared in accordance with Australian Accounting Standards.

From 24 October 2020, the preparation of a quarterly report will need to be completed in conjunction with the requirements of the *Local Government Act 2020*.

Sustainability Implications and Risks (Social and Environmental)

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

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a direct or indirect conflict of interest in this matter.

Conclusion

That Council note the Quarterly Report for the period ended 31 March 2020.

CS.3	DRAFT COUNCIL PLAN 2017-2027 (YEAR FOUR – 2020/2021) FOR PUBLIC DISPLAY
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachment	Draft Council Plan 2017-2027 (Year Four – 2020/2021)

Purpose and Overview

The Council Plan 2017 – 2027 is the principal planning and vision-setting document for Council during its current term.

This report is presented to seek endorsement of the draft Council Plan 2017 – 2027 (Year Four - 2020/2021), for the purposes of public display.

This report explains the stages of planning that have been undertaken to bring the Year Four draft Council Plan to this point.

Recommendations

- 1. That Council endorse the draft Council Plan 2017–2027 (Year Four – 2020/2021) for the purposes of public display.**
- 2. That the draft Council Plan 2017–2027 (Year Four – 2020/2021) be placed on public display on Council’s website and at Council offices on Tuesday 2 June 2020 and remain on public display until Tuesday 30 June 2020.**
- 3. That a public notice be placed in the local newspapers advising that:**
 - (a) the draft Council Plan 2017–2027 (Year Four – 2020/2021) is on public display**
 - (b) written submissions are invited**
 - (c) submitters will have the opportunity to speak in support of their submission in accordance with s223 of the *Local Government Act 1989* at the Submitters Committee meeting scheduled for 8 July 2020).**
- 4. That, whilst the draft Council Plan 2017–2027 (Year Four – 2020/2021) is on public display, Councillors and officers be available for discussion by mutual agreement and prior arrangement, with ratepayers, residents, community groups and local businesses, both within and outside normal business hours.**
- 5. That the period for any person to make a written submission shall close at 11.00am on 30 June 2020.**

6. **That an agenda for the Submitters Committee to be held on Wednesday 8 July 2020 be distributed to Councillors on Friday 3 July 2020 and all submissions received by 11.00am on 30 June 2020 be attached to the agenda.**
 7. **That a Submitters Committee Meeting be held online and livestreamed via Council's website at 6.00pm on Wednesday 8 July 2020 to provide an opportunity for any person who wishes to make a submission on the draft Council Plan 2017-2027 (Year Four – 2020/2021) to be heard.**
 8. **That a report and recommendations be presented to the Ordinary Council Meeting on 22 July 2020 to enable Council to consider submissions and to adopt the Council Plan 2017–2027 (Year Four – 2020/2021).**
-

Background

The development of the Council Plan 2017-2027 (the Plan) was a process that commenced in late 2016, following the election of the new Council. The Plan, adopted in June 2017, outlines Council strategies and actions to be implemented across five priority areas:

1. Promote Health and Wellbeing
2. Protect the Natural Environment
3. Improve the Built Environment
4. Enhance the Social and Economic Environment
5. Deliver Strong and Reliable Government

The Plan incorporates the Municipal Public Health and Wellbeing Plan, which strengthens Council's overall planning and response to the health and wellbeing of the community. The Plan also incorporates Council's Disability Action Plan, reflecting Council's commitment to working with the community to create a place where people of all ages and abilities can achieve optimal health and wellbeing and will help ensure disability remains a priority across all areas of Council business.

Context

The Council Plan 2017-2027 Year Four (2020/2021) covers the financial year commencing 1 July 2020 through to 30 June 2021.

Officers have developed the draft Year Four Plan on the basis that the original vision, themes and priorities continue to be relevant and appropriate. Officers have reviewed the actions for the 2020/2021 year to ensure they represent and demonstrate a substantive action that supports a priority area.

Consistent with the approach adopted in Year 3 of the Council Plan, Officers have identified new draft actions across the five priority areas for implementation over the 2020/2021 financial year, for which progress on completing will be reported to Council on a quarterly basis.

It is proposed that the draft Council Plan 2017-2027 Year Four (2020/2021) be promoted through public exhibition before it is submitted to Council for adoption in July 2020.

Consultation and Engagement

Consultation has been undertaken with all Council directorates and has been drafted for the purposes of receiving public submissions, in accordance with the *Local Government Act 1989*.

Strategic Alignment

The Council Plan articulates Council's five priority areas under which particular strategies and actions are developed:

1. Promote Health and Wellbeing
2. Protect the Natural Environment
3. Improve the Built Environment
4. Enhance the Social and Economic Environment
5. Deliver Strong and Reliable Government

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Actions outlined in the Council Plan are undertaken within existing operational budget or through new initiative or capital works allocations in the 2020/2021 Budget.

