

Council Meeting Agenda

Ordinary Council Meeting
Wednesday 24 June 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.

Online meeting: *The Mayor will provide the Mayor's Report prior to the meeting to enable the report to be published as part of the agenda papers. The report will not be presented verbally, however the Mayor may highlight key points from the report or any significant matters since the release of the agenda.*

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 27 May 2020

Recommendation:

That the minutes of the Ordinary Meeting of the Macedon Ranges Shire Council held on Wednesday 27 May 2020 as circulated be confirmed.

8. RECORD OF ASSEMBLIES OF COUNCILLORS – JUNE 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
	27 May 2020 8.30am – 10.00am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Mees, Pearce, Radnedge, Traits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Fiona Alexander, Robyn Till, Awais Sadiq
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Aged Care Services Reform • Recovery Operations Centre • Megafauna Interpretation Centre Feasibility • Agenda Review <ul style="list-style-type: none"> - PLN/2010/477 – 1-3 Station Street, Riddells Creek - PLN2019/279 – 2-8 Poplar Drive, Romsey - PLN/2015/294/A – 936 Bacchus Marsh Road, Bullengarook - PLN/2019/340 – Rochford Road, Lancefield - Heritage Overlay Control Bunjil Creek Bridge and Channel - Kyneton Airfield
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they	Nil Did they leave the assembly? N/A

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

2.	Date / Time	Type of Assembly
	3 June 2020 8.30am – 10.35am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Jill Karena, Karen Dunstan, Leanne Khan, Rob Ball, Stephen Pykett
	Presenters	Shelley McGuinness and Edwin Irvine, RMCG Consultants
	Items discussed	<ul style="list-style-type: none"> • Recovery Operations Centre • Rural Land Use Strategy • Gisborne Futures • Peri Urban Group of Councils
	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

3.	Date / Time	Type of Assembly
	10 June 2020 8.30am – 11.15am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Bleeck, Gayfer, Mees, Pearce, Radnedge, Twaits, West
	Present – Officers	Margot Stork, John Hausler, Angela Hughes, Shane Walden, Sarah Noel, Lauren Reader, Leanne Manton, Rob Ball, Michelle Wyatt, Krista Patterson-Majoor, Awais Sadiq, Stephen Pykett, Emilie Byrne, Fiona Alexander, Will Rayner
	Presenters	Nil

Items discussed	<ul style="list-style-type: none"> • Council Submission to the Parliamentary Inquiry into Ecosystem Decline in Victoria • S5 Instrument of Delegation (Council to CEO) • Turners Lane Road Naming Proposal • Council Meeting Agenda Item Questions/ Discussion <ul style="list-style-type: none"> - Melbourne Kilmore Road Significant Tree Heritage Report - Draft Gisborne Futures Structure Plan, Urban Design Framework and Neighbourhood Character Study - Peri Urban Group of Rural Council’s Economic Development Strategy (Draft) Review - Draft Reconciliation Action Plan - Procurement Policy 2020 - Audit and Risk Committee Charter and Membership • Submitters Committee Agenda • Growing Suburbs Funding Opportunity • Visitor Accommodation Opportunities Study • Other Matters <ul style="list-style-type: none"> - Digital Connectivity - Processes for Reopening of Council Facilities
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>

4.	Date / Time	Type of Assembly
	17 June 2020 8.30am – 10.15am	Councillor Briefing
	Venue	<i>Briefing conducted via teleconference</i>
	Present – Councillors	Crs Anderson, Gayfer, Pearce, Twaits, West
	Present – Officers	John Hausler, Angela Hughes, Sarah Noel, Lauren Reader, Leon den Dryver, Leanne Manton, Stephen Pykett, Will Rayner, Nicole Pietruschka
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Review of Council Facilities Update • Governance and Election Update • Events and Festivals Grant Program 2020-21 Assessment Panel Recommendation

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

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 QUEEN'S BIRTHDAY HONOUR RECIPIENTS

As an acknowledgement of their achievements and service to the community the following five Macedon Ranges Shire residents were recently recognised through the 2020 Queen's Birthday Honours Awards:

- Mr Ronald Alexander from Mount Macedon for service to local government, and to the community of Bendigo;
- Ms Jay Bonnington from Gisborne for significant service to the community through support for charitable organisations, and to business;
- Dr David Kram from Malmsbury for significant service to the performing arts, to opera and chamber choirs, and to the education;
- Dr Susan Mayes from Riddells Creek for significant service to physiotherapy, particularly to professional ballet dancers
- Mr Julien O'Connell from Gisborne for distinguished service to community health in the aged care sector through executive roles, and to higher education.

Officer Recommendation:

That a letter under the Common Seal of Council be presented to Ronald Alexander OAM, Jay Bonnington AM, Dr David Kram AM, Dr Susan Mayes AM and Julien O'Connell AO in recognition of their 2020 Queen's Birthday Honour Awards.

PE.1	APPLICATION FOR PLANNING PERMIT PLN/2019/580 - RE-SUBDIVISION OF TWO (2) LOTS INTO FIFTEEN (15) LOTS - 142 AND 144 BARRY STREET, ROMSEY
Officer	Awais Sadiq, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Statement of Planning Policy 2. Plans
Applicant	Millar & Merrigan Pty Ltd
Date of Receipt of Application	6 January 2020
Trigger for Report to Council	Councillor Call in

Purpose and Overview

It is proposed to resubdivide two existing lots into fifteen lots. The average lot size will be 928m², with the majority of lots (thirteen lots out of fifteen) having an area less than 1000m².

The application has been advertised and six objections have been received.

Key issues to be considered relate to planning policy, the Romsey Residential Character Study, April 2012 (a reference document in the Planning Scheme), tree removal, traffic and non-compliance with Clause 56 of the Planning Scheme.

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

Recommendation

That Council:

- 1. Issue a Notice of Decision to Refuse to Grant a Permit for the re-subdivision of two (2) lots into fifteen (15) lots at PC 164407E and Lot 3 LP 138565 P/Lancefield 142 and 144 Barry Street, Romsey on the following grounds:**
 - 1. The proposal is contrary to Clause 15.01-5S of the Planning Policy Framework of the Macedon Ranges Planning Scheme, as it does not protect neighbourhood character and sense of place by resulting in lot sizes that are inconsistent with the area.**

2. **The proposal is inconsistent with Clause 21.08 and Clause 21.13-4 of the Local Planning Policy Framework, which seek to encourage development that respects the preferred character and defining attributes of the area.**
3. **The proposal does not comply with the Romsey Residential Character Study, April 2012.**
4. **The proposal is contrary to the purpose of the zone as it fails to respect the neighbourhood character of the area.**
5. **The proposal results in removal of significant amount of vegetation which forms part of the character of the area.**
6. **The proposal conflicts with Clause 56 for Residential Subdivision as:**
 - a) **The development does not respond to the neighbourhood character intentions.**
 - b) **The development does not consider shared access for pedestrians and cyclists.**

Existing conditions and relevant history

Subject land

The subject site is located on the northern side of Barry Street, approximately 700m west of the Romsey Town Centre. The site comprises two L-shaped allotments with a frontage to Barry Street of approximately 64m (southern boundary), and a depth along the eastern boundary of 181m. The length of the rear boundary is 102m (northern boundary). The land has a total area of approximately 1.661ha.

142 Barry Street is developed with a single-storey brick dwelling, located generally in the western quadrant of the allotment. Several outbuildings are also located on the site which are used for garaging and storage.

Vehicle access to the dwelling is provided by a crossover to the south-west corner of the Barry Street frontage. Boundaries of the site are fenced with a variety of fencing materials, including post and wire.

144 Barry Street contains a number of small outbuildings associated with the abutting residential use and a driveway provides access along the west boundary. The site contains exotic species of vegetation and pine trees.

The site is located towards the western edge of Romsey Township. It acts as a transition between the rural and urban area.

Surrounds

Surrounding development consists of relatively large lots containing single residential dwellings. Land to the immediate north, south, east and west generally comprises larger lots having an area greater than 1200m².

Dwellings are located within the approximate centre of these lots having reasonable setbacks from the boundaries and comprise appropriate landscaping.

Land further west is zoned Rural Living and contains single dwellings on significantly larger lots. Land further east is within a Medium Density Area as per the Design and Development Overlay, comprising single dwellings/units on relatively smaller lots.

Barry Street is a sealed, two lane, Category 2 Road (managed by Council) that contains no kerb or channel on this side of the street. The roadway contains gravel shoulders and an open swale drain. There is no footpath on this side of the street.

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

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

Previous planning permit history

A search of Council's records has found the following permit history relating to 142 Barry Street, Romsey:

Permit No.	Description
PLN/2015/518	Eight (8) Lot Subdivision and Creation of Easements

Proposal

The proposal is for the resubdivision of two (2) lots into fifteen (15) lots. The proposed lots comprise:

<i>Proposed Lot Number</i>	<i>Description</i>
Lot 1	An area of 917m ² with a street frontage of 38.93m and a maximum depth of 21.96m.
Lot 2	An area of 925m ² with a street frontage of 42.1m and a maximum depth of 22.94m.
Lot 3	An area of 922m ² with a street frontage of 34.42m and a maximum depth of 29.98m.
Lot 4	An area of 860m ² with a street frontage of 22.41m and a maximum depth of 31.56m.
Lot 5	An area of 859m ² with a maximum depth of 36.3m.
Lot 6	An area of 830m ² with a depth of 28.98m.
Lot 7	An area of 822m ² with a depth of 28.98m.
Lot 8	An area of 963m ² with a depth of 45.46m.
Lot 9	An area of 1108m ² with a depth of 45.46m.
Lot 10	An area of 819m ² with a depth of 36.14m. It will comprise the existing dwelling.
Lot 11	An area of 903m ² with a street frontage of 15.32m and a depth of 58.63m.
Lot 12	An area of 956m ² with a street frontage of 15.33m and a depth of 64.87m.
Lot 13	An area of 1504m ² with a street frontage of 6m along Barry

	Street. It will be a battle axe lot.
Lot 14	An area of 763m ² with a street frontage of 38.99m and a maximum depth of 19.74m.
Lot 15	An area of 762m ² with a street frontage of 35.50m and a maximum depth of 19.74m.

Lot 13 will have direct access from Barry Street. The remaining lots will have access via a new internal road, accessed from Barry Street. This new road will truncate in a court bowl.

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 (SPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SPP.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11	Settlement
13.02	Bushfire
15	Built Environment and Heritage
16	Housing

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.08	Built environment and heritage
21.09	Housing
21.13-4	Romsey

Zoning

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

Overlay

Clause No.	Clause name
45.06	Development Contribution Plan Overlay (Schedule 1)

Particular Provisions

Clause No.	Clause name
53.01	Public Open Space Contribution and Subdivision
56	Residential Subdivision

General Provisions

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

Cultural Heritage Management Plan assessment

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

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

The process to date

Referral

Authority (Section 55)	Response
Western Water	No response received. However Western Water conditions from previous subdivision permit (PLN/2015/518) for the site has been considered for the assessment.
Powercor	No objection subject to conditions.

Downer	No objection subject to a condition.
CFA	No objection subject to conditions.
Southern Rural Water	No objection.

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Parks and Gardens	No objection subject to conditions.
MRSC Environment	No response received.

The application was not referred to Melbourne Water. However Melbourne Water recommended conditions from the Planning Permit PLN/2015/518 allowing the subdivision of 142 Barry Street, Romsey have been applied to this application.

Advertising

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

In summary, the objectors raise the following concerns:

- Over development;
- Contrary to the neighbourhood character;
- Street lighting;
- Requirement for building envelopes;
- Future dwellings height limitations;
- Future outbuildings location and colour/material;
- Traffic management and risk of accident;
- No separate access for battle-axe lot;
- Vegetation removal;
- Impact on amenity including noise;
- Safety of children;
- Location of new road may make Barry Street more dangerous for road users
- No enough information for proposed trees including height or width;
- Parking on road;
- Garbage collection;
- Fencing.

Officer assessment

Planning and Local Policies seek to protect the built environment by allowing development that is consistent with the character of the area. This objective is reiterated in the purpose of the General Residential Zone and under Clause 56.

The subdivision is not in keeping with the neighbourhood character of the area and will result in lot sizes that are inconsistent with the lot sizes in the immediate area.

Planning Policy Framework

Planning policy promotes growth and development of settlements while maintaining their attractiveness and amenity on land which has been identified and zoned as appropriate for residential development. Planning Policy Framework also seeks high-quality urban and architectural design which respects neighbourhood character, cultural identity and sense of place.

Clause 15 (Built Environment and Heritage) states the following:

- *Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.*
- *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
- *Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*
- *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
- *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*

Clause 15.01-3S (Subdivision Design) has the objective “to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.” The strategies under the Clause include:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
- *Creating neighbourhood centres that include services to meet day to day needs.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
- *Protecting and enhancing native habitat.*
- *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
- *Reduce car dependency by allowing for:*
 - *Convenient and safe public transport.*
 - *Safe and attractive spaces and networks for walking and cycling.*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

The objective of Clause 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 to cultural identity 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.*

The policies place 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.

It is considered that the application does not respond appropriately to the existing or preferred neighbourhood character of the area, as it will result in residential lots which are inconsistent with the lot sizes in the area. No appropriate consideration has been given of the existing neighbourhood character, in terms of density, lot size and lot layout.

Neighbourhood character is a key factor in the consideration of the proposal as the zoning of the land will allow for 'as of right' future dwellings. Given this, Council will not be able to assess the appropriateness of the future new dwellings against the neighbourhood character of the area. Without knowledge of the proposed built form of dwellings to be constructed on the new lots, Council's assessment of the application is limited. Council cannot assess the impact of the proposal against Clause 15 (Built Environment) of the Planning Scheme.

Overall, the proposal does not achieve a balance in the two fundamental components of the Planning Policy Framework whereby the dominant aspect of the proposal is for providing infill development which lacks an element of respect for the existing neighbourhood amenity, character and built form. Specifically, the lot layout has not factored in high quality urban design in terms of landscaping and open spaces internal to the site.

Local Planning Policy Framework

The land use vision outlined within Clause 21.03-2 of the Local Planning Policy Framework states that development and land use planning will be guided by the following vision:

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

The vision is supported by specific policy objectives in relation to neighbourhood character which aim:

- *To provide for development which maximises the benefits of established and proposed urban infrastructure (Clause 21.04 – Objective 2)*
- *To promote development that respects the rural character and high landscape values of the municipality (Clause 21.08-3 – Objective 1)*
- *To protect and enhance the existing character and form of the shire's towns (Clause 21.08-3 – Objective 2)*

To achieve this objective Objective 2 at Clause 21.08-3, the following strategies are in place:

- *Strategy 2.1: Encourage new extensions to residential areas to reflect existing street patterns and sub-division layouts and to harmonise with the surrounding environment.*
- *Strategy 2.2: Encourage development that respects the distinctive character and defining attributes of each settlement.*
- *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.*
- *To ensure development and built form occurs in a sustainable manner (Clause 21.08-3 – Objective 3)*
- *To provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference (Clause 21.09-1 – Objective 1)*
- *To ensure housing development is considerate of its environment and local servicing capacities (Clause 21.09-1 – Objective 2).*

In terms of neighbourhood character, the local planning policy aims to promote development that respects, protects and enhances the rural character and high landscape values of the municipality. There is clear direction within the local policy for new development to respect existing character. The policy also seeks to ensure development occurs sustainably. The proposal lacks design consideration reinforced within the local policy framework in terms of landscaping, future built form outcomes (inclusive of dwelling spacing) and open space to respect the established character and low density setting of the area.

The area within the vicinity of the site is predominantly characterised with sense of spaciousness and semi-rural context. Most of the dwellings are single storey with generous side and rear setbacks, large rear backyards, and separation between buildings. In terms of neighbourhood character, the local planning policy aims to promote development that respects, protects and enhances the rural character and high landscape values of the municipality. There is a clear direction within the local policy for new development to respect existing character.

