

Agenda

Council Meeting
Wednesday 25 August 2021 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that Macedon Ranges Shire is on Dja Dja Wurrung, Taungurung and Wurundjeri Woi Wurrung Countries. Council acknowledges that we are gathering today on the land of Wurundjeri Woi Wurrung peoples. Council pays its respects to their Elders past, present and emerging and the Elders from other communities who may be here today.

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

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

6 MAYOR'S REPORT**6.1 MAYOR'S REPORT - AUGUST 2021****Summary**

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

Recommendation

That Council receives and notes the Mayor's report.

Mayor's reportEvents

Once again COVID restrictions, although eased somewhat in regional Victoria, have resulted in many events and celebrations having to be postponed or cancelled. Council appreciates all the time and effort that community groups make to provide events for the community, particularly those who have applied for and successfully gained Council grants. We encourage groups to work with staff to alter funding agreements where possible, if events can be carried forward to a future date or be provided in a different format.

Two larger events that have sadly been unable to progress at the time of writing this report are the second instalment of the Woodend Winter Arts Festival and the majority of scheduled activities of the Kyneton Daffodil and Arts Festival. We know that behind the scenes volunteer committees put in countless hours of effort to get these events up and running and it is a hard decision to make to not put them on again in their full format this year. We hope with increased vaccinations and a lessening of the restrictions both events can come back bigger and better in 2022.

Having been rescheduled previously, the Youth Council arranged by Mary Anne Thomas, MP, continued in an online format on a new date on 10 August. It was a great pleasure to be invited as a guest speaker, along with Amanda Gauci, Macedon Ranges Citizen of the Year Award Winner 2021. We both spoke about how young people can become more engaged with Council and with volunteering. Topics included protecting the environment, social and affordable housing and collaborating with others about what you are truly passionate about. What a great group of young people, who asked insightful and interesting questions.

Kyneton RSL was able to provide two occasions for remembrance: Victory in the Pacific Day and Vietnam Veterans Day ceremonies. We thank all those who served or are serving in the armed services and their families, friends and support networks and the RSL and Legacy for their ongoing support they offer.

Storm recovery update

Council continues to work with Bushfire Recovery Victoria (BRV) the lead agency in assisting with ongoing storm event recovery. I encourage any land owner who is having difficulties with their own clean up to make contact with us. Details are all available on Council's website. We put the word out calling for interest in free firewood reclaimed from trees that had come down in the storms, which will not be able to be burned until next year. Our great customer service team took more than 200 registrations. We can't take any more at present, but keep an eye out for when the next instalment is released.

Council ran a series of community recovery drop-in sessions across five of our major towns where representatives from multiple organisations involved in the recovery from the storms were present to talk to residents. We still have our Recovery Operations Centre available on 5422 0237 or via email at recovery@mrsc.vic.gov.au

Our website will continually be updated with the latest storm recovery advice.

Meetings

Councillor delegates were invited to participate in the following meetings:

- Workspace Australia Board Meeting on 12 August
- Audit and Risk Committee Meeting on 18 August
- Loddon Mallee Waste and Resource Recovery Group Forum on 19 August

CEO and Mayoral Meetings this month included:

- Parks Victoria CEO and Chair of the Board
- Tim Quilty, MLC, member for Northern Victoria
- The Honourable Minister for Local Government, Shaun Leane MP, and Member for Macedon Mary-Anne Thomas MP
- Hepburn Shire Council staff, CEO and Mayor regarding the Daylesford to Macedon Ranges Rail Trail Project
- Loddon Campaspe Mayors and CEO forum

The CEO and I attended a virtual meeting with the CEOs and Mayors of the Loddon Campaspe region. This is a regular meeting that occurs every two months. Topics included provision of sewerage to small towns, the 100Gig Bendigo and Loddon Campaspe Region project and Loddon Campaspe Housing Strategy update. We discussed collaborative approaches to new State Government legislative requirements in multiple areas and the progress on the City of Gastronomy and World Heritage listing for Goldfields.

At the many meetings we attend, we continue to advocate for increased ongoing support to Council and residents for recovery following the storms as well as discussions on social and affordable housing, the Regional Sports Precinct project and planning for the future of the Macedon Ranges in general including projected population growth and infrastructure requirements. Connectivity through better public transport and walking and cycling capacity along with improved mobile and NBN coverage are always part of the advocacy conversation.