Policy and Legislative Implications and Risks

Consistent with section 125 of the *Local Government Act 1989* a Council must at least once each financial year consider whether the current Council Plan requires any adjustment in respect of the remaining period of the Council Plan.

A Council may make any adjustment it considers necessary to the Council Plan. A person has a right to make a submission under section 223 on a proposed adjustment to a Council Plan, which relates to the strategic objectives, strategies for achieving the objectives or strategic indicators.

In light of the pandemic, it should be noted that the State Government recently extended the due dates by which councils are to finalise their Budgets and Strategic Resources Plans in 2020. However, the due date for adoption of an adjusted Council Plan was not extended (ordinarily due by June 30 each year).

As such, the adoption of an adjusted Council Plan in July 2020 will be overdue by a period of approximately four weeks. However, as the content of the Council Plan – particularly the annual actions updated each financial year – is directly aligned with the content of the Budget and the Strategic Resource Plan, officers have waited to finalise the content of the draft Council Plan until such time as the draft Budget and draft Strategic Resource Plan could also be finalised. This will allow for three cohesive documents to be presented to the community for feedback and all documents to be presented to Council for consideration at the same time.

Sustainability Implications and Risks (Social and Environmental)

The Council Plan outlines strategies and actions that support social and environmental sustainability (particularly priority areas 2 and 4).

Charter of Human Rights Implications and Risks

The proposal does not raise risks in relation to human rights outlined in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

It is recommended that the draft Year Four – 2020/2021 Council Plan be placed on exhibition in conjunction with the draft Council Budget and draft Strategic Resource Plan.

CS.4	DRAFT BUDGET REPORT 2020/21
Officer	Leon den Dryver, Manager Finance
Council Plan Relationship	Deliver strong and reliable government
Attachment	Draft Budget Report 2020/21

Purpose and Overview

The Local Government Better Practice Guide Planning and Reporting 2019-20, issued by the Victorian Government, states that:

“The budget is a short-term plan which specifies the resources required to fund a council’s services and initiatives over the next 12 months... At the strategic level, the budget details how the services and initiatives to be funded will contribute to the achievement of the strategic objectives in the council plan... At the operational level it should express the funding of services and initiatives through financial statements describing in detail the income, expenditure, assets, liabilities, equity, cash and capital works required.”

This report is presented to seek endorsement of the draft Budget Report 2020/21, for the purposes of public display.

This report explains the stages of planning that have been undertaken in preparing the draft Budget Report and outlines the legislative requirements required by Council.

Recommendation

PART A - ENDORSEMENT OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY

- A1. That, for the purposes of Sections 127 and 129 of the *Local Government Act 1989*, Council endorse, the draft Budget Report 2020/21 for the purposes of public display.**
- A2. That the draft Budget Report 2020/21 be placed on public display on Council's website and at the Council Offices Tuesday 2 June 2020 and remain on public display until Tuesday 30 June 2020.**
- A3. That a public notice be placed in the local newspapers advising that the draft Budget Report 2020/21 is on public display and written submissions are invited (and will be considered in accordance with Section 223 of the *Local Government Act 1989*).**
- A4. That, whilst the draft Budget Report 2020/21 is on public display, Councillors and Officers be available for discussion, by mutual**

agreement and prior arrangement, with Ratepayers, Residents, community groups and local businesses, both within and outside normal business hours.

- A5. That the period for any person to make a written submission shall close at 11.00am on 30 June 2020.
- A6. That all submissions received by 11.00am on 30 June 2020 are to be attached to the Agenda for the Submitters Committee meeting to be held on 8 July 2020.
- A7. That a Submitters Committee meeting be held online and livestreamed via Council's website at 6.00pm on Wednesday 8 July 2020 to provide an opportunity for any person who wishes to make a verbal presentation in support of their submission on the draft Budget Report 2020/21 to be heard.
- A8. That a report and recommendations be presented to the Ordinary Council Meeting on 22 July 2020 to enable Council to consider submissions and to adopt the Budget Report 2020/21, with or without amendment.
- A9. That the Chief Executive Officer be authorised to carry out all administrative procedures necessary to enable Council to carry out its functions under the *Local Government Act 1989*, in relation to the finalisation and publication of the Budget Report.