Clause 21.13-4 specifically relates to Romsey and has the following relevant objectives:

- *To provide for a greater mix of housing densities and styles as the town grows, in order to respond to changing demographics and ensure that land is developed efficiently, while respecting the valued character of the town (Settlement and Housing - Objective 4).*

Relevant strategy to achieve this objective is:

- *Strategy 1.1 Manage urban growth and development in Romsey so that it is generally consistent with the Romsey Residential Character Study, 2012 and the Romsey Structure Plan included in this sub-clause.*
- *To protect and improve the appearance of the semi-rural landscape along the Melbourne-Lancefield Road and key township entrances (Heritage, landscape and township character – Objective 4).*

Relevant strategy to achieve this objective is:

- *Strategy 1.1 Provide wide road reserves in new subdivisions to reflect the existing town character and accommodate footpaths to both sides of the road and grass swales for drainage.*
- *Strategy 1.2 Consider the Romsey Residential Character Study, Design Guidelines April 2012 to ensure that new development and subdivision within the established residential areas of Romsey reflects the neighbourhood character.*

The subject site is located within Established Area C as per the Romsey Residential Character Study, Design Guidelines April 2012. Established Area C has been separately designated due to the more limited allotments sizes of 1,000 to 2,000 square metres. For subdivision in Established Area C, the same guidelines will apply which are in Established Area A. Under the Established Area A (Design and Development Overlay Schedule 18) minimum lot size for subdivision is 1200m².

The proposed subdivision does not be able to achieve the minimum lot subdivision as fourteen out of fifteen lots proposed have an area less than 1200m². The proposal is contrary to the guidelines referenced under Clause 21.13-4 of the Macedon Ranges Planning Scheme.

All the immediate surrounding lots are greater than 1200m² comprising single dwellings with appropriate setbacks from the side and rear boundaries in a garden setting. The proposed lots will not meet the neighborhood character of the area in terms of setbacks for future dwellings. The smaller lots will have future dwellings with limited landscaping options, which is also a significant part of the character of the area.

In the VCAT case *Fletcher v Kingston CC* [2008] VCAT 254, the Tribunal Member noted the components that form part of the character of the area including setbacks:

“Neighbourhood character is, of course, not exclusively about the streetscape. As Senior Member Baird has noted, the Tribunal has frequently held “that side and rear setbacks, including a ‘backyard-scape’, are relevant in terms of neighbourhood character”. I have frequently had cause to make similar

observations. For instance, in a matter concerning a proposed development in Brighton I stated:

...the concept of neighbourhood character is not just about streetscape. It also includes such elements as the siting and scale of buildings, the space between them, the landscape character of the area and the way in which the buildings integrate with open space areas. It also includes the nature and “feel” of an area, including that experienced in the rear yards of neighbouring properties.”

Clause 32.08 General Residential Zone (Schedule 1)

One of the purposes of the General Residential Zone is to encourage development that respects the neighbourhood character of the area whilst encouraging a diversity of housing types and housing growth in locations with suitable infrastructure provision. A permit is required under the zone to subdivide land, subject to assessment against Clause 56.

It is considered that the proposal has not been designed in a way that considers the character of the area and therefore will result in an overdevelopment of the site. The proposal lacks consideration to the foremost purpose of the zone, which is “to encourage development that respects the neighbourhood character of the area.”

The proposal does not successfully offer a design and layout reflective of the existing built form, lot size and landscaping. It is noted that the subject land is zoned residential and no minimum lot sizes set out in the schedule for this particular zone. Whilst the proposal itself does generally comply with prescriptive requirements set out in zone, there are a combined amount of inconsistencies. The key failing of the proposal relates to neighbourhood character.

Clause 56 Residential Subdivision

Pursuant to the provisions of the General Residential Zone, the application for subdivision must be assessed against all requirements of Clause 56 (except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6).

Neighbourhood Character

The subdivision must consider the neighbourhood character of residential land within Romsey, whereby development respects the existing neighbourhood character, responds to and integrates with the surrounding urban environment and protects significant site features. The area is predominantly characterised with sense of spaciousness and semi-rural context with single dwellings having generous side and rear setbacks, large rear backyards, and separation between buildings. Existing landscaping within frontages and other setbacks combined with the low scale nature of buildings contributes heavily toward the openness of the street and its rural context and general appeal.

Overall, the proposal fails to respect the neighbourhood character as follows:

- The higher density of the development on site will not be consistent with the surrounding area.
- The proposal does not take due account of the prevailing density or lot layout, and the site context of this established area and will not result in modest growth intended for the area.

- The proposed subdivision will result in as an intensive built form for the site.
- Future dwelling design will result in compact dwellings, accentuating the internalisation feel of development which is not a characteristic of the area.

Relevant VCAT Decisions

The Tribunal highlights the significance of neighbourhood character by reinforcing that development should respect the character of the area in a number VCAT cases.

In a VCAT case *Christopher Shields Architects v Darebin CC* [2005] VCAT 1177, the Tribunal Member stated:

“I agree with Council’s assessment that neighbourhood character is not limited to the streetscape or public realm. The backyard and openness of lots form part of the character of the area. The retention of the ‘green space’ at the rear of the properties is a notable feature. Based on my inspection of the area and from aerial photographs, the openness of the backyards and the sense of spaciousness that this creates is a significant and positive element of the character of the neighbourhood that the proposal fails to respect.”

Similarly in a VCAT case *Grant v Boroondara CC* [2005] VCAT 356, the Tribunal Member stated:

“The appellants correctly highlighted that the concept of neighbourhood character is not just about the streetscape. It also includes such elements as the siting and scale of buildings and the way in which buildings integrate with open space areas. It also includes the nature and “feel” of an area, including that experienced in the rear yards of neighbouring properties.”

And in a VCAT case *Perkins Architects v Stonnington CC* [2009] VCAT 279, the Tribunal Member commented on the issue of backyard yard character by stating:

“I find Mr Bastone’s analysis somewhat simplistic. Neighbourhood character is not solely about streetscape, nor visibility, nor simple compliance with the standards of clause 55 and this has been emphasised by many decisions of the Tribunal over the years. As Member Read stated, specifically in relation to building bulk:

.....the question of the effect of building bulk on neighbourhood character, which is also referred to as part of the objective of Clause 55.03-2, is not in my view resolved by mere compliance with this particular quantitative standard, as neighbourhood character issues are also dealt with in relation to a separate, non-quantifiable standard (Clause 55.02-1 and Standard B1) and it would appear contradictory to that standard to accept that the quantifiable standard B 17 resolved entirely the issue of building bulk aspect of neighbourhood character.

It has frequently been held by the Tribunal that side and rear setbacks, including a “backyard-scape”, are relevant in terms of neighbourhood character and, in this case, the backyard setting of the review site includes low structures and plantings.”

It is considered that proposed subdivision of land will bring a higher density to this area of Romsey, impacting on its existing and preferred character. The proposed subdivision is not site responsive and does not show adequate regard to the existing site context and does not respect the existing and prevailing character of the area.

The land further east although comprises smaller lots, however those lots are located in a different precinct (Medium Density Area) under the Design and Development Overlay. The land is located towards the western entrance to the Romsey township as the area transitions to Rural Living Zone, and therefore the expectation for the area is to have larger lots providing a rural interface.

Lot Design

The intention of this clause is to allow compact development within walkable proximity to activity centres and to increase housing density on residential land. The lot size is required to achieve the average net residential density specified in the zone applying to the land. Despite achieving the standard density designations specified in the zone, the context of the site does not support intensification as such and it does not align with the surrounding area and character intentions articulated for Romsey.

The clause seeks to provide lots with areas and dimension that enable appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easement consideration and retention of significant vegetation and site features.

All lots are greater than 500 square metres. The proposed lots are generally regular in shape, except for the following proposed lots which contain the following constraints:

- Lots 5, 6, 7, 8, 9 and 10 are irregular in shape and the design of a future dwellings on these lots will not be consistent with the adjoining area.
- Lot 13 will not be able to successfully align with the consistent setbacks for the future dwellings as the area of the lots are small and future dwellings will result in intensive built form outcome.

Solar Orientation

At least 70% of the lots should have appropriate solar orientation. All lots generally comply with this requirement as the majority will have northerly aspect. The private open space area for lots to the west of the proposed internal road will be located on the south or west side of the future dwelling (depending on siting) which may provide minimal solar access and overshadowing during the day. This outcome is not generally compliant with the natural setting of the area.

Street Orientation

The subdivision complies with this Standard as Lot 13 will have orientation to Barry Street and all the remainder 14 lots will have direct access to the proposed internal new road.

Common areas

There are no common areas being proposed as part of this subdivision.

Landscaping

The proposal does not allow for intended vegetation growth given the limited and narrow landscaping areas along the side boundaries and rear backyards. Due to the small size of secluded private open space, there will be limited room for containing both site services and appropriate landscaping and planting of canopy trees.

Vegetation is part of the character of the area and the subdivision will result in removal of majority of the vegetation on site therefore resulting in an outcome in terms of vegetation that is not consistent with the character of the area.

Walking and Cycling Network

The proposal shows the provision of footpath for pedestrian within the site. However, it is not considered that the proposal meets this objective as the subdivision layout does not provide any consideration to safe movements throughout the site. Rather, pedestrian and cyclists will have one way in, and out, of the subdivision and will need to negotiate the intersection of the proposed new internal road and Barry Street to leave the site and access the wider area.

Neighbourhood Street Network

A subdivision proposal is required to provide direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and cars. The proposal was referred to Council's Engineering Unit who have consented to the proposed road alignment, subject to conditions.

Drainage and Stormwater Management

The application has been referred to Council's Engineering Unit, who have assessed the proposal and consent to the proposal, subject to conditions.

Clause 53.01 Public Open Space Contribution and Subdivision

Clause 53.01 (Public Open Space) requires that *'a person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under Section 18 of the Subdivision Act 1988'*.

As this subdivision will be creating fifteen (15) lots for residential purposes, a public open space contribution will be required to be made if a planning permit is granted for the application.

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 is unsuitable to the area. Planning and local polices emphasise that the development needs to protect the neighbourhood character of area. The scale, design and intensity of the development is not appropriate in relation to the site and the broader area. It is therefore recommended the application be refused.

PE.2	MELBOURNE KILMORE ROAD SIGNIFICANT TREE HERITAGE REPORT
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. Heritage Assessment – Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road, Gisborne May 2020

Purpose and Overview

The purpose of this report is to acknowledge the heritage significance of the elm and oak trees at the intersection of Melbourne Road and Kilmore Road, Gisborne and to recommend that a permanent heritage overlay be applied to these trees, via a Planning Scheme Amendment.

At the Ordinary Meeting of Council of 27 May 2020 Council resolved:

“That Council:

- ***Adopt the Local-Level Heritage Assessment: Bunjil Creek Bridge & Channel, Gisborne, GJM Heritage, April 2020.***
- ***Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel.”***

This report provides a background to the Regional Roads Victoria (RRV) Melbourne Road and Kilmore Road Intersection upgrade project, which would require the removal of several mature trees, the community consultation that has been undertaken to date, and the heritage assessment that has been carried out to identify the local historic significance of the mature elm and oak plantings. A request – Planning Scheme Amendment C144macr – has been submitted under delegation to the Minister for Planning for an interim Heritage Overlay HO352 to be placed on two of the heritage trees. This report proposes to introduce permanent heritage overlay controls through Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme, to the Bunjil Creek Bridge and Channel, and the historic elm and oak trees at this location.

Recommendation

That Council:

1. **Adopt the Heritage Assessment – Trees at intersection of Bunjil Creek, Gisborne Road and Melbourne Road, Gisborne, Plan Heritage, May 2020.**
2. **Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel, and identified ‘*Ulmus procera*’ English Elms and to extend the HO289 Memorial Precinct (Howey Reserve) to cover an additional three trees identified as elms and oaks.**

Background

The Melbourne Road and 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.

In response to ongoing community and Council concerns, a formal submission on the planned works was endorsed by Council at the Ordinary 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 features and to advise RRV of Council’s decision and request a meeting to discuss intersection design options.

On 12 May 2020, RRV released a concept plan for the upgrade of the Melbourne Road and Kilmore Road intersection. This concept plan is available on RRV’s website and includes details of how the concept has responded to previous feedback received from the community. RRV are not seeking further feedback from the community on this concept plan.

On their webpage RRV has indicated that they have assessed a total of 67 trees around the intersection including the consideration of trees planted as part of the original streetscape. The concept plan shows the retention of a large oak tree in the centre of the proposed roundabout. Two elm trees have been identified as requiring removal under the current concept design, both of these elms are the ones described in this report as having local heritage significance and warrant heritage overlay protection.

At the Ordinary Meeting on 27 May 2020 it was resolved:

“That Council:

- ***Adopt the Local-Level Heritage Assessment: Bunjil Creek Bridge & Channel, Gisborne, GJM Heritage, April 2020.***
- ***Request the Minister for Planning authorise the preparation of Planning Scheme Amendment C143macr to the Macedon Ranges Planning Scheme to apply Heritage Overlay (HO351) permanently to the Bunjil Creek Bridge and Channel.”***

Council officers have yet to submit a request to the Minister for Planning to authorise the preparation of Planning Scheme Amendment C143 in accordance with the above resolution. This is because this report and officer recommendation augments Council's resolution last month in relation to the application of a permanent heritage control to the Bunjil Creek Bridge and Channel.

Context

Council engaged Plan Heritage to carry out a heritage assessment of the mature elms and oaks in close proximity to the intersection in April 2020. This work was completed in May 2020 (Attachment 2).

Plan Heritage's assessment identified that there are two very mature English Elms (*Ulmus procera*) on the eastern bank of Bunjil Creek that date to c1855-65. These are of local historic significance to the municipality and warrant protection in the Macedon Ranges Planning Scheme.

Plan Heritage also reviewed the existing tree controls in the area of the Melbourne Road and Kilmore Road Intersection that had been put in place through Planning Scheme Amendment C118 in 2018 with the *Gisborne and Kyneton Heritage Study 2017*. Plan Heritage's expert arboreal and landscape assessment identified a further three trees that should be protected as part of the historic planting along Hamilton Street protected by the existing Heritage Overlay 'Memorial Precinct (Howey Reserve)' HO289. These three trees are considered to also be of local aesthetic and historical significance, and warrant protection by extending HO289 to include these three trees.

As discussed above the two elm trees identified by Plan Heritage as having local historic significance appear to be shown on RRV's concept plan as requiring removal. Council's Chief Executive Officer, under delegation, has submitted a formal request to the Minister for Planning to apply interim Heritage Overlay controls urgently to the two threatened heritage elm trees, through a Ministerial Amendment, Planning Scheme Amendment C144.

Removal or detrimental impacts to the historic elms and oaks will have an adverse effect on this historic entryway into Gisborne, the township character and the community who have been active in expressing their concern and value of local heritage. The interim Heritage Overlay controls recognise the local heritage significance of the two mature elms in the Macedon Ranges Planning Scheme. The Interim Heritage Overlay provides temporary protection until permanent heritage overlay controls can be implemented through the proposed Planning Scheme Amendment C143 to protect all of the heritage features at the Melbourne Road and Kilmore Road Intersection.

Consultation and Engagement

Ministerial Amendment C144 to apply an interim Heritage Overlay is exempt from public notice. The request for interim Heritage Overlay controls is in itself, in part, an action taken by Council in response to community views that have been expressed through the RRV public submission process.

Further community consultation and formal notice to all stakeholders will be required as part of Amendment C143macr, to apply Heritage Overlays to all of the heritage features at the Melbourne Road and Kilmore Road Intersection 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 for permanent controls will run concurrently to the interim Heritage Overlay controls, Amendment C142macr Bunjil Creek and Bridge and Amendment C144macr for the historic elms

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. The Melbourne Road and Kilmore Road 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 concept plan put forward by RRV is just one design option for managing these road and transport assets to achieve this goal.

The protection of these historic elements with Heritage Overlay controls will require further assessment on whether they can be retained for the community's benefit and will facilitate the development of other design options that sympathetically incorporate them into a safe intersection at Kilmore Road.

The proposal to protect these historic features has financial and resource implications, due to the costs and time required to prepare and run planning scheme amendments. The planning scheme amendment costs will be achievable through the existing budget allocations.

Policy and Legislative Implications and Risks

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

The protection of these historic elms and oaks with Heritage Overlay controls 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 the retention of these locally significant heritage trees.

This report relates to the following Policy and Legislation:

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

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

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

The Macedon Ranges Statement of Planning Policy (SPP) has 10 policy domains, each with an objective and a series of strategies to achieve that objective. The recommended resolution and its resultant actions are consistent with the 10 policy domains, and their respective objectives and strategies.