Consultations

With COVID restrictions, consulting has had to take on new formats. We are unable to get out and about as we usually do at farmers markets and drop-in sessions.

During August we have been receiving submissions on the draft Economic Development Strategy, Hanging Rock Environmental Management Plan, Early Years Plan, Cool Changes and the Environment Strategy.

On Wednesday 11 August, Council held a facilitated panel discussion on the draft Rural Land Use strategy. Thank you to all who attended. If you were unable to attend it has been recorded and is available on Council's website. This consultation closes on 30 August.

Sport4All Pilot

Council is proud to be one of six councils across Victoria joining the Sport4All pilot, an exciting new program to help build capacity for people with a disability to be welcomed into local schools and sports clubs. This is a collaboration between the Australian Government, Sports Australia and Get Skilled Access. Work will be undertaken across Council to imbed

the Sport4All program across Macedon Ranges with a strong focus on diversity and inclusion.

Once again, please continue to check on each other and ask for each other's support. We know the COVID restrictions have altered how we live our daily lives in so many ways. Continue to support our local businesses whenever you can, and stay home if you are unwell, get tested and get vaccinated as soon as you are able.

7 PETITIONS

8 ADOPTION OF MINUTES

Recommendation

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 28 July 2021, as circulated.

9 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - JULY TO AUGUST 2021****Summary**

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

Recommendation

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

Record of meetings

Type of meeting	Health and Wellbeing Advisory Committee
Date and time	Wednesday 21 July 2021 at 7pm
Venue	Held online (via Zoom)
Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Chairperson) Cr Janet Pearce
Present – Committee members	Geoff Caddick Annamarie Perlesz Rachael Wauchope
Present - officers	Gina Lyons Fiona Alexander Emma Orchard Nathan Upson Alexandra Adams
Apologies	Paul Stuart Marie Zoethout Ronelle Wetton Travis Harling
Presenters	N/A
Items discussed	<ul style="list-style-type: none"> • Healthier Masculinities Project update • Gender Equality Action Plan update • Municipal Public Health and Wellbeing Project Plan and Disability Action Plan • Review of Committee effectiveness

	<ul style="list-style-type: none"> • General business
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>N/A</p> <p>Did they leave the meeting? N/A</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	Tuesday 27 July 2021 at 9.30am
Venue	Held online (via Zoom)
Present – Councillors	<p>Cr Jennifer Anderson (Mayor)</p> <p>Cr Mark Ridgeway (Deputy Mayor)</p> <p>Cr Dominic Bonanno</p> <p>Cr Annette Death</p> <p>Cr Rob Guthrie</p> <p>Cr Anne Moore</p> <p>Cr Geoff Neil</p> <p>Cr Janet Pearce</p> <p>Cr Bill West</p>
Present – Officers	<p>Bernie O’Sullivan</p> <p>Angela Hughes</p> <p>Shane Walden</p> <p>Nathan Upson</p> <p>Gina Lyons</p> <p>Travis Harling</p> <p>Stephen Pykett</p> <p>David Bergin</p> <p>Rob Ball</p> <p>Kate Young</p> <p>Fiona Alexander</p> <p>Michelle Wyatt</p> <p>Christo Crafford</p> <p>Allison Watt</p>
Apologies	Nil
Presenters	Chris Rowlands and Emily Peel (NBN Co)
Items discussed	<ul style="list-style-type: none"> • Energy opportunities • Budget process debrief

	<ul style="list-style-type: none"> • NBN Presentation and Q&A • Planning matters: <ul style="list-style-type: none"> ○ PLN/2021/87 -16a Calthorpe Street, Gisborne ○ PLN/2017/296a - 111 Tweddle Road, Gisborne South • Agenda review for 28 July Council Meeting
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	N/A Did they leave the meeting? N/A
Conflicts of interest declared by officers	N/A Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	Tuesday 3 August 2021 at 9.30am
Venue	Gisborne Administration Centre
Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore (via Zoom) Cr Geoff Neil Cr Janet Pearce Cr Bill West
Present – Officers	Bernie O’Sullivan Angela Hughes Shane Walden Gina Lyons Chrissy Gordon Travis Harling Allie Jalbert Bob Elkington Stephen Pykett Will Rayner Awais Sadiq Christo Crafford Rob Ball