PART B - DECLARATION OF RATES AND CHARGES

That for the period 1 July 2020 to 30 June 2021 and in accordance with Sections 158, 158A, 159, 162, 167, 169 and 172 of the *Local Government Act 1989*, Council hereby declares:

- B1. That the amount intended to be raised by rates, the municipal charge and various waste charges will be \$52.3m.
- B2. That the valuation system to be used for rating purposes will be the Capital Improved Value.
- B3. That five Differential Rates on the Capital Improved Value of rateable land will be applied as follows –
 - 1. General Rate of 0.23814 cents in the dollar.
 - 2. Agricultural Land Rate of 0.19052 cents in the dollar.
 - 3. Commercial/Industrial Rate of 0.28577 cents in the dollar.
 - 4. Recreational Land Rate of 0.11907 cents in the dollar.
 - 5. Not for Profit Housing Rate of 0.11907 cents in the dollar.
- B4. That rates will be separately levied in respect of each portion of rateable land for which the Council has a separate valuation and each rate will be determined by multiplying the Capital Improved

Value of each portion of land by the applicable cents in the dollar according to the use of the land or if the land is unused according to the zoning of the land under the planning scheme.

- B5. That a municipal charge of \$212 will be levied on each portion of rateable land – unless that land is exempt.**
- B6. That an annual service charge will be levied for the collection and disposal of garbage and for the collection and sorting of recyclable materials in respect of premises to which the service is available - whether or not the owner or occupier of any such premises avails himself or herself of the service. The service charges will be:**
- \$420 for properties that have a food organics garden organics bin (4 bins). Ratepayers who are entitled to and have been granted a pension concession will be able to obtain a rebate of \$37 on this charge; and**
 - \$346 for properties that do not have a food organics garden organics bin (3 bins).**
- If the owner or occupier requires and is able to be supplied with additional bin(s) or a larger refuse bin, the additional/larger bin(s) will be charged annually as follows in addition to the service charges: -**
- 1. Additional (140L) refuse bin \$217 per bin.**
 - 2. Additional recycle bin \$102 per bin.**
 - 3. Additional glass recycling bin \$56 per bin.**
 - 4. Additional food organics garden organics (FOGO) bin \$74 per bin.**
 - 5. Larger (240L) refuse bin (replacing a 140L bin) \$153 per bin.**
- B7. That it be noted the Victorian Environment Protection Amendment (Landfill Levies) Act 2011 (which came into operation on 1 July 2011) requires Council to collect the Environment Protection Authority Landfill Levy (EPA Levy). The EPA Levy equates to \$29 per refuse bin in 2020/21.**
This is the amount that will be shown separately on each Rate Notice – in those instances where the Ratepayer has a refuse bin. Local councils throughout Victoria are required to collect the EPA Levy on behalf of the Victorian State Government and because it does not form part of Council's revenue, it is shown separately on Council's Rate Notice.
- B8. That a rebate will be provided to areas of high environmental significance that are registered by the Trust for Nature. The rebate will be calculated on the proportion of the land, which is subject to the covenant, applied to the Site Value of the land.**
- B9. That the rates and charges will be levied by sending rate notices to the persons who are liable to pay them.**

- B10. That the rates and charges will be payable by four equal instalments on the date fixed by the Minister for Local Government, that is:**
- 30 September 2020**
 - 30 November 2020**
 - 28 February 2021**
 - 31 May 2021**
- B11. That penalty interest may be payable on rates and charges that have not been paid by the due date and the penalty interest will be calculated at the rate fixed under Section 2 of the *Penalty Interest Act 1983*.**

PART C - DIFFERENTIAL RATES

That for the period 1 July 2020 to 30 June 2021 Council considers that Differential Rates will contribute to the equitable and efficient carrying out of its functions and therefore declares:

- C1. In accordance with Section 161 of the *Local Government Act 1989*, Council specifies the following objectives and characteristics in relation to the General Rate:**
- 1. The types and classes of land to which the rate applies is all rateable land other than agricultural land, recreational land, commercial/industrial land and land used by Not for Profit Organisations to provide low-income residential housing;**
 - 2. The Differential Rate is considered fair and equitable having regarded:**
 - (a) The amount of revenue required to be raised is in accordance with the Council Plan, Strategic Resource Plan and Budget; and**
 - (b) The range of infrastructure, physical services, health services and community services available to the owners and occupiers of residential and vacant land.**
- C2. In accordance with Section 161 of the *Local Government Act 1989* Council specifies the following objectives and characteristics in relation to the Agricultural Land Rate:**
- 1. The types and classes of land to which the rate applies is agricultural land which means any rateable land defined as farm land under Section 2 of the *Valuation of Land Act 1960* on the condition that the owner or occupier of the land is a person carrying on the activities defined by the *Valuation of Land Act 1960*, who is regarded as a Primary Producer by the Australian Taxation Office.**
 - 2. The Differential Rate is considered fair and equitable having regarded:**

- (a) The amount of revenue required to be raised is in accordance with the Council Plan, Strategic Resource Plan and Budget;
- (b) The range of infrastructure, physical services, health services and community services available to the owners and occupiers of agricultural land;
- (c) The restrictions upon the use and development of agricultural land in the Planning Scheme; and
- (d) The need to encourage the retention of viable agricultural land for agricultural purposes.