The proposed Planning Scheme Amendment C143macr, for permanent Heritage Overlay controls for all of the heritage features at the Melbourne Road and Kilmore Road Intersection, 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 removal of old and mature growth trees and vegetation. There is also a social benefit to retaining and valuing those trees that demonstrate important aspects of the history of Gisborne’s development as a township in this municipality.

The retention of heritage places in our municipality minimises the environmental impacts associated with the 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 direct or indirect conflict of interest in this matter.

Conclusion

RRV has sought the views of the Gisborne community regarding the Melbourne Road and Kilmore Road Intersection upgrade in their public submissions period in 2019.

These historic elms and oaks are living evidence of two distinct phases in the history of Gisborne being the earliest settlement of the town in the 1850s and 1860s (English Elms, HO352), and the memorialisation of those from Gisborne who served in World Wars One and Two (Memorial Precinct, Avenues of trees, HO289). The heritage assessment recently undertaken by Plan Heritage identified that two English Elms met the local level of heritage significance and three more elms and oaks could be included in an existing Heritage Overlay control, with the recommendation that these five trees be protected in the Macedon Ranges Planning Scheme. This heritage assessment justifies the application of these Heritage Overlay controls to protect these historic elms and oaks.

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

PE.3	DRAFT GISBORNE FUTURES STRUCTURE PLAN, URBAN DESIGN FRAMEWORK AND NEIGHBOURHOOD CHARACTER STUDY
Officers	Isobel Maginn, Senior Strategic Planner and Jake Koumoundouros, Strategic Planner
Council Plan Relationship	Promote health and wellbeing Protect the natural environment Improve the built environment Enhance the social and economic environment Deliver strong and reliable government
Attachments	1. Draft Gisborne Structure Plan – 2020 for consultation 2. Draft Gisborne Urban Design Framework - 2020 for consultation 3. Draft Gisborne Neighbourhood Character Study - 2020 for consultation

Purpose and Overview

Gisborne Futures is a long term plan for Gisborne, updating the Gisborne Outline Development Plan (2009) and Gisborne Urban Design Framework (2008).

In 2018 Council commenced the Gisborne Futures program, consisting of a Structure Plan (guiding development and investment on a whole-town scale), Urban Design Framework (guiding positive outcomes on the land use and design outcomes within the town centre) and Neighbourhood Character Study (guiding the protection of township character whilst providing for development of suitable residential areas).

This Report is seeking Council's endorsement to commence the next phase of community consultation on the Gisborne Futures project.

Recommendation

That Council endorse the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study for community consultation.

Background

In 2018 Council received funding from the Victorian Planning Authority (VPA) to undertake a new Structure Plan, Neighbourhood Character Study and Urban Design Framework. This became the Gisborne Futures project.

The current Gisborne Outline Development Plan was adopted by Council in 2009. The need for a new structure plan is due in part to the age of the Gisborne Outline Development Plan and the need to acknowledge and respond to state and regional plans to guide decision making.

Plan Melbourne 2017-2050 supports planning for growth in peri urban towns such as Gisborne. Plan Melbourne recognises that a number of towns across peri urban regions in Victoria areas have capacity for more housing and employment-generating development without impacting on the economic and environmental roles that surrounding non-urban areas serve.

Peri-urban towns can provide an affordable and attractive alternative to metropolitan living. However, strategies need to be developed for the timely delivery of state and local infrastructure to support growth and protect their significant amenity. Most importantly, development in peri-urban areas must also be in keeping with local character, attractiveness and amenity. Growth boundaries should be established for each town to avoid urban sprawl and protect agricultural land and environmental assets.

The Loddon Mallee South Regional Growth Plan (2014) targets sustainable growth in regional centres such as Gisborne. Regional centres such as Gisborne, support a diversity of retail and community services and recreational and cultural opportunities, which complement those in Bendigo and Melbourne. The Plan seeks to ensure there is adequate zoned and serviced commercial and industrial land for employment in the regional city and centres as sub-regional hubs.

The Macedon Ranges Statement of Planning Policy (SPP) acknowledges the role of Gisborne as a regional centre and defines a regional centre as “A centre with a large, diverse population (10,000 plus), employment and housing base. All essential services are connected and higher-order goods and services are provided. All levels of education are offered and access to large hospitals and numerous medical facilities is generally provided. Regional centres have strong relationships with surrounding settlements of all types.”

The SPP recognises that a new structure plan for Gisborne needs to be developed to inform a protected settlement boundary.

The Gisborne Futures Project

Gisborne Futures consists of a structure plan, urban design framework and neighbourhood character study. In order to inform the Gisborne Futures project a number of technical reports have been prepared. This includes:

- Macedon Ranges Land Supply and Demand Assessment (Urban Enterprise, 2020);
- Aboriginal Cultural and Post-contact Heritage Analysis (Extent Heritage, October 2019 and Wurundjeri, July 2019);
- Engineering Report (TGM, September 2018);
- Economic and Employment Analysis (Urban Enterprise, February 2020);
- Traffic and Transport Report including a Car Parking Precinct Plan and Future Growth Traffic Modelling (Cardno, November 2019);

- The Heritage Citation for Woiwurrung Cottage (as presented to the Ordinary Council Meeting of 18 December 2019);
- Addendum Traffic and Transport Gisborne Business Park (as presented to the Ordinary Council Meeting of 18 December 2019); and
- Gisborne Business Park Development Contributions Peer Review (as presented to the Ordinary Council Meeting of 18 December 2019).

Gisborne Structure Plan

The purpose of a structure plan is to provide a framework for integrated development of the area. It guides public and private sector actions for major and incremental changes in land use and built form, movement networks and public spaces, to achieve economic, social and environmental objectives described in the vision for the future.

Gisborne has experienced significant change over the last decade and the Gisborne Outline Development Plan 2009 needs to be reviewed in the context of recently completed projects, needed community infrastructure, development approvals, market pressures and a changing policy context.

The draft Gisborne Structure Plan is based upon seven key principles to achieve the vision for Gisborne including:

- Increase housing diversity, choice and affordability within the town, ensuring new housing development is well planned, sustainable and respects the established built and natural character of the town as a regional centre within a rural setting.
- Protect, define and celebrate important elements that contribute to Gisborne's unique post contact and Aboriginal cultural heritage.
- Provide for vibrant and attractive places for people to obtain a range of services (community and commercial) and experiences appropriate to the level of centres with the main town centre being the "heart" of the town.
- Respect and enhance the natural landscapes, waterways, open space corridors and conservation values of the town and ensure that development protects and responds positively to these unique environmental assets.
- Provide a range of opportunities to encourage economic prosperity and job creation across diverse industries, fostering local business growth and innovation.
- Provide a movement network which connects communities through a range of transport options – public transport, cars, walking and cycling to move people safely, efficiently and easily within Gisborne and which manages the impacts of external freight movements to reduce adverse impacts on local amenity.
- Provide for well-serviced, connected communities that have access to essential services and community infrastructure which supports the needs of the local and regional population.

Refer to Attachment One (draft Gisborne Structure Plan) for more detail.

Urban Design Framework

The Draft Urban Design Framework (UDF) provides built form and urban design guidelines and streetscape concept plans that maintain Gisborne's unique village character through protection of landscape, built form and public realm elements that define the town, and ensure new development is respectful of the valued township character.

The UDF seeks to achieve this through the following principles:

- The UDF contains concept plans for potential improvements to public open spaces and street networks within the town centre that are proposed to enhance the pedestrian and urban environment.
- Strengthen the role of the town centre as Gisborne's hub for community facilities and activities and provide opportunities for local economic development in all sectors that will comprise a mix of thriving retail, commercial, service and health uses.
- Promote Gisborne as a 'village in the valley' through retention and enhancement of township edges and entrances.
- Retain and enhance the village qualities of Gisborne's town centre by encouraging excellence in architectural and urban design that responds to the character, history and identity of Gisborne.
- Enhance the pedestrian experience and encourage activity, economic prosperity and social interaction within the town centre.
- Provide streetscapes that are safe, interesting, connected and comfortable for pedestrians to access.
- Plan to upgrade and improve the function of roads, intersections, car parking and within the town centre.
- Create attractive civic spaces with landscaping and amenities that exhibit high quality design and provide opportunity for outdoor interaction and passive use of the street.

Gisborne's current UDF was completed in 2008 and many of the actions are now complete or not capable of achieving the long-term desired built form outcomes that were envisaged for the town centre. As such, it is timely to prepare a new UDF.

The UDF is a core element of the Gisborne Futures Project and will, amongst other things, provide for a prosperous economic environment in line with the actions outlined in Priority Three of the Council Plan 2017-2027.

Refer to Attachment Two (draft Gisborne Urban Design Framework) for specific detail of the outcomes sought.

Neighbourhood Character Study

The draft Neighbourhood Character Study is a key piece of work underpinning the strategic justification of the draft Gisborne Structure Plan. This will be a separate document to be read in conjunction with the Structure Plan

The draft Neighbourhood Character Study seeks to identify and articulate the elements of the public and private realms that make one area distinctive from another.

All areas have a character that has been identified through an analysis of the built form, vegetation, streetscape and topographical elements that combine to define the overall look and feel of a place.

As such the Neighbourhood Character Study provides an objective description of Gisborne's existing and varied neighbourhood character precincts, which is used to develop planning controls and guidelines that respond to the preferred future character of each precinct.

Refer to Attachment Three (Gisborne Neighbourhood Character Study - 2020 Draft for consultation) for more detail.

Gisborne Business Park

The Gisborne Business Park is the focus for industrial land in Gisborne and, along with Kyneton, is one of the key employment areas within the Shire. It is the primary location in the south of the Shire with land zoned specifically for employment and business purposes other than the Gisborne town centre.

At the Ordinary Council Meeting on 18 December 2019, Council considered a proposal to merge the Gisborne Business Park Development Plan process into the Gisborne Futures Project. At the Ordinary Council Meeting of 18 December 2019, it was resolved to:

- 1. Further consider the Gisborne Business Park Development Plan as part of the Gisborne Futures project.***
- 2. Inform submitters to the Gisborne Business Park Development Plan of this decision.***

Analysis undertaken as part of the Gisborne Futures Project has identified that the Gisborne Business Park will need to accommodate an additional 14-24ha of land over the next 20–30 years to support local and regional jobs and services.

Expansion of the industrial precinct south towards Saunders Road is the most logical extension of the existing industrial area. Additional industrial land should aim to better align to the drivers of demand for industrial land. This includes through a more diverse mix of lots, including smaller lots and an improved public realm (landscaping, footpaths etc.) through better design standards.

Context

Gisborne as a regional centre that can accommodate appropriate growth

Gisborne has been a town recognised for growth. The Macedon Ranges Settlement Strategy (2011) identified that Gisborne would become a regional centre by 2036. In the context of the accelerated growth of Melbourne and the peri urban regions, Gisborne, through the Loddon Mallee South Regional Growth Plan and Plan Melbourne 2017–2050 identify Gisborne as becoming regional centres providing for population growth, employment and infrastructure.

The SPP defines a regional centre as:

A centre with a large, diverse population (10,000 plus), employment and housing base. All essential services are connected and higher-order goods and services are provided. All levels of education are offered and access to large hospitals and numerous medical facilities is generally provided. Regional centres have strong relationships with surrounding settlements of all types (page 47).

This statement generally represents Gisborne, particularly noting the town is one of two key administrative centres for the shire and provides several high level services accessed by residents from nearby towns. However, some higher order essential services are not provided, particularly with regards to education and health. Actions and strategies in the Plan support the principle to provide for well serviced, connected communities that have access to essential services and community infrastructure. The UDF reinforces this need by creating a civic and health precinct within the township.

It is also important to consider Gisborne's growth through the most appropriate lens. Gisborne Futures seeks to further recognise Gisborne as a regional centre that can accommodate growth and not as a 'growth area' as the term has come to be understood in the Melbourne fringe planning context. This is an important distinction to make as it allows Council to plan growth from the perspective of protecting and enhancing what makes Gisborne a highly liveable township.

Gisborne Futures is seeking to guide Gisborne's growth to the year 2050. The year 2050 is not a date to aim for and it does not define a desired future population for the township. Rather, it has been set to ensure the sequential development of land occurs in an orderly fashion, and that all the essential infrastructure and services are available to communities as they are required.

Settlement Boundary and Residential Land Supply (Housing Framework)

Through the SPP, the Gisborne Structure Plan will set a settlement boundary for Gisborne to accommodate expected population growth whilst protecting the town's rural hinterland. It will also identify future land uses for retail, office, employment, housing, schools and community services to meet the town's growing and diverse needs. The Structure Plan will also improve management of vehicle, cycle and pedestrian traffic, enable economic development (including tourism) and future employment opportunities and provide for open space linkages and protect important views.

The Housing Framework section of the Structure Plan encourages increases in housing diversity, choice and affordability within the town, ensuring that new housing development is well planned, sustainable and respectful of the established built and natural character of the town centre within a rural setting.

The Housing Framework influences residential land supply. Notably:

- The Macedon Ranges Land Supply and Demand Assessment (LSDA) (Urban Enterprise, 2020) estimates that there is an existing land supply equivalent to 2629 lots in Gisborne's currently zoned residential areas;
- Applying a demand rate of 130 lots per year, this equates to 20 years of land supply; and

- The Structure Plan intends to guide Gisborne’s growth to 2050. The application of the proposed demand rate estimates the need to provide an additional 1300 lots of land supply within this timeframe.

The Housing Framework sets a settlement boundary for the town. This is mandated through the Macedon Ranges SPP which states that “a protected settlement boundary will be determined for Gisborne as part of the review of the Gisborne/New Gisborne Outline Development Plan. A structure plan will be used to determine the settlement boundary” (p. 32).

For clarity, a settlement boundary is defined within the SPP as being “in relation to the plan of an area, means the boundary marking the limit of urban development in that area” (p. 48). As such, urban subdivision and development cannot occur beyond the settlement boundary. Any amendment to the settlement boundary can only occur through an Act of Parliament, meaning both houses of State Parliament will need to provide support.

To this end, a high-level yield analysis of potential growth areas has been undertaken to determine the capacity of areas nominated as ‘long-term future residential expansion’ to meet this demand. In response, the Structure Plan will:

- Prioritise the development of land for housing within existing residential areas under currently approved development plans;
- Consider the development of long term growth areas only after existing vacant residential land has reached or is nearing full capacity;
- Rezone land identified for residential growth to the Urban Growth Zone (UGZ) to allow for development through a Precinct Structure Plan (PSP) process; and
- Remove Schedule 4 to the Development Plan Overlay from 89 Ross Watt Road (Barro Land) and rezone to UGZ.

The Urban Growth Zone is not a development zone in its own right. It is a holding zone which can be applied to land identified for future urban development. The Department of Environment, Land, Water and Planning note that the use of this zone is suitable in identified growth areas of regional towns such as Gisborne (Planning Practice Note 47).

In the UGZ, a precinct structure plan (PSP) must be prepared before non-urban land can be converted into urban land. A PSP is a long-term strategic plan that describes how a precinct or a series of sites will be developed. It is designed to:

- Ensure that the key strategic planning issues in a precinct are considered when planning ahead for urban development;
- Ensure communities in new urban areas have good access to services, transport, jobs, shops, open space and recreation facilities;
- Identify and address any opportunities and constraints that will affect future urban development; and
- Give developers, investors and local communities’ greater certainty and confidence about future development in growth areas.

The UGZ and PSP are tools which give Council ultimate control over the long-term planning for township growth. Future PSPs would generally be Council-led, whereas should the land be pursuant to the Development Plan Overlay, the strategic planning of these growth areas would be developer-led.

Aside from neighbourhood character (discussed below), the last major element of the Housing Framework is the plan’s designation of housing change areas.

Essentially, the Structure Plan divides Gisborne’s existing residential areas into three distinct ‘change areas’ which allow for varied levels of housing growth, as outlined below:

- Incremental Change Area 1 which aims to promote medium density growth in close proximity to the Town Centre;
- Incremental Change Area 2 which will allow subdivision of larger lots located within reasonable walking distance to the Town Centre, future activity centres and transport into dual-occupancies or multi-unit developments, subject to meeting stringent neighbourhood character requirements; and
- Minimal Change Area which will provide for a limited degree of housing growth and change in established residential areas. Retention of larger lots assists to maintain the ‘country’ atmosphere of Gisborne and provides a transition between the surrounding rural landscape and the township.