	Leanne Khan Allison Watt
Apologies	Nil
Presenters	Dr Jenny Grounds (Medical Association for Prevention of War (Australia))
Items discussed	<ul style="list-style-type: none"> • Medical Association for Prevention of War Presentation • Community Vision, Council Plan & Financial Plan – Final draft for consideration & feedback prior to release for public consultation • Council Financial Reserves Policy – Response to notice of motion – use of funds • Mobile Trading Guidelines • Macedon Ranges RV Facilities Site • Planning matters: <ul style="list-style-type: none"> ○ MCA/2020/59 – 27 Booths Lane, Woodend ○ PLN/2020/331 – Aged Care Facility, Romsey • Amess Road Precinct
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	N/A Did they leave the meeting? N/A
Conflicts of interest declared by officers	N/A Did they leave the meeting? N/A

Type of meeting	Councillor Briefing
Date and time	Tuesday 10 August 2021 at 9.30am
Venue	Gisborne Administration Centre
Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Rob Guthrie Cr Anne Moore (via Zoom) Cr Geoff Neil Cr Janet Pearce Cr Bill West

<p>Present – Officers</p>	<p>Bernie O’Sullivan Angela Hughes Shane Walden Gina Lyons Chrissy Gordon (via Zoom) Evert Grobbelaar Travis Harling Fiona Alexander David Bergin Rob Ball Awais Sadiq Christo Crafford Allison Watt</p>
<p>Apologies</p>	<p>Cr Annette Death</p>
<p>Presenters</p>	<p>Jane Burton, Annie Farrow and Donna Mongan (Minerals Development Victoria — Department of Jobs, Precincts and Regions) via Zoom</p>
<p>Items discussed</p>	<ul style="list-style-type: none"> • Minerals Exploration Presentation • Analysis of 2020/21 Capital Works Performance • Planning matter: <ul style="list-style-type: none"> ○ PLN/2021/147 Honeysuckle Road, Lauriston • Planning Delegated Committee Meeting Agenda Review and Zoom Trial • Council Plan – Final draft for consideration & feedback prior to release for public consultation • Health & Wellbeing Plan 2021-2025 • Affordable housing • Agenda review for 25 August Council Meeting
<p>Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed</p>	<p>N/A</p> <p>Did they leave the meeting? N/A</p>
<p>Conflicts of interest declared by officers</p>	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

Type of meeting	Councillor Briefing
Date and time	Tuesday 17 August 2021 at 9.45am
Venue	Gisborne Administration Centre
Present - Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore (via Zoom) Cr Geoff Neil Cr Janet Pearce (via Zoom) Cr Bill West
Present - Officers	Bernie O'Sullivan Angela Hughes (via Zoom) Gina Lyons Chrissy Gordon Simon Finlay (via Zoom) Bob Elkington Stephen Pykett Will Rayner Kate Young (via Zoom) Allison Watt Fleur Marshall (via Zoom) David Bergin (via Zoom) Evert Grobbelaar Christo Crafford Awais Sadiq Rob Ball Leanne Khan Louise Dewberry Isobel Maginn
Apologies	Nil
Presenters	Nil
Items discussed	<ul style="list-style-type: none"> • Christmas decoration options • Review of Autumn Management Project • Australia Day 2022 • Community Satisfaction Survey • External speakers on Planning Matters Policy • Planning matters

	<ul style="list-style-type: none"> ○ 10 Neal Street, Gisborne ○ Central Road, Tylden ● Malmsbury Strategic Planning ● Clarkefield Development Plan ● Planning Policy Framework (PPF) translation ● Agenda review for 25 August Council Meeting ● Gisborne Futures – Response to submissions
<p>Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed</p>	<p>At the start of the briefing, Cr Guthrie read the following statement:</p> <p>“I previously removed myself from discussions and decisions regarding the Gisborne Futures Project while I was awaiting legal advice as to whether there was a basis for a reasonable apprehension of bias. I have now received privileged legal advice and am of the opinion that there is no reason for me to continue to exclude myself because there is no proper basis to infer that I cannot bring an open and unfixed mind to discussions and decisions about it. My reference to my legal advice does not, and is not intended to, constitute a waiver of my legal professional privilege and I do not intend to disclose the contents of my advice.</p> <p>At the next Council meeting at which any Gisborne Futures Project matter is on the agenda, I will restate this position. However, my statement today (which has also been provided to writing to the CEO) should be taken as being my decided position from this point forward.”</p> <p>Did they leave the meeting? No</p>
<p>Conflicts of interest declared by officers</p>	<p>N/A</p> <p>Did they leave the meeting?</p>