The Agricultural Land rate will be 20% less than the General rate.

C3. In accordance with Section 161 of the *Local Government Act 1989*, Council specifies the following objectives and characteristics in relation to the Commercial/Industrial Rate:

- 1. The types and classes of land to which the rate will apply is all rateable land which is not agricultural land and which is used predominantly for carrying on one or more of the following activities for the purpose of generating income – commercial, industrial, business, wholesale trade, retail trade, manufacturing, professional or administrative; and
- 2. The Differential Rate is considered fair and equitable having regarded:
 - (a) The amount of revenue required to be raised in accordance with the Council Plan, Strategic Resource Plan and Budget; and
 - (b) The range of infrastructure, physical services (including car parking, street lighting and street cleaning) and facilities available to the owners and occupiers of land described in paragraph 1.

The Business rate will be 20% more than the General rate.

C4. In accordance with Section 161 of the *Local Government Act 1989*, Council specifies the following objectives and characteristics in relation to the Not for Profit Housing Rate:

- 1. The types and classes of land to which the rate will apply are properties containing low-income residential housing owned and/or managed by a volunteer, charitable or not-for-profit organisation for which the organisation is responsible for the payment of rates and for which a State Government pension concession is not claimed.
- 2. The Differential Rate is considered as fair and equitable having regarded:
 - (a) The amount of revenue required to be raised is in accordance with the Council Plan, Strategic Resource Plan and Budget; and

- (b) The public service that volunteer, charitable or not-for-profit organisations are delivering to the community by providing low-income residential housing.**

The Not for Profit Housing Rate is 50% of the General Rate.

- C5. In accordance with Section 2 of the *Cultural and Recreational Lands Act 1963*, Council declares all rateable Cultural and Recreational Land at 50% of the General Rate.**

Background

The draft Budget Report 2020/21 discloses major initiatives and ensures Council meets its legislative obligations under Section 127 of the Local Government 1989. Under Section 130(3) Councils are required to adopt a budget by 30 June each year. This timeframe has been extended to 31 August 2020 this year due to the pandemic.

Context

With the current coronavirus COVID-19 pandemic, Council's operations are impacted and many of our community members are suffering financial challenges. At this point in time it is difficult to determine the extent of the impacts on Council's financial position in 2020/21. The draft budget includes a new initiative of \$1.1m to provide support to our community and local business during the pandemic and recovery period. These proposed support measures focus on the following areas:

- Provide support to organisations delivering critical emergency relief services to assist them respond to a growing client base, by resourcing both the Recovery Operations Centre and coordinating the Pandemic Working Group.
- Defer application of late fees on overdue animal registrations on rates and charges until 30 September 2020.
- Work with organisations such as Central Victoria Volunteer Network and Cobaw Community Health to provide support for the impact of COVID-19 pandemic both on the practices of volunteers and in direct support of those people that they provide valuable services for.
- Provide support to local business via an enquiry service regarding support and via the provision of a confidential telephone assistance program to provide access to counselling.
- Programs that provide online sessions with industry experts, develop skills, exchange idea forums, networking and identification of opportunities, seek feedback as to how we can help via a survey, streamline business permit processes and a buy local campaign.
- Provision of additional funding for Council's existing grant programs in 2020/21 including Small Project Grants, Community Funding Scheme and the Events and Festival Grants which specifically look to support recovery from COVID-19 pandemic.
- Waiver of goods on footpaths Local Law permit renewal fees for existing Roadside and Footpath Trading permit holders for twelve months and a 50% waiver on health permit renewals for the first 6 months of 2021 for existing business with current permits.

- Bring forward actions from a number of strategies including Arts and Culture, Visitor Economy and Economic Development that specifically assist our recover efforts from COVID-19 in the shire.
- Provide a dedicated fund to support our bushland reserves for the installation and maintenance of minor infrastructure to support users of Council's bushland and conservation reserves (excluding Hanging Rock).

As a result of the need to ensure support is provided a number of capital and operating projects have not been included in the funded projects but have been identified as next highest priority projects in 2020/21, that will be considered in future budget processes depending on the level of impact the pandemic has on our shire and Council's income.

The Budget contains a continuation of quality works and services with a balance of social, environmental and financial factors and includes Councillor input (via three workshops) to the capital works and new initiatives in the draft Budget.