The diagram below details the residential housing types allowable in each change area:

Residential Housing Types:

		Townhouses / units (up to 3 storeys)	Townhouses / units (up to 2 storeys)	Dual Occupancy	Detached Dwellings
Incremental Change 1	ALL LOTS	○	●	●	●
Incremental Change 2	LARGE LOTS (1000m2 and above)		○	●	●
	SMALL LOTS (Under 1000m2)			●	●
Minimal Change	ALL LOTS (Minimum lot sizes apply)			○	●
● Preferred Housing Type		○ Permissible, but not preferred			

Figure 1 - Residential housing type and corresponding 'change area'

Neighbourhood Character and Dwelling Heights (Housing Framework)

In town planning, an objective description of a neighbourhood’s existing character is used to develop planning controls and guidelines that ensure new development is sited and designed to respond to the preferred future character of an area. A Neighbourhood Character Study is the tool used to identify this.

Key to the success of the draft Neighbourhood Character Study is the fact that it captures the nuances of each neighbourhood through implementation of seven precincts with sub-precincts within. This allows for the retention of highly valued township character elements where appropriate whilst also providing for the implementation of strong built form controls through variations to ResCode to each Neighbourhood Character Precinct.

The draft Neighbourhood Character Study achieves this by dividing Gisborne and New Gisborne into seven character precincts as follows:

1. Station Road New Gisborne;
2. Post-War Suburban;
3. Town Centre Residential;
4. Large Lot Residential;
5. Contemporary Suburban;
6. Low Density Township; and
7. Rural Residential.

A number of existing residential neighbourhoods will be rezoned from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ). The NRZ is a strong planning tool in Gisborne's context because it prescribes a mandatory maximum building height of two storeys as opposed to the three storeys permissible in the GRZ.

Building height is therefore a key consideration of the structure plan. The locations in which three-storey (11 metre) development will be permissible are within the periphery of the town centre and the town centre itself. This is reflective of existing policy guided by Schedule 17 to the Design and Development Overlay (DDO17). This will not result in a 'free-for-all' of development whereby the whole area will be slated with three-storey development. Rather, through proposed controls, three-storey development will only be permissible for developments which meet preferred neighbourhood character objectives and design guidelines.

Furthermore, it is noted that the outcomes sought by the structure plan are a result of the extensive work and analysis attributed to the draft Neighbourhood Character Study (also attached for Council's review). This includes a survey conducted by Metropolis Research exploring a range of issues, including neighbourhood character.

(Refer to Attachment Three – Gisborne Neighbourhood Character Study - 2020 DRAFT for consultation for more detail).

In summary, the draft Structure Plan (and draft Neighbourhood Character Study) proposes to:

- Rezone a number of existing residential neighbourhoods from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ).
- Introduce future neighbourhood character statements and design objectives;
- Introduce ResCode variations to front and side setbacks, walls on boundaries, site coverage, permeability and landscaping that will, in turn, require new developments to meet neighbourhood character objectives; and
- Review existing Design and Development Overlays to ensure consistency with neighbourhood character objectives.

Provision for Local Activity Centres

The draft Structure Plan will provide for vibrant and attractive places for people to obtain a range of services (community and commercial) and experiences appropriate to the level of centres with the main town centre being the “heart” of the town.

The Structure Plan proposes to:

- Retain the Town Centre as the primary location for retail and commercial activity in Gisborne;
- Facilitate delivery of Neighbourhood Activity Centres (NAC) on Station Road, New Gisborne and Willowbank Road, Gisborne through rezoning existing identified commercial sites from the General Residential Zone to the Commercial 1 Zone. These sites were nominated as NACs within the Gisborne ODP, however, rezoning and development never occurred;
- Plan for a Neighbourhood Activity Centre to be developed on Station Road in proximity to the railway station to service and support the long-term growth of New Gisborne; and
- Nominate a Neighbourhood Activity Centre in Gisborne West (89 Ross Watt Road).

The Structure Plan notes the following with regards to the proposed activity centres:

- **New Gisborne Activity Centre (short term)** – a NAC is planned for New Gisborne that will contain a small supermarket or general storey, retail spaces and a community centre to service the immediate and growing residential catchment. The NAC is co-located with the Ross Watt Reserve and is a short walk from New Gisborne Primary School and the Gisborne train station. Requirements for the design and siting of the NAC are outlined in the New Gisborne Development Plan.
- **Willowbank Road Activity Centre (short term)** – Land allocated for a NAC on the corner of Willowbank and Brady Roads in the ODP is yet to be developed. The ODP provides an indicative floor area of 500m² which will require rezoning of the site from General Residential to Commercial 1 Zone. Implementation of the Gisborne Futures Plan includes this rezoning as a short-term action.
- **Future Growth Areas (medium-long term)** – A Neighbourhood Activity Centre is nominated at Gisborne West (89 Ross Watt Road) to serve the future residential community within the growth area.

There is potential for a Neighbourhood Activity Centre (NAC) to be developed on Station Road in proximity to the train station to service the long-term growth of New Gisborne. This could potentially include additional retail or commercial overflow if the Town Centre has reached capacity. The specific zone, overlays and other provisions and guidelines will be confirmed in the medium-long term as part of PSP drafting once there is a need to subdivide and develop this land to accommodate township growth.

It is necessary to implement the C1Z for these areas as it is the most appropriate zone to encourage the commercial growth required. The current zone, the GRZ, is very restrictive in the commercial uses permissible, with retail premises (with some minor exemptions) being a prohibited use.

The Structure Plan also seeks to implement design requirements and guidelines through a Design and Development Overlay to ensure that the built form outcomes (including landscaping) are in line with the desired township character.

The development of these localised activity centres should be encouraged as they support a more sustainable urban form. Through providing local conveniences, they will become a community focal point for walking and cycling, reducing the need to drive to the town centre for basic conveniences. This will generate opportunities for incidental interaction and contribute towards making Gisborne a more cohesive community.

The Town Centre – Gisborne Urban Design Framework

The draft Gisborne Urban Design Framework (UDF) establishes an integrated design vision for the desired future character of the Town Centre. It provides guidance for built form development and enhances place-making opportunities through potential streetscape and transport network improvements.

The UDF seeks to enhance the ‘village’ characteristics of the town centre, which has the following contributing elements:

- A pedestrian-scale streetscape with generous footpaths, verandahs and established street trees;
- A fine grain pattern of development that accommodates a diverse mix of local, small businesses;
- Minimal presence of large chain stores with generic branding and signage;
- Modest built form that does not dominate the streetscape or landscape setting; and
- Community facilities, sporting grounds and parklands within the Town Centre.

Gisborne’s town centre is classified as a Regional Activity Centre (RAC) that will provide the daily shopping needs for the local community and the surrounding rural area and smaller townships. It currently features a number of supermarkets and food retail, restaurants and cafes, offices, specialty retail, medical services, banks, real estate agents, police and community services and facilities.

The town centre will remain the primary location for retail and commercial activity in Gisborne. To maintain the compact, walkable nature of the town centre demand for commercial and retail land will be accommodated through development of vacant sites and encouraging intensification of sites to include upper storey commercial tenancies.

The draft UDF also guides pedestrian and road network improvements whilst also seeking to manage the supply and demand of car parking.

The draft UDF identifies four key precincts within the town centre, which provide focus for the preferred types of development and activities:

- **Retail Precinct** – The Retail Precinct will continue to be the focus for the core retail function of the town with a vibrant mix of convenience and specialty retail stores, restaurants and cafes and contribute to a thriving day and night economy. The village feel of the precinct will be retained and enhanced through the high quality architecture, street tree plantings, increased pedestrian amenity and public spaces that reflect the history and local character of Gisborne, while fostering a contemporary, forward focused image.
- **Commercial Precinct** – The Commercial Precinct will provide office and business development opportunities with active frontages along street walls and potential upper storey residential development. Pedestrian safety and amenity through central car parking areas will be improved by designated pathways, crossings and way-finding.
- **Health and Civic Precinct** – Health and wellbeing outcomes will be promoted by focusing health and allied health services within the precinct, and by connecting these services to the surrounding reserves, gardens and town centre through a safe and accessible pedestrian network. This precinct will provide for housing typologies that accommodate for all life stages including aged care and opportunities for affordable housing set within a generous, landscaped environment. The Robertson Street frontage will continue to accommodate civic services including emergency services and police in proximity to the Council office.
- **Community Precinct** – The Community Precinct will be a focal point for community activities that builds on the strengths of existing services and maintains a strong connection to Gisborne’s network of open spaces and recreation reserves. Physical and visual linkages from the precinct to the town centre will be enhanced through improved pedestrian connections, landscaping and public realm treatments. The precinct will provide vibrant community gathering spaces and opportunities for temporary or seasonal activities.

Economic Development and the Gisborne Business Park

As per the abovementioned Council resolution at the Ordinary Council Meeting on 18 December 2019, the consideration of the expansion of the Gisborne Business Park is now incorporated into the Gisborne Structure Plan. To this end, we highlight the following:

- **Industrial Land Supply** – One of the key issues to arise out of the Business Park Development Plan project was whether there was an identified need for additional employment land to service Gisborne over the next 30 years. As such, Urban Enterprise was engaged to prepare the Gisborne Economic & Employment Analysis. Urban Enterprise has provided preliminary advice that currently Gisborne has only 12 years supply of industrial land, comprised of 7ha within the existing business park (south of railway line) and 5ha within the industrial zone (north of the railway line). An additional 6ha of industrial land is required now to provide the minimum 15 years supply required by State Policy and in excess of 35ha of additional land to provide supply across the 30-year horizon of the draft Structure Plan.

- The draft Structure Plan proposes to rezone 16ha of vacant and under-utilised industrial land located north of the railway line. The draft Gisborne Structure Plan proposes to rezone this for residential uses in the long term as it provides a range of opportunities including medium density housing in close proximity to Gisborne Railway Station. The draft Structure Plan recommends the consolidation and expansion of the existing business park in line with the existing 2009 ODP (excluding the Woiwurrung Cottage land) to meet the ongoing and future demand for industrial land.
- It is noted that the proposed expansion of the existing business park, approximately 30ha, will not provide sufficient supply for the projected long-term needs of Gisborne and some of this additional land will need to be realised within the regional centre of Kyneton.
- **Commercial 2 Zone Land** – Gisborne currently experiences significant escape expenditure to other municipalities in relation to large format retailing. Only 4.2% of expenditure by residents on large format retail is captured within Gisborne. This significant loss of expenditure to other municipalities has implications on local employment opportunities and sustainability of the local economy. The provision of Commercial 2 Zone (C2Z) land will provide opportunity for the establishment of niche business types and the potential to recapture expenditure locally, leading to local jobs growth. As of 2016, retail was the most significant employment industry sector in Gisborne. The provision of C2Z land will support this sector and provide opportunities for local job creation.
- The proposed commercial precinct on Saunders Road is unlikely to be suited to large-format retailers or a homemaker precinct, which require larger regional populations to support viability and are already established elsewhere in the region. More niche retailers and businesses that require affordable commercial land (when compared with C1Z in the town centre), good vehicle access and main road exposure may be attracted to Gisborne if appropriate land was provided. This may include auto retailers, pet and trade supplies.
- **Woiwurrung Cottage** – Woiwurrung Cottage will be protected through the application of a Heritage Overlay with a substantial curtilage to provide a landscaped setting. An additional open space is proposed for the boundary to the west to provide additional buffer.

Movement and Transport

The Structure Plan will provide a movement network which connects communities through a range of transport options including public transport, cars, walking and cycling to move people safely, efficiently and easily within Gisborne and which manages the impacts of external freight movements to reduce adverse impacts on local amenity.

With regards to the road network, the structure plan seeks to:

- Advocate for the planning, construction and delivery of a western link road to remove heavy-vehicle traffic from the Gisborne Town Centre and alleviate the long-term impacts of regional and local traffic growth on the road network;
- Plan for upgrades to key roads and intersections that will assist with current and future traffic movements; and

- The traffic and Transport Report including Future Growth Traffic Modelling and the addendum for the Gisborne Business Park conclude that with proposed road upgrades, the road network can accommodate the proposed business park expansion.

The structure plan also advocates for improved walking and cycling opportunities through:

- Providing a safe, convenient and direct strategic cycling corridor that connects key destinations and encourages a shift in travel mode for trips within the township
- Providing a walking and cycling network that enhances opportunities for passive recreation and leisure through a series of connected open spaces; and
- Ensuring new developments provide a safe and accessible shared user path network with high levels of connectivity, activation and amenity that connect to activity centres, services, employment areas and public transport.

The draft Structure Plan proposes to review Council's Walking and Cycling Strategy to incorporate the expansion of the Preferred Primary Cycling Route and expansion of the off-road or shared user path network to include links into new development areas, and to promote the development of recreation 'loops' around town.

Lastly, the draft Structure Plan ensures that Gisborne will have adequate public transport provision, aiming to:

- Provide Gisborne with a public transport system with high levels of accessibility and frequent services that encourage an uptake in usage;
- Ensure all new connector roads in growth areas and existing undeveloped areas are bus capable to physically allow for future services and ensure residents are within a walkable distance of bus services;
- Work collaboratively with Public Transport Victoria and bus operators to expand bus services to new development areas; and
- Advocate for the upgrade of Gisborne Railway Station to become an integrated transport hub that is respectful of the station's heritage values, with consideration given to car parking provision, a bus interchange, bicycle facilities and pedestrian amenity.

Consultation and Engagement

A vision for Gisborne has been developed with the community throughout the Gisborne Futures project, which includes the growth of creative and innovative businesses and a diverse mix of local job opportunities.

Previous Engagement – Phase One and Two

Phase One engagement occurred throughout August and September 2018 and Phase Two engagement occurred in May 2019. Respondents highlighted that there was apprehension regarding growth and development, with those that support growth suggesting increased housing affordability and density and diversity in appropriate locations. Township character and its interaction with surrounding landscapes, the natural environment (particularly the Jackson Creek escarpment) and street trees were key considerations. Based on these environmental values, respondents supported the prioritisation of environmentally sustainable design and urban consolidation.

Respondents support increased diversity in business and retail offerings, including in New Gisborne and those that employ young people, however, there is opposition to bulky retailers in the town centre. Improved community facilities are also needed, including those that provide more recreational space for children. However, respondents considered that library and health services are adequate.

Concerns were also raised regarding truck traffic and parking issues in the town centre, with mobility overall being a key topic of responses. Improvements to pedestrian and cycling infrastructure and public transport is also encouraged.

Draft Gisborne Futures Engagement – Phase Three

Phase Three engagement is proposed to occur for a minimum of six weeks, beginning late June/early July 2020. A number of scenarios and tools have been investigated to ensure the Gisborne community can participate in the consultation. A number of scenarios have been prepared based on likely COVID-19 social distancing requirements that align with the principles underpinning Council's Community Consultation Framework.