10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL

11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	AMENDMENT C151MACR - CORRECT ANOMALY AT 12 NOEL STREET AND 39-45 RAGLAN STREET, LANCEFIELD
Officer:	Jack Wiltshire, Senior Statutory Planning Officer
Council Plan relationship:	3. Improve the built environment
Attachments:	Proposed C151macr Zoning Map ↓

Summary

This report provides background and recommends that Council seek authorisation for a proposed amendment to correct a zone mapping anomaly at 12 Noel Street and 39-45 Raglan Street, Lancefield. The amendment will ensure that the correct planning controls apply as intended.

Recommendation**That Council:**

- 1. Endorses the zoning map correction to 12 Noel Street and 39-45 Raglan Street, as detailed in Attachment 1, as the basis to prepare Planning Scheme Amendment C151macr.**
- 2. In the first instance, requests authorisation from the Minister for Planning to prepare Amendment C151macr pursuant to Section 9 of the Planning and Environment Act 1987 to correct a zoning error that applies to 12 Noel Street and 39-45 Raglan Street, Lancefield.**
 - (a) That this request be made under Section 20(2) of the Planning and Environment Act 1987, which exempts Council from giving public notice as outlined in this report.**
 - (b) Upon receipt of authorisation, make any changes necessary to comply with conditions of authorisation and exhibition requirements.**
- 3. In the event that the preferred amendment pathway is not supported by the Minister for Planning, requests authorisation from the Minister for Planning to prepare Amendment C151macr pursuant to Section 9 of the Planning and Environment Act 1987 to correct a zoning error that applies to 12 Noel Street and 39-45 Raglan Street, Lancefield**
 - (a) Upon receipt of authorisation, make any changes necessary to comply with conditions of authorisation.**
 - (b) Upon satisfaction of any conditions of authorisation, exhibit Amendment C151macr pursuant to Section 19 of the Planning & Environment Act 1987.**

Background

At the Scheduled Council Meeting held on 26 May 2021, it was resolved that the Chief Executive Officer:

1. *Begin work – within existing resources - on a site specific Planning Scheme Amendment to correct the zoning map line error affecting No.12 Noel Street, Lancefield.*
2. *Bring a report back to Council, by August 2021 Scheduled Council Meeting, containing a recommendation as to whether Council should seek authorisation to formally commence the Planning Scheme Amendment process.*
3. *Refer to budget deliberations any additional resources that may be required in order to facilitate such an Amendment*

12 Noel Street and 39-45 Raglan Street, Lancefield have been identified as having a planning scheme zone mapping anomaly. These sites have a dual zoning of General Residential Zone Schedule 1 (GRZ1) and the Low Density Residential Zone (LDRZ). The area designated for the General Residential Zone on both sites was originally 40m deep, applied under the Shire of Romsey Interim Development Order (IDO) 1977 Amendment number 6 on 17 August 1983. During Amendment C117macr the issue was brought to Council's attention and it was found the existing zoning is not in alignment with the 40m (see figure 1).

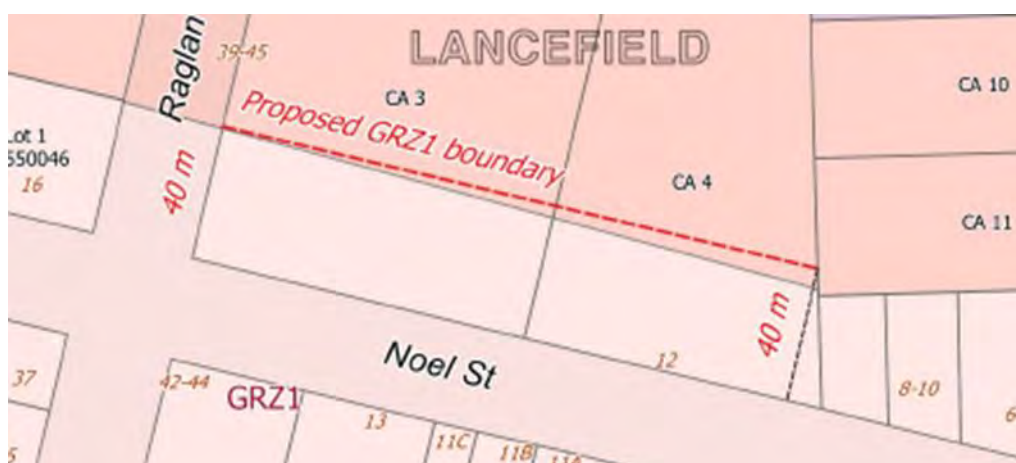


Figure 1: 40m setback distance over existing zoning of the subject site.