Some of the key inclusions in the budget are:

- Funding for several large projects that are being completed across a number of financial years including the Macedon Ranges Regional Sports Precinct and the Romsey Ecotherapy Park Stage 2.
- A contribution towards a new kindergarten in Kyneton has been also been included in the budget. This project will be led by the State Government.
- Upgrade of the playing surface at Barkly Square Field, Kyneton.
- Funding for a new netball court in Woodend.
- Lancefield Park oval lighting.
- Riddells Creek Football/Cricket change room showers – upgrade.
- Landscape works at Gisborne Fields.
- An increase in building renewal funding for facilities across the shire.

The average rate increase will be within the 2.0% rate cap. The rate cap is based on the average rate increase for the average property. Rate movements for individual properties are not capped. The 2020/21 rates are based on the 2020 General valuation (draft figures). There is a potential that the rate per property specified in recommendation B3 above may need to be adjusted as part of the adoption of the final 2020/21 Budget which will be presented to Council on 22 July 2020.

Council's kerbside collection charges are calculated to recover the full cost of the collection and disposal of refuse, recycling and FOGO waste in the Shire. With the inclusion of this new service, the proposed increase in kerbside collection charges per property is around 5% for most properties. The increase is mainly due to the changes in the recycling industry that occurred during 2019 that resulted in changes being required to the way recycling is processed. These changes resulted in a higher cost of the service, however, the cost increase would have been even higher again if Council did not make changes to the kerbside service in 2019/20.

Consultation and Engagement

Pursuant to Sections 129 and 223 of the *Local Government Act 1989* the draft Budget 2020/21 will be placed on public display and submissions will be invited from the public.

Strategic Alignment

The preparation of the budget supports Council's priority of strong and reliable government. The 2020/21 budget includes funding for a number of projects and initiatives outlined in the Council Plan.

Implications

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

The budget includes all financial and resourcing requirements for Council in 2020/21.

The projections within the 2020/21 budget are subject to the uncertainty surrounding the financial impact on Council in 2020/21 due to the COVID-19 pandemic. There is no certainty regarding when Council's currently impacted services (predominantly aquatic and leisure centres) will be able to return to either partial or full operations,

The indication from both national and state government is that the economy is beginning to be phased back to how it was prior to the pandemic, however predicting exactly when and what this will look like cannot be determined with any accuracy. Current operating conditions for our affected services are influenced by both reductions in revenue and reductions in expenditure and how these will change, based on the phasing back of restrictions is again uncertain. However, in line with the current easing of restrictions by the Victorian State Government, the budget has been prepared on the basis that all Council facilities will be open in July 2020. If Council facilities remain closed for longer than assumed it is not expected to have a material net impact on Council's financial position.

Considerations have been made within the recovery package relating to reduced levels of rates and charges due to higher than normal cases of financial hardship and lower lease revenue as well as a focus on one-off 2020/21 budget funding to support recovery of the community and business sectors. There is no expectation at this stage that operating grant income will be significantly impacted by the COVID-19 pandemic.

If required, the 2020/21 budget can be updated when there is more certainty either through a revised budget or the 2020/21 mid year budget review.

Policy and Legislative Implications and Risks

Section 127 of the *Local Government Act* requires councils in Victoria to prepare a budget for each financial year. *The Local Government (Performance Reporting and Accountability) Act 2014* and the *Local Government (Planning and Reporting) Regulations 2014* specify the requirement for a budget to include major initiatives and the Regulations prescribe the relevant information disclosure requirements.

Note - the Budget related sections of the Local Government Act 2020 do not come into effect until October 2020 and hence the 1989 Act is referenced in this report.

Sustainability Implications and Risks (Social and Environmental)

As outlined above, the coronavirus COVID-19 pandemic is effecting the financial wellbeing of many members of our community which will affect their ability to pay Council's rates and charges.

The level of impact cannot be accurately predicted at this time, and as a result Council recognises that it will need to review the actual impact and consider what budget revisions may be necessary in future budget processes.

Council funding for the environment continues at similar levels to previous years and several initiatives and projects have been included in the budget.

Charter of Human Rights Implications and Risks

The 2020/21 Budget does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

Officers have provided recommendations in three parts. Part A deals with the approval of the draft Budget Report for public display. Part B deals with the Declaration of Rates and Charges and Part C deals with the Application of Differential Rates. These recommendations are now presented to Council for adoption.

CS.5	DRAFT STRATEGIC RESOURCE PLAN 2020/21
Officer	Leon den Dryver, Manager Finance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Draft Strategic Resource Plan 2020/21

Purpose and Overview

The Local Government Better Practice Guide Planning and Reporting 2019-20 issued by the Victorian Government states that:

“The strategic resource plan is the key medium-term financial plan produced by council on a rolling basis that summarises the resourcing forecasts of a Council for at least four years.... The strategic resource plan summarises the financial and non-financial resources required to achieve the strategic objectives and strategies in the council plan and presents these in financial statements and statements of non-financial resources. It also describes the key assumptions underlying the forecasts for income, expenditure assets liabilities, equity, cash and capital works.”