Minimum tools for engagement include:

- Direct mail to affected people, groups or key stakeholders;
- Council newsletter;
- Community newsletter article;
- Media release / advert;
- News item on Council website;
- Notice on site or on community notice-board
- Email, online and written submissions;
- Social media

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

Strategic Alignment

Gisborne Futures assists with the achievement of priorities set out in the Council Plan 2017-2027:

- **Priority 1: Promote health and wellbeing** – This is achieved by planning for an urban structure that encourages walking, cycling and public transport. It is anticipated that this will reduce health impacts caused by a sedentary lifestyle. The Structure Plan also seeks to include vibrant public spaces to encourage community interaction, thus fostering a strong sense of community which should have the flow-on effect of improving community wellbeing.
- **Priority 2: Protect the natural environment** – Gisborne Futures aims to protect and enhance all open spaces within town. Key to this is ensuring that any development land adjacent to the Jacksons Creek escarpment is designed and sited in a sensitive manner to ensure the natural vistas afforded by the escarpment are protected.
- **Priority 3: Improve the built environment** – The Gisborne Futures Project addresses this priority by:

- Protecting and enhancing township character through seven neighbourhood character areas; each of which have unique character elements to preserve and each of which allow for varied levels of housing change.
- Encouraging alternative modes of transport to the motor-car and to advocate for improvements to key roads and intersections to ensure a minimisation of traffic impacts and a protection of the community's safety as traffic volumes increase.
- Undertaking a high-level community infrastructure demand analysis to estimate what additional community facilities will be required to service Gisborne's forecast population to 2050. To this end, it is important to ensure that all residents are within easy access to these facilities and to ensure the longevity of these facilities, it may be pertinent to renew and refurbish existing assets.
- Increasing community and recreational facilities in-line with population growth. As per best planning practice, environmentally sustainable design will be mandated for future development, the details of which are to be finalised in future as development techniques evolve. Specific to this is ensuring that recreational spaces are developed in a way that protects natural biodiversity.
- Providing holistic provisions for improved environmental performance throughout all aspects of life in Gisborne.
- Seeks to improve public transport access for the Shire's residents in the short, medium and long term. Key to this is advocating for improved railway services from Gisborne Station and extensions to bus services within town.
- Building upon Council's *Walking and Cycling Strategy* to ensure that in the long term, all areas of Gisborne (including growth areas) can be easily accessible via on-street and off street cycle paths, shared paths and footpaths.
- Advocating for a diversification in recreation and community facilities. In particular objectives seek to create community hubs within areas easily accessible by all residents.
- Continues to monitor car parking in the town centre and ensures equitable access to car parking.
- **Priority 4: Enhance the social and economic environment** – A key principle of the Structure Plan is to provide a range of opportunities to encourage economic prosperity and job creation across diverse industries, fostering local business growth and innovation. Furthermore, the Structure Plan seeks to increase housing diversity, choice and affordability within the town, ensuring new housing development is well planned, sustainable and respects the established built and natural character of the town as a regional centre within a rural setting. This will be achieved by:
 - Promoting housing diversity through encouraging a range of lot sizes and designating medium density (townhouse) development in appropriate and well-serviced locations;
 - Encouraging a range of business and employment types through development in the town centre and expanding the business park; and
 - Seeking to increase and diversify cultural facilities within the town to encourage an increase in tourism.

- **Priority 5: Deliver strong and reliable government** – The outcomes sought by Gisborne Futures have been decided upon through expert reports, analysis and statistics. Additionally, the plan will also continue to be guided by the community through future consultation and engagement.

Implications

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

The Gisborne Futures project (including the Gisborne Business Park Development Plan) was funded through Council and the Victorian Planning Authority Streamlining for Growth program. The project has also received funding from the Department of Environment, Land, Water and Planning for the formulation of the structure plan and urban design framework and Regional Roads Victoria provided additional funding to support the traffic modelling.

Policy and Legislative Implications and Risks

The *Loddon Mallee South Regional Growth Plan* and *Plan Melbourne 2017-2050* identify the Shire's largest settlements – Gisborne and Kyneton – as becoming regional centres providing for population growth, employment and infrastructure.

This report relates to the following Policy and Legislation:

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

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

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

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

Table One: Responses to objectives of SPP

SPP Objective	Officer Response
Objective 1 – <i>To ensure the declared area's natural and cultural landscapes are conserved and enhanced.</i>	The plan aims to protect all significant natural features within the town; particularly the Jacksons Creek Escarpment, which will remain a protected natural feature of the town's backdrop. Additionally, the Structure Plan includes objectives to:

	<ul style="list-style-type: none"> • Protect visually sensitive landscapes, views and vistas from development that will compromise their quality and influence on the semi-rural character of Gisborne. • Maintain trees and vegetation that contribute to Gisborne’s highly valued green, leafy character. • Promote Gisborne as a ‘village in the valley’ through retention and enhancement of township edges and entrances. • Ensure new development does not detract from the highly-valued character of Gisborne’s landscape setting.
<p>Objective 2 – <i>To ensure that the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced.</i></p>	<p>This is to be supported by specific objectives within the structure plan, including to:</p> <ul style="list-style-type: none"> • Protect and enhance waterways, roadsides and connected areas of open space as wildlife corridors. • Minimise the impact of new development on the environmental ecological values identified in Gisborne.
<p>Objective 3 – <i>To prioritise the conservation and use of the declared area’s water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.</i></p>	<p>The structure plan advances this objective by including a suite of environment and biodiversity related objectives, strategies and actions, including to:</p> <ul style="list-style-type: none"> • Support integrated water management initiatives to mitigate pollutants and stormwater loads on the Jacksons Creek and Maribyrnong River catchments. • Reduce potable water usage and minimise the volume of urban run-off and pollution that reaches local creeks and waterways. • Increase use of recycled water and minimise discharges of treated water into Jacksons Creek. <p>The UDF also advances Water Sensitive Urban Design outcomes to further support sustainable water use and management.</p>
<p>Objective 4 – <i>To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.</i></p>	<p>This is achieved through implementing specific objectives within the structure plan which seek to conserve cultural heritage. At a high level, the plan aims to ensure new development in Gisborne appropriately responds to Aboriginal cultural heritage sites, places and values.</p>
<p>Objective 5 – <i>To recognise, conserve and enhance the declared area’s significant post-</i></p>	<p>The structure plan acknowledges significant sites of post-contact heritage and seeks to protect them through implementing necessary restrictions on development. This includes the investigation of</p>

<p><i>contact cultural heritage values.</i></p>	<p>applying a Heritage Overlay to Woiwurring Cottage at 111 Saunders Road to ensure its protection should the surrounding land be developed as part of the proposed expansion to the Gisborne Business Park.</p>
<p><i>Objective 6 – To support and encourage agricultural land uses that strengthen the declared area’s economy and contribute to the rural landscape.</i></p>	<p>The settlement boundary ‘locks-out’ additional rural-living development on the edge of town. As such, useable agricultural land will not be further fragmented and degraded. Furthermore, subdivision and development patterns on the edge of the proposed settlement boundary are to provide a visual transition from a landscape of predominantly rural character to the township itself.</p>
<p><i>Objective 7 – To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.</i></p>	<p>Key to Gisborne’s visitor economy are the significant natural landscapes and the semi-rural township character. These are to be protected and enhanced through the Structure Plan, Urban Design Framework and Neighbourhood Character Strategy. Most notably, the Structure Plan aims to support proposals which provide opportunities for night-time dining, entertainment, arts, cultural and tourism uses to further increase the town’s offering to the visitor economy. Overall, the Structure Plan promotes Gisborne as the gateway to the Macedon Ranges and as such, is to be enhanced as an attractive place to visit for shopping, food, events and recreation.</p>
<p><i>Objective 8 – To plan and manage growth of settlements in the declared area consistent with protection of the area’s significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.</i></p>	<p>Overall, this objective is met in the following ways:</p> <ul style="list-style-type: none"> • By identifying and enforcing neighbourhood character in areas of infill development through the inclusion of appropriately worded development objectives, strategies and ResCode standards. • By identifying areas capable of accommodating a more diverse range of housing types to ensure that Gisborne’s housing stock will meet the evolving needs of the community well into the future. This also includes identifying areas of medium density which allows for first home buyers to access the housing market and for empty-nesters to age-in-place. • By allocating appropriately located land on the edge of town in New Gisborne for the expansion of the Gisborne Business Park to provide long-term support of Gisborne’s economy and employment base.
<p><i>Objective 9 – To manage the provision of infrastructure consistent with protection of the area’s significant</i></p>	<p>This objective is met in the following ways:</p> <ul style="list-style-type: none"> • The inclusion of structure plan objectives which ensure that all new subdivisions provide all necessary services for future residents, for example; reticulated water and sewerage.

<p><i>landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.</i></p>	<ul style="list-style-type: none"> • The use of objectives and strategies which seek to promote active and public transport instead of the motor-vehicle. • The inclusion of objectives and strategies which seek to distribute community services evenly throughout the town to ensure ease of access for all residents. • The inclusion of objectives and strategies which seek to ensure that all community infrastructure is delivered in accordance with the rate of population growth, ensuring there is no shortage of services. • The inclusion of specific objectives aimed at ensuring development responds to the issues posed by climate change and that overall, Gisborne will be a climate resilient town. <p>Additionally, the structure plan aims to ensure township growth is managed in a way that protects the key surrounding landscape and environmental assets.</p>
<p><i>Objective 10 – Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.</i></p>	<p>As noted briefly above, the structure plan includes objectives relating to climate resilience. Specifically, the structure plan will:</p> <ul style="list-style-type: none"> • Require new developments to adhere to sustainable subdivision design principles through the PSP process. • Encourage developers to include sustainable design guidelines for dwellings in new subdivision. <p>All further investigation into the introduction of sustainable design policies into the Planning Scheme to capture the infill development market and demonstrate a commitment to environmental sustainability through actively encouraging sustainably designed buildings.</p>

It is considered that the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study and the officer recommendation ensures that Council as a Responsible Public Entity is not acting inconsistent with the provisions of the SPP.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

This report recommends Council's endorsement of the draft Gisborne Structure Plan, draft Gisborne Urban Design Framework and draft Gisborne Neighbourhood Character Study to progress the project to the next phase of community consultation.

PE.4	PERI URBAN GROUP OF RURAL COUNCILS ECONOMIC DEVELOPMENT STRATEGY (DRAFT) REVIEW
Officer	Stephen Pykett, Manager Economic Development and Tourism
Council Plan Relationship	Enhance the social and economic environment
Attachments	Draft PUGRC Economic Development Strategy 1.0c

Purpose and Overview

Macedon Ranges Shire Council is a member of the Peri Urban Group of Rural Councils (PUGRC). The PUGRC has been successful in attracting funding to develop an Economic Development Strategy. On 6 May 2020 Council was asked to provide feedback on the Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) prior to the document being sub edited and being laid out by a graphic artist. The draft was reviewed by officers and concerns were identified with the content and quality.

Recommendation

That Council:

- 1. Does not adopt the Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT); and**
- 2. Notifies the Peri Urban Group of Rural Councils of its decision.**

Background

Macedon Ranges Shire Council is a member of the Peri Urban Group of Rural Councils (PUGRC) along with Bass Coast Shire Council, Baw Baw Shire Council, Golden Plains Shire Council, Moorabool Shire Council, Murrindindi Shire Council and Surf Coast Shire Council.

Murrindindi Shire Council left the PUGRC in September 2018.

In November 2016 the PUGRC, received agreement for funding through Rural Councils Victoria (RCV) for the development of a Peri Urban Infrastructure and Economic Development Strategy.

A consultant was appointed as the successful tenderer to do this work, however, the PUGRC agreed later in 2018 that the contract should be discontinued. Since that time the Executive Officer PUGRC, has been continuing development of the strategy.

On 19 March 2020 RCV wrote to PUGRC seeking reimbursement for the funding provided by Rural Councils for the Economic Development Strategy being developed by the PUGRC if it was not going to be finalised by 20 May 2020.

On Wednesday 6 May 2020, Council received the Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) for review. Feedback was requested to be provided by Monday 11 May 2020.

Context

The Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) was reviewed by officers and concerns were identified with the content and quality.

The basis for the concerns are that the document has:

- a lack of linkages from statements to supporting data (including sources and dates)
- no reference to appropriate process
- an over use of jargon
- a poor layout and structure

Multiple references are made to 333 datasets being used. These datasets are not clearly identified, including reference to sources of information (i.e. ABS, ATO etc.), update availability and frequency. It not clear in all cases where individual council level data has been used and where consolidated (all six Local Government areas) data has been used as the basis for analysis.

Significantly the draft has no timeframe for the document or for the delivery the 25 Action items. There are no identified measures of success for evaluation, along with no clear roles and responsibilities. Sources of funding are not identified for the effort needed to advocate for project funding from State and Federal Government sources.

Action item 22 seeks to develop a Circular Economy Development Package with the following statement of intent;

Draft policies to enhance diversion of waste from land fill to recycling. These might include: redesignating the waste collection stream into food/organics waste only, recyclables only and e-waste only waste streams. The development of new food waste storage systems and options within the home for residents. Develop a distinctive e-waste recovery process for larger e-waste items such as TV's and computer monitors. Education program on why we need to recycle more effectively and how it will help council and the residents in the end.

The Victorian Government, through its Recycling Victoria February 2020 policy and action plan, has already introduced activities and actions that make the proposed Action item 22 redundant.

Critically each action item refers to seeking funding from, or working with, State and Federal Governments but has no reference to consulting or working with communities and businesses.

Consultation and Engagement

Council officers have engaged with the Executive Officer of the Peri Urban Group of Rural Councils to clarify the points of concern with the draft.

Officers have also contacted other member councils to gauge the sentiment of the other organisations towards the draft.

This draft has been produced in part by a consultant, and in part by the Executive Officer of the PUGRC. There is no evidence presented that consultation has taken place with other government agencies, businesses, business groups or the community.

Officers and Councillors attended a facilitated meeting with representatives of other member councils (except Surf Coast Shire Council) and the Executive Officer of PUGRC on Monday 1 June 2020 to clarify the situation and to agree a course of action. Ahead of this meeting, on 27 May 2020, written feedback was provided by officers on the draft document to the Executive Officer PUGRC.

Strategic Alignment

The Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) most closely aligns to the Macedon Ranges Council Plan 2017-2020 Priority 4, Enhance the social and economic environment. Many of the identified actions fit well with this priority, however no reference is made in the Draft to the Council Plan, any other adopted strategy of Macedon Ranges Shire Council or any similar documents from the other five member councils.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) identifies 25 action items. There is no consideration of any financial requirements on Council to address these action items. Further no staffing requirements are outlined. As there are no identified timeframes this presents a significant risk for Council.

A number of the Action items identify the development of multi-use facilities;

- Action item 8
 - Seek funding to establish Multi-disciplinary Medical and Emergency Centres
- Action item 9
 - Seek funding to establish Multi-Institutional Co-studying Facilities
- Action item 15
 - Seek funding for the building of water recycling facilities

No consideration is provided for the operating model for these facilities, their ownership or operating costs.

Policy and Legislative Implications and Risks

Macedon Ranges Shire Council Community Consultation Framework 2019 shows it is a requirement to consult on projects that significantly impact on the environment, character, economy or liveability of the shire, or particular localities in the shire.

Council's strategic position related to issues such as open space planning and economic development are identified as a Category 4 in this framework.

As no community consultation has been undertaken in relation to the development of the Draft PUGRC Economic Development Strategy this project does not meet the requirements of the Macedon Ranges Shire Council Community Consultation Framework 2019.

Sustainability Implications and Risks (Social and Environmental)

Not applicable to this report.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

The Peri Urban Group of Rural Councils Economic Development Strategy (DRAFT) was reviewed by officers and concerns were identified with the content and quality. Adopting the draft in its current form exposes Macedon Ranges Shire Council to elements of risk and the process used to develop the draft does not comply with Macedon Ranges Shire Council Community Consultation Framework 2019.

CX.1	AGED CARE AND DISABILITY REFORM IMPACT ON HOME SUPPORT SERVICES - UPDATE
Officers	Fiona Alexander, Manager Community Services and Sarah Noel, Acting Director Transition
Council Plan Relationship	Promote Health and Wellbeing
Attachments	Nil

Purpose and Overview

At the Ordinary Council Meeting on 28 August 2019 it was resolved:

That Council:

- 1. Note that an analysis of market assessment findings and of individual services has indicated a logical segmentation of services that could be transitioned in stages. A staged approach would allow greater clarity on the direction of reforms for the Commonwealth Home Support Program (CHSP) while demonstrating effective business strategy in the reform environment;***
- 2. Note that the Chief Executive Officer will:***
 - a) make an operational assessment of Council's participation in the streamlined Assessment Service commissioning process when further information becomes available; and will ensure that Regional Assessment staff are informed and appropriately supported throughout the process;***
 - b) work with the Victorian and Commonwealth Governments to manage an orderly transition that protects the interests of clients of those services that Council resolves to transition;***
- 3. Resolves to conduct consultation aligned with Council's Community Consultation Framework to inform the new Positive Ageing Plan 2020-25 and receive a report back to a Council Meeting by June 2020 in regards to:***
 - a) Community feedback on the aspirations, future needs and priorities of older people in the Shire***
 - b) Outcomes of the Royal Commission into Aged Care Quality and Safety, and***
 - c) Any Federal Government announcements regarding block funding beyond July 2022.***
- 4. Resolves to provide formal notice to the Victorian Department of Health and Human Services of Council's intention to cease its agreement to deliver all services under the Home and Community Care Program for Younger People (HACCPYP) effective 1 July 2020;***

- 5. Resolve to continue delivering the following services funded by the Commonwealth Home Support Program (CHSP) while conducting further due diligence related to aged care sector reform: Domestic Assistance, Flexible Respite, Personal Care, Meals Group, Social Support Individual, Sector Support and development, and Healthy Ageing Management;**

- 6. 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;**

- 7. Receive a briefing on the options to consider regarding its shareholding in Community Chef by October 2019.**

This report delivers a requirement of the endorsed recommendation.