This report explains the stages of planning that have been undertaken in preparing the draft Strategic Resource Plan and outlines the legislative requirements required by Council.

Recommendation

- 1. That Council endorse the draft Strategic Resource Plan 2020/21 for the purposes of public display.**
- 2. That the draft Strategic Resource Plan 2020/21 be placed on public display on Council's website and at Council offices on Tuesday 2 June and remain on public display until Tuesday 30 June 2020.**
- 3. That a public notice be placed in the local newspapers advising that:
 - a. the draft Strategic Resource Plan 2020/21 is on public display**
 - b. written submissions are invited**
 - c. Submitters will have the opportunity to speak in support of their submission in accordance with s223 of the *Local Government Act 1989* at the Submitters Committee meeting scheduled for 8 July 2020.****
- 4. That, whilst the draft Strategic Resource Plan 2020/21 is on public display, Councillors and Officers be available for discussion, by mutual agreement and prior arrangement, with Ratepayers, Residents, community groups and local businesses, both within and outside normal business hours.**

5. That the period for any person to make a written submission closes at 11.00am on 30 June 2020.
6. That an agenda for the Submitters Committee to be held on Wednesday 8 July 2020 be distributed to Councillors on Friday 3 July 2020 and all submissions received by 11.00am on 30 June 2020 be attached to the agenda.
7. That a Submitters Committee Meeting be held online and livestreamed via Council's website at 6.00pm on Wednesday 8 July 2020 to provide an opportunity for any person who wishes to make a submission on the draft Strategic Resource Plan 2020/21 to be heard.
8. That a report and recommendations be presented to the Ordinary Council Meeting on 22 July 2020 to enable Council to consider submissions and to adopt the Strategic Resource Plan 2020/21, with or without amendment.
9. That the Chief Executive Officer be authorised to carry out all administrative procedures necessary to enable Council to carry out its functions under the *Local Government Act 1989*, in relation to the finalisation and publication of the Strategic Resource Plan 2020/21.

Background

Consistent with the requirements of Section 126 of the Local Government Act the draft Strategic Resource Plan (SRP) complements the Council Plan and has been written to ensure that Council meets its legislative obligations.

Context

The Strategic Resource Plan covers a period of four financial years with the first year aligning to the draft budget. In the next four years Council proposes to undertake several major capital works projects including:

- Macedon Ranges Regional Sports Precinct
- Kyneton Early Learning Centre
- Hanging Rock walking and cycling trails
- Romsey Ecotherapy Park Stage 2

While much of the funding for these projects will come from grants, a significant level of Council funding will also be required if the projects proceed. As a result, Council intends to increase its borrowings in years 2 and 3 of the plan to assist in meeting funding requirements. These requirements and other emerging priorities have resulted in a proposed increase in Council's borrowing cap to \$16m up from \$14m in the 2019/20 Strategic Resource Plan. Despite the increase, the level of borrowings will remain at affordable levels.

Consultation and Engagement

Pursuant to Section 223 of the *Local Government Act 1989* the draft Strategic Resource Plan will be placed on public display and submissions will be invited from the public.

Strategic Alignment

The Strategic Resource Plan supports Council's priority of strong and reliable government. The Strategic Resource Plan is Council's medium term financial plan that outlines strategies to ensure that Council remains financially sustainable. The Strategic Resource Plan is interlinked with the Council Plan.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Strategic Resource Plan sets out Council's medium term financial resourcing requirements.

Policy and Legislative Implications and Risks

Section 126 of the *Local Government Act 1989* requires councils in Victoria to adopt a strategic resource plan each year. *The Local Government (Performance Reporting and Accountability) Act 2014* and the *Local Government (Planning and Reporting) Regulations 2014* specify the requirement for a strategic resource plan to be aligned with the Council plan and the Regulations prescribe the relevant information disclosure requirements.

Note - the Budget and SRP related sections of the *Local Government Act 2020* do not come into effect until October 2020 and hence the 1989 Act is referenced in this report.

Sustainability Implications and Risks (Social and Environmental)

As outlined in the report on the 2020/21 Budget, the coronavirus COVID-19 pandemic will affect the financial wellbeing of many members of our community, which will impact their ability to pay Council's rates and charges. The level of impact and potential flow on effects to the following three years cannot be accurately determined at this stage. Funding for support measures has been included in the 2020/21 budget. For the purpose of the SRP it has been assumed that operations will return to business as usual in 2021/22.

Charter of Human Rights Implications and Risks

The Strategic Resource Plan does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

Officers recommend that the draft Strategic Resource Plan, be placed on exhibition in conjunction with the draft Council Budget and draft Council Plan 2017-2027 Year Four (2020/2021).

AO.1	KYNETON AIRFIELD
Officer	Shane Walden, Director Assets and Operations
Council Plan Relationship	Improve the built environment
Attachment	Confidential ‘Kyneton Airfield document review of strategic intent’ (Due Diligence Report)

Purpose and Overview

At the Ordinary Council Meeting 28 February 2020, Council resolved:

“That Council:

- ***Note the Chief Executive Officer (CEO) facilitated a workshop on 18 December 2019.***
- ***Defer consideration of the Kyneton Airfield Master Plan 2019, including submissions and feedback received, pending a due diligence review of information outside of the terms of reference for the Kyneton Airfield Advisory Committee.***
- ***Direct that the Kyneton Airfield Advisory Committee be advised that the consideration of the Kyneton Airfield Master Plan 2019 is still deferred pending Council’s commercial-in-confidence review.***
- ***Direct the Chief Executive Officer to provide a report to Council on the matters pertaining to the Kyneton Airfield no later than the May 2020 Ordinary Council Meeting.”***

This report details the actions taken against the above resolution.

Recommendation

That Council:

- 1. Note the completion of the Due Diligence report – ‘Kyneton Airfield Document Review of Strategic Intent’.**
 - 2. Note that the Kyneton Airfield Advisory Committee were advised that the consideration of the Kyneton Airfield Master Plan 2019 was deferred pending Council’s commercial-in-confidence review.**
 - 3. Note this is the requested report on ‘the matters pertaining to the Kyneton Airfield’.**
 - 4. Direct that the Kyneton Airfield Master Plan 2019 be presented for consideration by Council no later than the end of July 2020.**
-

Background

The development of the draft Kyneton Airfield Master Plan 2019 (draft Plan) is in response to feedback provided by community and Council's commitment to better planning for the future operation of the site and its surrounds.

In October 2019 the draft Plan was completed. At this time there was information received which resulted in a more detailed review of airfield operations and planning from 1994 until present day. It should be noted that the Airfield has been in operation since the 1960's.

On 18 December 2020, the CEO facilitated a workshop detailing further investigations into the airfield beyond the scope of the advisory committee.

Investigations identified there were anomalies in previous planning decisions which needed to be resolved. Additionally, it was identified that there was a need to:

- investigate and potentially undertake planning scheme amendments,
- review operational risks - not only on the site, but also in the immediate surrounds of the airfield and
- include the potential economic impacts of the airfield in a whole of municipality economic development strategy.

Council sought legal advice on the previous planning decisions regarding the hangars and as a result wrote to the:

- Kyneton Airfield Advisory Committee
- Kyneton Aero Club
- Kyneton Hangar Owners

These investigations and the undertaking of the due diligence review are complete.

Context

The Kyneton Airfield Operations Manual was completed and implemented on 8 February 2019. The document sets out the local procedures and guidelines to be followed when operating at Kyneton Airfield as an aircraft operator and all landside based visitors/contractors.

In May 2019 Council officers prepared the draft Plan and presented this to the Kyneton Airfield Advisory Committee for feedback. The draft Plan is drafted to guide land use, airfield activity, constraints and opportunities and existing infrastructure at the airfield. The preparation of the draft Plan was guided by the *Regional Airport Master Planning Guidelines*.

The draft Plan:

- reviews the existing on-ground facilities of the airfield site.
- reviews the current level of aircraft activity occurring on the site.
- provides an assessment of potential future demand for the use of the site by various aircraft.
- examines the potential opportunities and constraints to further airfield related development on the site.

- considers surrounding land uses and addresses potential impacts that may result from development of the site.
- outlines a vision for future airfield related development and land use on the site.
- provides implementation actions to be undertaken through amendments to the Macedon Ranges Planning Scheme and via other measures to facilitate the draft Plan vision for the site.

Previous activities relating to Kyneton Airfield undertaken prior to the work on the draft Plan include the:

- Preparation of the draft Kyneton Airfield Master Plan 2016.
- Completion of an Australian Noise Exposure Forecast assessment by To70 Aviation consultants in June 2017.
- Completion and implementation of the Kyneton Airfield Operations Manual on 8 February 2019.
- Implementation of the Kyneton Airfield Local Law No 12, 2018 at the 27 March 2019 Ordinary Council Meeting.