Recommendation

That Council:

- 1. Note community feedback on the aspirations, future needs and priorities of older people in the shire has been sought and will be reflected in the new Positive Ageing Plan 2020-25;**

- 2. Note that the Australian Government has extended the timeline for a final report from the Royal Commission into Aged Care Quality and Safety (the Royal Commission) to 12 November 2020; and**

- 3. Note that the Australian Government has stated long term reform will be considered after submission of the Royal Commission's Final Report.**

Context

At its Ordinary Council Meeting on 28 August 2019, Council endorsed the officer recommendations set out in the report 'CW.2 – Aged care and disability reform – Impact on home support services'. This report delivers a requirement of the endorsed recommendations to report to Council by June 2020.

Conduct consultation aligned with Council's Community Consultation Framework to inform the new Positive Ageing Plan 2020-25

Council engaged consultants to design and implement a community engagement program to inform the new Positive Ageing Plan 2020-25.

The program aligns with Council's Community Consultation Framework and IAP2 methodology, and ensured a strategic approach to identifying and reaching key stakeholders, selecting engagement methods and tools, and identifying the information needed from people to inform planning.

From November 2019 to December 2019, Council consulted 977 people from across the shire. Activities included:

- 283 face to face engagements through meetings, workshops and drop-in sessions with service providers, health service providers, at community events and with seniors groups across the municipality
- 305 engagements with residents via social media
- 79 participants at five place-based community pop-ups at key locations, and
- 310 responses to the online and hard copy survey about how to create an age-friendly community.

With an aim of reaching 10 per cent (890) of the older population in the shire, a focus of the consultation was to ensure Council used appropriate engagement strategies and consultation methods that are accessible to older people.

Receive a report in regard to aspirations, future needs and priorities of older people in the shire (3a)

The community engagement program attempted to capture people's views on four main questions:

- What three things are the most important to improve in the Macedon Ranges to ensure older people can live a safe, healthy, connected and happy life?
- What challenges do you think older people have living in Macedon Ranges?
- What are your ideas for making Macedon Ranges an age-friendly shire?
- What do you like about being an older person in the Macedon Ranges?

Responses to these questions, with consideration of changes in the aged care sector, have informed draft priority action areas and draft actions. The draft priority action areas are:

- Older people stay socially connected and active
- Older people live well in the community
- Older people's needs are recognised in infrastructure, housing and the built environment
- Older people are respected and valued by the community.

These draft action areas acknowledge and build on priorities, strategies and actions in the Council Plan, Council's Positive Ageing Plan 2016-2020 and other relevant plans and strategies. Actions have been proposed by, and are the responsibility of, various areas across Council. Some involve working with other levels of government, other agencies and members of the community.

The draft Positive Ageing Plan will be available for consideration from the July 2020 Ordinary Council meeting. Further discussion of the consultation process, aspirations, future needs and priorities of older people will be available in the draft Positive Ageing Plan.

Outcomes of the Royal Commission into Aged Care Quality and Safety (3b)

The Royal Commission into Aged Care Quality and Safety (the Royal Commission) was established on 8 October 2018 to inquire on matters related to the quality of aged care services and how to best deliver aged care services in the future. An interim report was released on 31 October 2019, and the timeline for the Royal Commission's final report was extended from 31 October 2019 to 12 November 2020.

The Royal Commission has now suspended all hearings and workshops for the time being, subject to ongoing review. This decision is a consequence of the COVID-19 pandemic, based on information available from the Australian Government that affects all hearings and workshops scheduled until at least the end of May 2020. The Public Submissions deadline has been extended to 30 June 2020.

Federal Government announcements regarding block funding beyond July 2022 (3c)

The Australian Government announced a new funding package in response to the Royal Commission's interim report on 29 November 2019. The announcement included an additional 10,000 home care packages to be rolled out from December 2019 and noted that long term action, such as the integration of Commonwealth Home Support Program (CHSP) with Home Care Packages, would be considered in the Royal Commission's final report (refer item 3b).

Council has received contract extensions for CHSP until 30 June 2022. No further correspondence has been received regarding the funding architecture for CHSP beyond 2022.

Strategic Alignment

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

Implications – Financial

This report refers to delays to the expected timeline for funding announcements about home support services after 2022. This report does not address financial implications of sector reform.

Policy and Legislative Implications and Risks

This report does not change internal or external policy positions or report on legislative change.

Sustainability Implications and Risks (Social and Environmental)

There are no environmental issues that may be impacted by the outcome of this report. Social implications of aged care and disability reform are not addressed in 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

The officer involved in the preparation of this report has a conflict of interest in relation to the potential impact of the reforms discussed in this report, as they may impact the author's future circumstances. As such, the Acting Director Transition has reviewed the report, and as an officer with no conflict of interest, has confirmed the accuracy and completeness of the advice provided, and is listed as a joint author.

Conclusion

The Australian Government's funding announcement of November 2019, in response to the Royal Commission into Aged Care Quality and Safety Interim Report, notes that long-term reform of home support service will be considered after submission of the Royal Commission's final report.

On this basis, Council will receive further information on the outcomes of the Royal Commission into Aged Care Quality and Safety after submission of a final report in November 2020.

The draft Positive Ageing Plan will be available for consideration from the July 2020 Ordinary Council Meeting, and will provide further detail on the result of community consultation.

CX.2	DRAFT RECONCILIATION ACTION PLAN
Officer	Stephen Hiley, Community Partnerships
Council Plan Relationship	Promote Health and Wellbeing Protect the Natural Environment
Attachments	Draft Reconciliation Action Plan

Purpose and Overview

The purpose of this report is to present the draft Reconciliation Action Plan (RAP) and seek approval for it to be placed on public exhibition and to conduct further consultation on its contents.

The draft RAP was developed following consultation with the Dja Dja Wurrung, Taungurung, Wurundjeri Woi Wurrung Peoples, local Aboriginal and/or Torres Strait Islander Peoples, Councillors, Council staff and the broader Macedon Ranges community. It also incorporates feedback from two reviews by Reconciliation Australia.

Recommendation

That Council approve the draft Reconciliation Action Plan for a four week period of public exhibition and stakeholder consultation in July 2020.

Background

Macedon Ranges Shire is on the land of the Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Peoples. These Traditional Owners and Custodians have a living culture with distinct cultural and legal rights and an ongoing connection to this Country with obligations in its management and care.

Aboriginal and/or Torres Strait Islander Peoples make up 0.6% (298) of the total population in Macedon Ranges Shire. Many are not from the three Traditional Owner groups, but they also contribute to the diverse culture of our community.

Celebrating and respecting Indigenous culture is a Council Plan action and developing an Innovate RAP through Reconciliation Australia's RAP program was a Council Plan/Budget commitment for 2018/19.

A RAP is a roadmap towards reconciliation. For Macedon Ranges Shire Council, reconciliation is about recognising and respecting the rights of Traditional Owners and local Aboriginal and/or Torres Strait Islander Peoples. It is about understanding and accepting the wrongs of the past, including dispossession, violence and upheaval of the land and waters, and the impact of this on Aboriginal and Torres Strait Islander Peoples.

Council sees reconciliation as strengthening Aboriginal and Torres Strait Islander Peoples' right to self-determination and working together for a more just, equitable and reconciled Australia.

Genuine reconciliation involves everyone in our community and Council has a key leadership role in driving this work. Council can:

- enhance community understanding of our shared history
- promote and support Aboriginal and/or Torres Strait Islander Peoples culture
- provide opportunities for everyone to learn from Aboriginal and Torres Strait Islander Peoples' connection to Country
- directly empower Aboriginal and Torres Strait Islander Peoples to participate equally in all areas of life.

The RAP will assist to enhance relationships with Traditional Owners and local Aboriginal and/or Torres Strait Islander Peoples and support their right to self-determination. It identifies ways for Council to respect and recognise Traditional Owners' cultures, rights and histories and share these with the broader community. It provides opportunities for Council and the community to learn from Aboriginal and Torres Strait Islander Peoples' connection to Country, and it aims to empower Aboriginal and Torres Strait Islander Peoples to participate equally in all areas of life.

The RAP aims to reflect the reconciliation priorities of Traditional Owners, local Aboriginal and/or Torres Strait Islander Peoples, Council and the broader community. It was developed over a period of 18 months to give us time to listen to these different voices.

Reconciliation Australia provide a template for an Innovate RAP which sets out the minimum requirements that must be included for it to reach the 'innovate' standard.

The RAP development process began after the Hanging Rock Strategic Plan was finalised.

Context

A RAP Working Group was established in March 2019 to oversee the development of the RAP including the consultation and engagement processes.

The group consists of 12 Council staff representatives from across the four directorates (including the Director Planning and Environment as Chair), two local Aboriginal community members, two non-Indigenous community members, a representative from the Dja Dja Wurrung Clans Aboriginal Corporation and Bonnie Chew, an Aboriginal consultant from Mirriyu Cultural Consulting.

Consultation and Engagement

The RAP Working Group developed a consultation plan in alignment with Council's community consultation framework with consultation taking place from July to September 2019.

One-on-one meetings were held with Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Traditional Owners. The meetings identified a number of strategic priorities expressed by the Traditional Owners/Custodians including partnership approaches to strategic planning, collaboration on natural resource management and support for Aboriginal procurement.

All Macedon Ranges residents were invited to contribute their ideas via an online survey on Council's Have Your Say webpage. Local Aboriginal and/or Torres Strait Islander Peoples were also invited to attend a lunchtime consultation session. Key themes from that session were to increase engagement opportunities and to support Aboriginal employment and economic development. The overwhelming response from the broader community was for more community education about and celebration of the cultures and histories of the Traditional Owners.

Consultation briefings were held with the Executive and Councillors, while staff contributed their ideas via an online survey or through one of the RAP workshops that were held in Kyneton, Gisborne and Woodend.

Both Executive and Councillors agreed to prioritise the mandatory minimum actions required under an Innovate RAP. Actions that strongly align with existing Council strategies such as cultural tourism and biodiversity were also seen as a priority, as well as increasing public cultural recognition. Council staff prioritised increased cultural awareness training and support for the public recognition of the Traditional Owners.

The consultation responses were ranked based on level of support from all the stakeholders and discussed with the three Traditional Owners, the RAP Working Group, Executive and Councillors. Proposed actions were selected on whether they were seen as high priorities, were high impact actions and whether they could be achieved in the two-year timeframe for delivering the RAP.

A draft RAP was developed using the template provided by Reconciliation Australia which has three pillars: Relationships; Respect; and Opportunities. This draft was reviewed by Executive, Councillors and Reconciliation Australia and subsequently revised. The revised RAP was reviewed a second time by Executive, Councillors and Reconciliation Australia, resulting in the current draft.

It is proposed that the draft RAP now be exhibited publically for a period of four weeks in July 2020. Concurrent to the public exhibition, the RAP will be sent to the three Traditional Owner groups and meetings arranged to discuss the draft.

Strategic Alignment

The project aligns with the following Council Plan priorities:

1. Promote health and wellbeing:
 - a. Celebrate and respect Indigenous culture.
 - b. Foster social connection and inclusion.
 - c. Foster arts and culture.
 - d. Promote mental health.

2. Protect the natural environment:
 - a. Protect biodiversity.
 - b. Enhance waterways and water catchment quality.

Council's Environment Strategy 2018 identifies the need to develop partnerships with Traditional Owners on land and water management and to work with Traditional Owners to identify cultural heritage in reserves managed by Council. Similarly the Biodiversity Strategy 2018 highlights sixteen actions focused on working in partnership with Traditional Owners around protecting and enhancing biodiversity.

Council's Visitor Economy Strategy 2019-2029 identifies the exploration of Aboriginal cultural tourism as a priority issue.

Council's Arts and Culture Strategy 2018-2028 identifies collaboration with Traditional Owners to understand and share Indigenous stories and culture as a key action.

Council's Youth Strategy 2018-2028 supports "targeted initiatives for young people that enable them to express their identities fully including Aboriginal and Torres Strait Islander Peoples".

The Hanging Rock Strategic Plan has three actions on reconciliation including developing a joint management model with Traditional Owners, protecting Traditional Owners' heritage and cultural values, and building visitors' knowledge and awareness of Aboriginal culture and heritage.

The draft RAP is also aligned with Traditional Owners' strategic priorities.

Dhelkunya Dja: Dja Dja Wurrung Country Plan 2014-2034 has a focus on strengthening the health and wellbeing of the Dja Dja Wurrung Peoples, reviving and actively managing the land and waters, being politically empowered, and having a strong and diverse economic base.

Taungurung's Country Plan, Taungurung Buk Dadbagi, aims to support the wellbeing of the Taungurung Peoples, manage and restore the natural environment and develop economic initiatives to support self-determination.

The Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation are in the process of developing their Country Plan. However, they have stated they have a strong historic and modern connections with Country within Macedon Ranges and want to move forward as partners in the local landscape, resource management and planning.

Implications

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

Council's draft 2020/2021 budget includes an allocation of \$6,000 to commence the implementation of the year one actions for the first half of 2021. The remaining year one actions and year two actions have been costed and will be part of budget bids for 2021/2022 and 2022/2023 financial years respectively.

Policy and Legislative Implications and Risks

The draft RAP supports the actions identified in the Local Government Engagement Strategy which is part of the Recognition and Settlement Agreement between the Victorian Government and the Dja Dja Wurrung Peoples under the Traditional Owner Settlement Act 2010 (Vic).

The details of the Recognition and Settlement Act with the Taungurung Peoples are yet to be published but it is expected that the draft RAP will also support actions identified in their Local Government Engagement Strategy.

Sustainability Implications and Risks (Social and Environmental)

Council sees the development and implementation of the RAP as a way to build better relationships with Traditional Owners and local Aboriginal and/or Torres Strait Islander Peoples. As this is Council's first RAP there is a focus on actions that build relationships and trust with Traditional Owners and the local Aboriginal and/or Torres Strait Islander communities as a foundational stage before commencing more collaborative work.

It is a Reconciliation Australia requirement that the RAP is reviewed every two years. The ongoing planning and implementation of reconciliation actions will ensure that social or environmental implications and risks are regularly assessed.

The RAP also identifies ways for Council to increase community awareness and understanding of Traditional Owners' cultures and histories, providing residents and visitors with an opportunity to learn from the connection Aboriginal and Torres Strait Islander Peoples have with their Country.

Natural resource management is a key focus for all three Traditional Owner groups and working in partnership with them will protect biodiversity in the shire and enhance our waterways and land management.

Charter of Human Rights Implications and Risks

The development and implementation of the RAP will support increased respect, equality and dignity for Aboriginal and/or Torres Strait Islander Peoples.

There are no issues identified that would affect Council's compliance with the Charter of Human Rights.

Officer Declaration of Conflict of Interest

Officers involved in the preparation of this report do not have any direct or indirect conflict of interest in this matter.

Conclusion

The RAP is a strategic guide towards advancing reconciliation in our shire, something that involves everyone in our communities. Council officers have undertaken an extensive consultation process with internal and external stakeholders to inform the draft RAP.

All community feedback obtained through the exhibition period will be considered in finalising the RAP which is expected to be provided to Council for formal consideration in September 2020.

CS.1	CONTRACTS TO BE AWARDED AS AT 24 JUNE 2020
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 note that the following contract will be awarded by Council officers under delegated authority:

- **C20.1069 Dixon Field Number 2 Pavilion Upgrade**

Background

Council's delegated authority to the Chief Executive Officer to award a contract is limited by the financial value of the contract. The power and financial limit are both set out in the Instrument of Delegation – Council to CEO (S5).

Officer's authority to enter into contracts for the provision of goods, services and works is set out in the miscellaneous and administrative powers section of the Instrument of Sub-Delegation by the Chief Executive Officer (S7) and is to be exercised in accordance with the financial delegations and the Macedon Ranges Shire Council 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.

C20.1069 Dixon Field Number 2 Pavilion Upgrade

This contract is for construction work to redevelop the existing change rooms and toilets at Dixon Field Number 2 pavilion located in Robertson Street, Gisborne.

Delegated authority to award the contract exists with the Chief Executive Officer. Funds for these works were provided in the 2019/20 Budget.

Consultation and Engagement

Nil

Strategic Alignment

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

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

Implications

Legislative

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. On 1 July 2021, Council will have a transition period until 31 December 2020 in which to enact the requirements of the *Local Government Act 2020*.

Officer Declaration of Conflict of Interest

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

Conclusion

That Council note that delegated authority exists for officers to award contract:

- C20.1069 Dixon Field Number 2 Pavilion Upgrade.

CS.2	SMALL PROJECT GRANTS—CONSIDERATION OF GRANT APPLICATIONS
Officer	Trudy Campbell, Governance Officer
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2019/20 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application. Applications are assessed against set criteria outlined in the Small Project Grants Guidelines (the guidelines). Funding recommendations are presented monthly at an Ordinary Council Meeting for review and/or approval.

This report details the process of evaluation and lists the applications received since the previous meeting.

Three applications have been received seeking a total of \$4,500 in funding. Officers recommend total funding of \$4,500. The three eligible applications have been evaluated against eligibility criteria and the officer assessments are summarised within this report.

Recommendation

That Council:

- 1. Approve an application from Scouts Victoria—Noonameena Camp (Lauriston): \$1,500 for a second-hand ride-on mower.**
- 2. Approve an application from Macedon Ranges Croquet Club: \$1,500 for 'Club Health & Wellbeing', the purchase of outdoor furniture.**
- 3. Approve an application from Kyneton Art Group Inc: \$1,500 for exhibition art display boards.**

Background

At the 22 August 2018 Ordinary Meeting, Council resolved to:

- 1. Endorse changing the name of the funding program from *Small Community Grants to Small Project Grants*;**
- 2. Endorse the new *Small Project Grants guidelines*; and**
- 3. Endorse the new *Small Project Grants application form*.**

The Small Project Grants program, unlike other funding schemes, is open for applications year round, except during the caretaker period leading up to a Council election.

Context

Eligibility criteria

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

The Small Project Grants Guidelines (guidelines), available on Council's website, outline the eligibility requirements of applicants and provide guidance on the projects or activities that will/will not be funded through the program.

Assessment Process

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

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

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

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

Application summaries and funding recommendations will be presented to Council at an Ordinary Meeting.

Application Assessments

The following application assessments are presented for Council consideration.

Applicant:	Scouts Victoria—Noonameena Scout Camp (Lauriston)
Date received:	15 April 2020
Project:	Purchase of a second-hand ride-on mower
Amount requested:	\$1,500
Previous funding received by group:	No
Eligibility:	Eligible
Assessed score:	70%
Officer comment (adequate explanation, completed Project planning):	<p>A straightforward project for the purchase of a second-hand ride-on mower to enable the ongoing maintenance of the Scouts Victoria Noonameena Scout Camp in Lauriston. Benefits of the purchase include the ability to provide a safe outdoor space for Scout members and their families, as well as to enable maintenance to be undertaken, reducing fire risks to the camp and surrounding properties.</p> <p>The project supports the Council Plan priorities of:</p> <ul style="list-style-type: none"> • promoting health and wellbeing • protecting the natural environment.
Officer recommendation:	To be funded
Amount recommended:	\$1,500

Applicant:	Macedon Ranges Croquet Club
Date received:	26 April 2020
Project:	Club Health & Wellbeing
Amount requested:	\$1,500
Previous funding received by group:	No
Eligibility:	Eligible
Assessed score:	65%
Officer comment (adequate explanation, completed Project planning):	<p>A straightforward purchase of outdoor furniture to replace existing amenities that are in disrepair. The purchase of new furniture will benefit existing club members and visitors by enabling them to interact socially outdoors.</p> <p>The project supports the Council Plan priorities of:</p> <ul style="list-style-type: none"> • promoting health and wellbeing • enhancing the social and economic environment.
Officer recommendation:	To be funded
Amount recommended:	\$1,500

Applicant:	Kyneton Art Group Inc.
Date received:	15 May 2020
Project:	Exhibition display boards
Amount requested:	\$1,500
Previous funding received by group:	No
Eligibility:	Eligible
Assessed score:	81%
Officer comment (adequate explanation, completed Project planning):	<p>A straightforward purchase of equipment—exhibition display boards to replace 40 year old heavy, unstable boards that are difficult to transport and erect. The project to construct new boards is proposed as a collaboration with Kyneton Men’s Shed that will result in boards that look more professional for displaying artwork and considers members’ occupational health and safety.</p> <p>The project supports the Council Plan priorities of:</p> <ul style="list-style-type: none"> • promoting health and wellbeing • enhancing the social and economic environment.
Officer recommendation:	To be funded
Amount recommended:	\$1,500

Consultation and Engagement

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

Strategic Alignment

The Small Project Grants program supports Council’s priority of strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Council’s Small Project Grants budget for 2019/20 is \$30,000. Grants of up to \$1,500 are available for eligible projects.

As at the preparation of this report, \$17,117 of funds have been committed to the Small Project Grants in 2019/20. This leaves \$12,883 remaining for allocation in the 2019/20 financial year, prior to review of the applications contained within this report.

Projects and/or activities must be completed within twelve months of receiving funding and funds must be expended only on the project described in the applications.

Successful applicants are required to submit an acquittal report on grant monies at the completion of the project. Applicants who fail to submit an acquittal will be ineligible to apply for future funding until the acquittal is received and approved.

Any unspent funds on a project/activity are to be returned to Council.

Policy and Legislative Implications and Risks

Nil

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The proposal does not limit rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

Officers have assessed the applications consistent with the assessment criteria matrix and have recommended that the eligible applications be supported with \$4,500 of funding.

CS.3	PROCUREMENT POLICY 2020
Officer	John Hausler, Director Corporate Services
Council Plan Relationship	Deliver strong and reliable government
Attachments	Draft Procurement Policy 2020

Purpose and Overview

Council adopted its most recent version of the Macedon Ranges Shire Council Procurement Policy in June 2019, during the 2018/19 financial year. Consistent with the requirements of the *Local Government Act 1989* an annual review of the policy has been conducted and a number of changes are suggested for consideration and adoption.

Recommendation

That Council:

- 1. Adopt the Macedon Ranges Shire Council Procurement Policy 2020.**
- 2. Direct that the adopted policy be placed on Council's website.**

Background

The genesis of the Procurement Policy is the *Local Government Act 1989* (LGA), which states in Section 186A that Council:

- (a) must have a Procurement Policy;
- (b) must comply with its Procurement Policy; and
- (c) must review its Procurement Policy at least once in each financial year.

The LGA also states that a "Procurement Policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council".

Council adopted its most recent version of the Macedon Ranges Shire Council Procurement Policy on 26 June 2019, during the 2018/19 financial year. During the 2019/20 annual review of the Macedon Ranges Shire Council Procurement Policy, it has been determined that changes should be considered. The updated draft Macedon Ranges Shire Council Procurement Policy 2020 is now attached for consideration.

Context

The purpose of the Macedon Ranges Shire Council Procurement Policy is to confirm the principles, internal controls and delegations that apply to the purchasing of goods and services, or undertaking works (such as construction and maintenance) thereby ensuring that Council continues to:

- Enhance the accountability and transparency of its procurement practices.
- Achieve good value for money and receive the benefits normally expected by seeking prices in a competitive market.
- Delegate appropriate levels of responsibility and control to officers.

The 2020 Macedon Ranges Shire Council Procurement Policy is broadly consistent with the 2019 adopted policy, with an attached version incorporating the changes recommended as a result of the legislatively required annual review of the policy. As a result of the review of the Macedon Ranges Shire Council Procurement Policy a number of sections recommended to be updated, including:

- The inclusion of a definition for collaboration, which reflects the opportunity to work with other councils and public bodies.
- The inclusion of Item 2.10 referencing the Supplier Code of Conduct.
- The mandatory use of VendorPanel (VendorPanel is the software utilised by Council and Municipal Association of Victoria to manage the seeking of quotes from Supply Panels) when procuring goods, services or works over \$1,000 from a Supplier on a Supply Panel.
- The variation of the threshold relating to supporting local businesses by increasing the threshold to be no more than 10% higher than the lowest price (maximum variance of \$10,000) where the local businesses goods, services or works are of equal or better quality than that of the lowest priced quote/tender from a non local-business.
- Other minor edits for clarity.

The most significant of these changes is the change to support for local business threshold. This threshold is currently applied on a very infrequent basis in tendering processes at the current threshold level. As such in order to both encourage and support local business, the thresholds are proposed to be increased until the next review of the Macedon Ranges Shire Council Procurement Policy in 2021, when a new version will need to be developed to comply with the *Local Government Act 2020*.

Consultation and Engagement

A draft version of the updated Macedon Ranges Shire Council Procurement Policy was considered at the May 2020 Audit Committee meeting. The committee noted the recommended changes incorporated into the version of the Macedon Ranges Shire Council Procurement Policy before Councillors for adoption.

Strategic Alignment

The recommendation outlined in the report supports Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

There is a potential financial implication in regard to the increase in the threshold that supports local business. Council may in some instances pay a higher amount for services from local suppliers. This impact is currently unknown and will depend upon both the utilisation of the provision and the relative amount of the price variance. At this point in time it is not expected to have a material impact on the budget.

Policy and Legislative Implications and Risks

The new provisions for procurement under the *Local Government Act 2020* do not come into effect until 1 July 2021 and consequently, in order for councils to be compliant in procurement they are required to maintain the status quo under the *Local Government Act 1989* legislation. This legislation requires a review of the policy once each financial year.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The recommendation outlined in the report does not limited any rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

The Macedon Ranges Shire Council Procurement Policy 2020 remains consistent with the requirements of the *Local Government Act 1989*. It provides officers with sound principles and a defined control structure for the procurement process. Officers recommend that Council adopt the Macedon Ranges Shire Council Procurement Policy.

CS.4	REPORT FROM THE AUDIT COMMITTEE MEETING HELD ON 6 MAY 2020
Officer	Kaitlin Evans, Executive Assistant – Corporate Services
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

This report ensures Council transparently discloses a summary of the key matters discussed at Council's Audit Committee.

The 6 May 2020 Committee meeting discussed a number of matters including:

- External Audit Strategy;
- Annual and Multi-Year Audit Plan;
- Audit and Risk Committee Draft Charter;
- Project Management Internal Audit;
- OH&S Internal Audit;
- Procurement Policy Review and Breach;
- Draft 2020/21 Budget, Draft Strategic Resource Plan and Draft Council Plan (Year Four);
- Asset Accounting and Valuation Procedures;
- Local Government Act 2020; and
- COVID-19 Pandemic Update.

Recommendation

That Council note the report together with the draft minutes from the Audit Committee Meeting held on 6 May 2020.

Background

The Audit Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 139 of the Local Government Act 1989.

The Committee meets regularly during the year to review and provide advice on matters that assist Council in the effective conduct of its responsibilities.

Context

A meeting of the Audit Committee of Council was held on Wednesday 6 May 2020. The draft minutes from this meeting have been distributed to all Councillors.

A brief summary of a number of the key items discussed appear below:

External Audit Strategy – The External Audit Strategy was presented by the Victorian Auditor-General's appointed representative and noted by the Committee.

1. Annual and Multi-Year Audit Plan – A revised Audit Committee Annual and Multi-Year Audit Plan was provided and endorsed by the Committee.
2. Audit and Risk Committee Charter– A revised Audit and Risk Committee Charter was provided and endorsed by the Committee to be progressed to Council for adoption.
3. Project Management Internal Audit– The completed Project Management Internal Audit was presented, discussed and noted by the Committee.
4. OH&S Internal Audit– The completed OH&S Internal Audit was presented, discussed and noted by the Committee.
5. Procurement Policy Review and Breach– A revised Procurement Policy was presented to the Audit Committee, along with a summary of proposed changes. A future possible breach of the Procurement Policy was also noted by the Committee.
6. Draft 2020/21 Budget, Draft Strategic Resource Plan and Draft Council Plan (Year Four)– The draft documents were provided to the Committee, who acknowledged the challenges and complexities facing the organisation in relation to preparing this information, during COVID 19 pandemic.
7. Asset Accounting and Valuation Procedures– The updated Asset and Accounting Valuation Procedure was provided to the Committee for review, the Committee noted the revised procedures and provided feedback.
8. Local Government Act 2020– An update was provided and noted by the Committee in relation to the new Local Government Act.
9. COVID-19 Pandemic Update– An update was provided and noted by the Committee in relation to the organisations response to COVID-19 pandemic, specifically closure of councils facilities, alternative working arrangements for staff and the Working for Victoria Grant agreement.

Consultation and Engagement

Nil

Strategic Alignment

The Committee is a legislative requirement which assists Council deliver on its priority of strong and reliable government, and achieve its vision by following good governance processes.

Implications

Policy and Legislative Implications and Risks

The Audit Committee is appointed pursuant to Section 139 of the *Local Government Act 1989*. The *Local Government Act 2020* in relation to the operation of the Audit Committee has not come into effect as yet and hence the 1989 Act is referenced in this report. The requirements of the Local Government Act 2020 need to be in place by 1 September 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

The 6 May 2020 draft minutes will be confirmed at the next meeting of the Audit Committee, scheduled for 13 August 2020.

CS.5	REVOCATION OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION TO STAFF UNDER THE <i>PLANNING AND ENVIRONMENT ACT 1987</i>
Officers	Rebecca Ashcroft, Governance Officer and Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

That Council revoke the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* for a staff member who no longer holds the role of Coordinator Statutory Planning.

Recommendation:

That Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987*, to revoke the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for John Edwards, effective 24 June 2020.

Background

The appointment of authorised officers enables appropriate staff within the organisation and other persons (for example, contractors) to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

The appointment and authorisation of officers, under most of the legislation for which Council is responsible, is able to be approved by the Chief Executive Officer under delegation. These appointments are given effect through the S11 – Instrument of Appointment and Authorisation.

However, a separate instrument of appointment exists for the appointment of authorised officers under the *Planning and Environment Act 1987* – the S11A Instrument of Appointment and Authorisation. This Instrument essentially provides for officers to enter and/or inspect land to enable an assessment under the provisions of the *Planning and Environment Act 1987*. Such inspections would usually relate to a planning enforcement matter.

(It should be noted that despite the commencement of a number of provisions of the *Local Government Act 2020* on 1 May 2020, section 224 of the *Local Government Act 1989* remains in force and continues to be the authorising provision for the approval and revocation of S11A Instruments of Appointment and Authorisation).

Context

Advice from Maddocks recommends that S11A Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* be authorised and revoked by Council resolution.

An Instrument for Mr John Edwards was endorsed by Council on 26 June 2019. As Mr Edwards no longer holds a role with Council that requires him to be appointed as an authorised officer under the *Planning and Environment Act 1987*, it is appropriate that the existing Instrument of Appointment and Authorisation be revoked.

Consultation and Engagement

Officers involved in the preparation of this report have consulted internally with the Planning and Environment directorate.

Strategic Alignment

The recommendation outlined in the report supports Council's strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The recommendation outlined in the report does not have financial, resource, information technology and asset management implications nor raises any risks.

Policy and Legislative Implications and Risks

As noted above, the appointment of authorised officers enables appropriate staff within the organisation and other persons to administer and enforce various Acts, regulations or local laws in accordance with the powers granted to them under legislation or a local law.

Sustainability Implications and Risks (Social and Environmental)

The recommendation outlined in the report does not have sustainability implications nor raises any risks.

Charter of Human Rights Implications and Risks

The recommendation outlined in the report does not limit any rights set out in the Charter of Human Rights.

Officer Declaration of Conflict of Interest

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

Conclusion

It is appropriate that Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987* to revoke the Instrument of Appointment and Authorisation for Mr John Edwards, who no longer holds the role of Coordinator Statutory Planning.

CS.6	REVISED INSTRUMENT OF DELEGATION FROM COUNCIL TO CEO (S5)
Officers	Lauren Reader, Coordinator Governance and Rebecca Ashcroft, Governance Officer
Council Plan Relationship	Deliver strong and reliable government
Attachments	Instrument of Delegation – Council to CEO (S5) – June 2020

Purpose and Overview

To seek Council's approval of a revised Instrument of Delegation to the CEO (S5) in light of the commencement of new delegation provisions in the *Local Government Act 2020*.