At the 23 October 2019 Ordinary Council Meeting, Council resolved:

“That Council:

- ***Defer consideration of the Kyneton Airfield Master Plan 2019, including submissions and feedback received, to an Ordinary Meeting of Council in or before February of 2020.***
- ***Note that the Chief Executive Officer will facilitate a workshop of Councillors, and appropriate Council Officers to discuss the master plan and any other relevant matters requiring consideration, including commercial in confidence information in December 2019.”***

At the 28 February 2020 Ordinary Council Meeting, Council resolved:

“That Council:

- ***Note the Chief Executive Officer (CEO) facilitated a workshop on 18 December 2019.***
- ***Defer consideration of the Kyneton Airfield Master Plan 2019, including submissions and feedback received, pending a due diligence review of information outside of the terms of reference for the Kyneton Airfield Advisory Committee.***
- ***Direct that the Kyneton Airfield Advisory Committee be advised that the consideration of the Kyneton Airfield Master Plan 2019 is still deferred pending Council’s commercial-in-confidence review.***
- ***Direct the Chief Executive Officer to provide a report to Council on the matters pertaining to the Kyneton Airfield no later than the May 2020 Ordinary Council Meeting.”***

Since the October 2019 meeting and February 2020 meeting, a number of actions have been undertaken, including a:

- Councillor workshop held on 18 December 2019 to discuss and consider the draft Plan and other relevant matters; including commercial-in-confidence items.

- Due diligence document review, titled ‘Confidential *Kyneton Airfield Document Review of Strategic Intent*’ completed in February 2020. The report reviewed Kyneton Airfield technical reports, Council meeting reports and draft master plans completed between 2011 and 2019. A key finding was that, over time, there was a significant shift in focus from operations and compliance to economic development. It identified that the draft Plan is still valid, but requires some work to be undertaken, prior to future delivery of action items. These prior works have been incorporated into the draft Plan as ‘conditions precedent’. These conditions precedent items include:
 - Resolving planning anomalies pertaining the installation of the aircraft hangars
 - Investigation into proposed planning scheme amendments, and implementation of any agreed outcomes
 - Risk review of operations and operating model
 - Confirmation of any technical matters arising from the three points above
 - Review of the economic development impacts relating to the airfield including the proposed Tourism and Business Hub through the Shire’s Economic Development Strategy process.
- High level planning review of current planning permit and planning scheme requirements.

The detailed planning review was undertaken and identified issues that require resolution prior to implementation of the draft Plan. The review also provided guidance on how to approach resolving some of the issues. As a result Kyneton Aero Club, Kyneton Airfield Hangar Owners and Kyneton Airfield Advisory Committee were informed of these issues.

Consultation and Engagement

The Kyneton Advisory Committee was formed in June 2015 with a combination of Macedon Ranges Shire Councillors, community members and members of the Kyneton Aero Club.

In light of the condition precedent information regarding the hangar planning permit issue further communication has occurred with Kyneton Aero Club, Kyneton Advisory Committee and with Hangar Owners.

Strategic Alignment

Any proposed upgrade or actions are required to provide fiscal sustainability and to align with the Council Plan 2017 – 2027 with respect to “*Improve the built environment*”.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There are two items identified that may have financial implications and risk. These two items are as follows:

- Resolving planning anomalies
- Investigation into proposed planning scheme amendments, and implementation of any agreed outcomes

Business cases may be required if further funding is required.

Policy and Legislative Implications and Risks

This report identified there are some identified issues that require resolution these relate to Hangar Planning Permits and Planning Scheme amendments.

Sustainability Implications and Risks (Social and Environmental)

There is nothing referenced in this report presents a sustainability implication or risk.

Charter of Human Rights Implications and Risks

There are no Charter of Human Rights implications or risks.

Officer Declaration of Conflict of Interest

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

Conclusion

There has been a rigorous process undertaken to ensure that there is transparency and an understanding of previous decisions to ensure completion of the draft Plan. The due diligence investigations were undertaken and are now complete.

Council officers recommend that Council

- Note the completion of the due diligence report – *'Kyneton Airfield Document Review of Strategic Intent'*.
- Note that the Kyneton Airfield Advisory Committee were advised that the consideration of the Kyneton Airfield Master Plan 2019 was deferred pending Council's commercial-in-confidence review.
- Note this is the requested report on 'the matters pertaining to the Kyneton Airfield'.

Given the completion of the due diligence report, the draft Kyneton Airfield Master Plan 2019 should be updated with the 'conditions precedent' from the due diligence report and presented for consideration by Council, no later than the end of July 2020.

14. NOTICES OF MOTION

Nil

15. URGENT AND OTHER BUSINESS

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

16. CONFIDENTIAL REPORTS

16.1 Regional Kitchen Pty Ltd