Recommendation

That Council:

- 1. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), resolves that:**
 - a. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation - Council to CEO (S5)*, subject to the conditions and limitations specified in that Instrument.**
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
 - c. On the coming into force of the instrument the previous *Instrument of Delegation - Council to CEO (S5)* is revoked.**
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
 - 2. Note that the two new Instruments, *Instrument of Sub-Delegation from the Chief Executive Officer to Members of Council Staff under the Local Government Acts of 1989 and 2020 (S7A)*, and *Instrument of Delegation by CEO of CEO Powers under the Local Government Acts of 1989 and 2020 (S13A)*, have been drafted and will be reviewed and authorised by the Chief Executive Officer.**
 - 3. Note that Council's other key instruments of delegation do not require amendment at this time.**
-

Background

Delegations are necessary to enable Council to conduct business efficiently. Under the *Local Government Act 1989* (LGA 1989), routine decisions of Council were able to be delegated to the CEO, members of staff or to Special Committees.

The *Local Government Act 2020* (LGA 2020) enables Council to delegate its powers, duties and functions to members of a delegated committee or to its Chief Executive Officer (CEO) (s.11). Officers are advised that further information regarding the implications for Council's current instrument of delegation to Council Staff (S6) will be received in July.

The LGA 2020 also enables the CEO to delegate powers, duties and functions of the Council to a member of Council staff or to the members of a Community Asset Committee (s.47).

While the delegation provisions of the LGA 2020 commenced on 1 May 2020, unless revoked sooner, any existing delegation made by Council or its CEO under the LGA 1989 remains in force until 1 September 2020.

May 2020 updates

On 1 May 2020, Council received advice from the Maddocks Delegations and Authorisations Service regarding commencement of the new delegation provisions of the LGA 2020. The advice included a number of updated template instruments of delegation, including:

- Instrument of Delegation - Council to CEO (S5)
- Instrument of Sub-Delegation from the Chief Executive Officer to Members of Council Staff under the Local Government Acts of 1989 and 2020 (S7A) – (Council powers)
- Instrument of Delegation by the CEO under the Local Government Acts of 1989 and 2020 (S13A) – (CEO powers).

Instrument of Delegation - Council to CEO (S5)

The last time the *Instrument of Delegation – Council to CEO (S5)* was updated and approved by Council was on 27 September 2017.

A revised S5 has been prepared for consideration and adoption by Council. As with the current instrument, the updated instrument delegates to the CEO the power to:

- determine any issue;
- take any action; or
- do any act or thing, arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

subject to certain conditions and limitations.

The updated template instrument has been drafted by Maddocks, then reviewed and finalised by Officers. The instrument reflects the requirements of the LGA 2020 and:

- includes the matters that cannot be delegated to the CEO pursuant to s.11(2) of the Act;
- proposes to delegate power to the CEO to appoint an Acting CEO for a period not exceeding 28 days, in accordance with s.11(3) of the Act; and

- includes that any delegation to enter into a contract must include a financial limit, in accordance with s.11(5) of the Act.

These matters are listed as the Conditions and Limitations in the Schedule to the Instrument.

Instruments of Delegation – S7A and S13A [to be approved by the CEO]

It should be noted that the new S7A and S13A instruments of delegation are “companion” instruments that will sit alongside Council’s existing instruments of delegation (S7 and S13). They deal only with powers under the LGA 1989 or the LGA 2020, including provisions in both Acts that continue to be in force, as well as provisions that have not yet commenced (LGA 2020), or that are due to be repealed (LGA 1989).

As the existing S7 and S13 instruments, which were made under the LGA 1989 will only continue in force until 1 September 2020, the inclusion of LGA 1989 provisions which continue after 1 September 2020 in the S7A and S13A instruments ensure they continue until their respective date of repeal. These instruments are being drafted and will be reviewed and approved by the CEO, before being published on Council’s website.

Note that before the CEO can approve the S7A instrument of sub-delegation, Council’s approval of an updated S5 Instrument of Delegation is required. This is not the case for the CEO’s approval of the S13A instrument, which provides for the delegation by the CEO of CEO powers.

Consultation and Engagement

Governance Officers have prepared the updated Instrument of Delegation following the receipt of advice on the commencement of new delegation provisions in the LGA 2020 and of revised templates reflecting same.

Officers have been advised that a further update to Council’s other instruments of delegation will be provided in July 2020 following a comprehensive review by Maddocks of all legislation referred to in existing instruments.

Strategic Alignment

The report relates to the Council Plan priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The proposal does not raise any financial, resource, IT or asset management risks for Council.

Policy and Legislative Implications and Risks

The proposal aims to ensure Council’s powers, duties and functions under the LGA and other legislative provisions are appropriately delegated, given the changes to legislation outlined in this report.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any sustainability risks for Council.

Charter of Human Rights Implications and Risks

The proposal does not limit any rights contained in the Charter of Human Rights and Responsibilities.

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

Following the receipt of advice from the Maddocks Delegations and Authorisations Service on 1 May 2020, an updated *Instrument of Delegation by Council to CEO* (S5) has been prepared for Council's consideration, and is recommended for adoption.

AO.1	MOBILE TRADING GUIDELINES
Officer	Allie Jalbert, Acting Manager Community Safety
Council Plan Relationship	Promote health and wellbeing Enhance the social and economic environment
Attachments	Roadside and Footpath Trading Policy 2019 (revision)

Purpose and Overview

To update Councillors on the progress of community consultation undertaken on the draft *Mobile Trading Guidelines* and to seek deferral of the introduction of mobile trading on Council land and roads.

Following amendments made to the *General Purposes and Amenity Local Law No 10 of 2013* at the Ordinary Council Meeting on 24 July 2019, the *Mobile Trading Guidelines* were due to be implemented by 1 July 2020. Their creation is an action in the *Roadside and Footpath Trading Policy 2019*, to support the issuing of permits for mobile trading activities.

Consultation occurred earlier this year, but there was no feedback received. This appears to be a result of COVID-19 impacts on the community and local businesses. The level of feedback received, and potentially the ability of people to provide feedback in this challenging time, is not deemed sufficient to meet the requirements of Council's Community Consultation Framework. Further consultation on the Draft Mobile Trading Guidelines is required prior to it being implemented, to ensure no unintended consequences and consideration of the community's feedback.

Approval is being sought to defer the introduction of mobile trading on Council land and roads until the *Mobile Trading Guidelines* can be finalised and provided for consideration by Council for inclusion in the *Roadside and Footpath Trading Policy 2019*.

Recommendation

That Council:

- 1. Note that the *Mobile Trading Guidelines* were drafted and community consultation undertaken in March 2020, however the ability to consult with the community and businesses was hindered by COVID-19, resulting in low engagement.**
- 2. Defer further consultation on the draft *Mobile Trading Guidelines* for up to 12 months, pending the lifting of COVID-19 restrictions.**
- 3. Defer the introduction of mobile trading permits and associated fees from 1 July 2020, until such time as further community consultation is undertaken and the *Mobile Trading Guidelines* are adopted by Council.**

4. Direct that the *Roadside and Footpath Trading Policy 2019* be amended to remove the sentence on page 26 that states, “It is proposed that mobile trading will be permitted from 1 July 2020.”
 5. Direct that these changes are communicated to the community.
 6. Direct that a further report be presented to Council by no later than the end of June 2021, proposing a timeline to recommence the public consultation process for the draft *Mobile Trading Guidelines*.
-

Background

At the Council Meeting on 28 August 2019 Council resolved to:

- “1. **Adopt the *Roadside and Footpath Trading Policy*;**
2. **Rescind the *2004 Street Furniture Policy* and the *2005 Temporary (Real Estate Agents) Sandwich Board Policy*; and**
3. **Review the fees and charges for permits for roadside and footpath trading and introduce revised fees and charges in 2020/21.”**

The *Roadside and Footpath Trading Policy 2019* (Policy) was adopted after changes were made to the *General Purposes and Amenity Local Law No. 10* (Local Law) that enabled broader application of the policy to trading activities on Council land and roads. Changes included the insertion of a definition for mobile trading and insertion of clause 8(1)(d) requiring a permit to conduct mobile trading on Council land or roads (effective from 1 July 2020.)

At the Council Meeting on 24 July 2019 Council resolved that:

- “1. **Having considered submissions in accordance with Section 223 of the *Local Government Act 1989*, make the ‘*General Purposes and Amenity (Amendment) Local Law 2019*’ which will come into operation on 24 July 2019 except clause 8 (1)(d) in clause 7 which will come into operation on 1 July 2020;**
2. **Affix the Common Seal of Council to the ‘*General Purposes and Amenity (Amendment) Local Law 2019*’;**
3. **Give public notice of the making of the ‘*General Purposes and Amenity (Amendment) Local Law 2019*’ in the *Government Gazette* and local newspapers in accordance with Section 119(3) of the *Local Government Act 1989*;**
4. **Forward a copy of the ‘*General Purposes and Amenity (Amendment) Local Law 2019*’ to the Minister for Local Government, in accordance with Section 119(4) of the *Local Government Act 1989*; and**
5. **Note officers will provide a written response to all persons who made a submission on the *Draft General Purposes and Amenity (Amendment) Local Law 2019* thanking them for their submission.”**

New draft *Mobile Trading Guidelines* (Guidelines) were subsequently developed and released for community consultation. The draft Guidelines aim to balance existing business activities with mobile trading activities, and proposed a number of requirements for mobile traders to ensure the safety and amenity of the community.

Context

Currently, where relevant commercial zoning applies, mobile trading can operate on private land without a Local Law permit.

Mobile trading can also lawfully occur on Council land and roads as part of markets, events, and festivals, if Council approval is in place through a lease, planning permit, activity on roads permit, or formal event approval. In these circumstances, mobile traders must operate within the land footprint where the relevant approval applies.

Mobile trading on Council land and roads outside of these criteria is currently not permitted. However, amendments to the Local Law will enable permits to be issued for mobile trading on Council land and roads from 1 July 2020. This date was set to allow for development and consultation of Guidelines to be incorporated into the Policy as a regulatory framework for mobile trading.

The Policy specifies that Guidelines, with requirements for mobile trading, will be developed and a schedule of fees will be prepared for proposed introduction from 1 July 2020.

The draft Guidelines were completed in January 2020 and released for consultation in March 2020. This coincided with the activation of social distancing, closing of many hospitality and related business and the heightened anxiety of the community cause by COVID-19. As a result, there was no feedback provided via the consultation webpage. Officers decided not to continue with a direct mailing to businesses, it was felt this would not be appropriate when business operators were already busy with understanding what would happen to their businesses in a COVID-19 environment.

Businesses are still impacted by COVID-19. The regional economic recovery and specific impacts to individual business is still not known. Officers are not seeking to implement mobile trading on Council roads and land until after the COVID-19 recovery is well underway and businesses have reopened.

It is not known how long this will take. Officers are recommending that a further report be presented to Council by no later than the end of June 2021, proposing a timeline to recommence the public consultation process for the draft *Mobile Trading Guidelines*.

In order to achieve this there is a need for Council to consider officer recommendations to adjust the Policy to remove the reference on page 26, "*It is proposed that mobile trading will be permitted from 1 July 2020.*"

Consultation and Engagement

A consultation plan for the Guidelines was developed according to Council's Community Consultation Framework.

Proposed draft Guidelines were released for community consultation on Council's Have Your Say page from 16 March 2020 to Sunday 12 April 2020. A survey was opened to capture feedback.

The consultation was promoted on Council’s website and in a media release. Due to unanticipated COVID-19 impacts throughout March and April, the capacity to reach the community and businesses as planned during this period was not achieved.

The survey remained open for feedback on Council’s website until 12 April 2020. However, engagement was low, with Council not receiving any feedback or enquiries about the proposed Mobile Trading Guidelines during the consultation period.

Strategic Alignment

The proposed Guidelines align with the following priorities set out in the Council Plan 2017-2027:

- Promote health and wellbeing – contribute to community safety
- Enhance the social and economic environment – encourage business diversity and growth

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Mobile trading permit fees have not been introduced as part of the 2020-2021 budget pending consultation on the draft Guidelines.

Policy and Legislative Implications and Risks

Council’s General Purposes and Amenity Local Law No 13 of 2019 amended the General Purposes and Amenity Local Law No 10 of 2013 when adopted on 24 July 2019. This included an amendment to insert Clause 8(1)(d) to become effective from 1 July 2020. Local Law Clause 8(1)(d) states:

“A person must obtain a permit before using Council land or a road for mobile trading.”

Local Law Clause 52 outlines matters the Council or an Authorised Officer may consider when an application for a permit is made. Local Law Clause 52(1)(a) states:

“In considering an application for a permit the Council or an Authorised Officer may consider any policy or guideline adopted by the Council relating to the subject matter of the application for the permit.”

The Policy contains within its guidelines, on page 26, a reference to mobile trading that states:

“Mobile Trading - Additional requirements

Mobile Trading as defined in the Local Law and this Policy is currently not permitted. Additional requirements will be developed that will apply to mobile traders and a schedule of fees will be prepared. It is proposed that mobile trading will be permitted from 1 July 2020.”

There is a risk that those wanting to conduct mobile trading on Council land and roads will apply for permits from 1 July 2020 with an expectation permits will be issued. This officer recommendation aims to clarify Council’s position on the issuing of mobile trading permits once Clause 8(1)(d) comes into effect by removing the reference to *“It is proposed that mobile trading will be permitted from 1 July 2020”*.

Sustainability Implications and Risks (Social and Environmental)

There is nothing referenced in this report that 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

The COVID-19 pandemic has impacted Council's ability to properly consult on the Mobile Trading Guidelines in order to seek implementation prior to 1 July 2020. To ensure a balanced and consistent regulatory framework is in place before mobile trading permits are introduced, it is recommended that renewed consultation is undertaken on the draft Mobile Trading Guidelines once the economic impact of COVID-19 have dissipated somewhat.

It should be noted that Council previously approved the draft Guidelines for consultation with the community. It is recommended this consultation is deferred for up to 12 months to enable better engagement with the community and businesses, once COVID-19 impacts are reduced and community and economic recovery is underway.

14. NOTICES OF MOTION

Notice of Motion No. 14/2019-20 – Councillor Jennifer Anderson

That Council:

- 1) **Direct the CEO to write to: State Member for Macedon, Mary-Anne Thomas MP; Federal Member for McEwan Rob Mitchell MP; Federal Member for Bendigo, Lisa Chesters MP; the Victorian Minister for Energy, Environment and Climate Change; the Honourable Lily D'Ambrosio MP; and the Australian Minister for the Environment the Honourable Sussan Ley MP, requesting that additional funding be allocated to initiatives that contribute to protection and enhancement of conservation values on public land within the Macedon Ranges Shire, including for, but not limited to:**
 - **Weed and pest animal control (including roadside weed management)**
 - **Revegetation where needed**
 - **Infrastructure to help manage recreation uses (e.g. shared trails where appropriate, gates and signage)**
 - **Enforcement of park regulations through increased ranger presence,**
 - **Increased surveillance and enforcement of littering and illegal dumping**
 - **Biodiversity monitoring, particularly before and after planned burns**

- 2) **Direct the CEO to include in the letter the following information, to support our request for additional funding:**
 - **Approximately 11% of land in the Macedon Ranges is public land, managed by Council or the State Government and its agencies for conservation. This includes:**
 - **Over 40 bushland and conservation reserves managed by Council**
 - **The Cobaw State Forest, Wombat State Forest (part), Lerderderg State Park (part), Macedon Regional Park, Lauriston Bushland Reserve, Mount Charlie Flora and Fauna Reserve, T Hill Reserve, and Conglomerate Gully, which are managed by DELWP or Parks Victoria.**
 - **That these reserves are valuable refuges for native flora and fauna which will become even more important as changes in the climate place pressure on the state's natural habitat areas.**
 - **That these reserves are also under threat from inappropriate recreational uses, weed invasion, pest animal impacts, illegal dumping of rubbish ("Fly tipping") and, in some cases, overly frequent and badly assessed planned burning.**
 - **Macedon Ranges Shire Council has concerns about the inadequate level of funding in the annual State and Federal budget for conservation of public land, given the extent of land in the shire under public management.**

- **That the Macedon Ranges Shire has been declared a “distinctive area and landscape” with its Statement of Planning Policy stating the importance of “the need to conserve and enhance significant landscape features, biodiversity and ecological values.”**

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

Nil