A submission to Planning Scheme Amendment C117macr raised concern with the split zoning on the land at 12 Noel Street. The panel report for C117macr reviewed and discussed the error:

“The Panel is sympathetic to the concerns raised through submission regarding the uncommon nature of the existing zoning. Whilst it is good practice to apply zones along property or title boundaries and to avoid multiple zones applying to one land parcel, the Panel considers that there is no immediate need to resolve this issue. If there were a need to resolve this issue as part of the Amendment then further notice would be required. The Panel agrees with Council that there is no obligation for the landowner to subdivide along the boundary to create lots that comply with the zones. The Panel understands that a lot containing the house and its associated garden could be created that complied with the provisions of the LDRZ, even though the bulk of that lot would be in the GRZ.”

The error was to be addressed last year via an errors, anomalies and minor changes prescribed planning scheme amendment, C134macr. It sought to rectify this by applying the GRZ1 to all the area within 40m of Noel Street on 12 Noel Street and 39-45 Raglan Street, Lancefield. However, the Department of Environment, Land, Water and Planning (DELWP) advised the change was not supported due to the following:

“The council has not demonstrated that an obvious or technical error has occurred. There may be an anomaly with the mapping but that is not necessarily an obvious or technical

error. The current new format Macedon Ranges Planning Scheme did not directly supersede the Shire of Romsey IDO 1977. The PROV records suggest that there were at least two other versions of the Romsey Planning Scheme in-between the IDO and the current version of the Macedon Ranges Planning Scheme.

“Also, this change does not address the issue of dual zoning, which was considered in the recent panel report for Am C117macr. The panel expressed sympathy to the concerns raised by the submitter relating to 12 Noel Street and commented that it is good practice to apply zones along property or title boundaries and to avoid multiple zones applying to one parcel of land. The rezoning of 12 Noel Street was considered out of scope by the panel. Further review required.”

Unfortunately the progress of the other errors, anomalies and minor changes amendment C126macr was too far advanced at the time DELWP advised the above to include the proposed change in C126macr.

Discussion

Council officers have met with officers from DELWP to discuss the possible ways of progressing the amendment. While DELWP expressed concern that running an amendment to correct a standalone error may be an inefficient use of Council and State resources, it was agreed a site specific amendment could be sought for authorisation to the above change. It was discussed that it was appropriate for the amendment to cover both 12 Noel Street and 39-45 Raglan Street Lancefield, as both sites has the identified anomaly applying to them.

Officers with the help of DELWP have reviewed versions of the Romsey Planning Scheme between the initial IDO in 1977 and the New Format Planning Scheme in 1999 to pinpoint where the anomaly occurred. It was found the discrepancy occurred when existing zoning mapping was updated and the line delineating zoning was reduced in width. This was not evident until 17 April 2003.

The reason for this is due to the mapping on older planning scheme maps under the New Format Planning Scheme (NFPS) maps were not at a scale to be easily legible to the detail that a minor 3-4m discrepancy would be noticed.

The discrepancy can be identified now due to the reduction of the line width used separating zones and the ability to now scale applicable zoning mapping has resulted in a reduction of the land area covered by the General Residential Zone over the two sites. This is likely due to the zoning not following a lot boundary and technical area that would not have been obvious with review of the documents from the 17 August 1983 amendment.

Officers believe the amendment can begin within the existing budget allocation and within existing resources. If the amendment proceeds to an independent Planning Panel, additional funds will be required. These funds could be requested through the mid-year budget review process.

Consultation and engagement

The owners of 12 Noel Street, Lancefield and 39-45 Raglan Street, Lancefield are supportive of the proposed amendment.

In the first instance officers would seek to apply for a planning scheme amendment with an exemption from notice provisions under Section 20(2) of the Planning and Environment Act 1987 (the Act). If successful, Council will be exempt from giving notice as set out in Section 19 of the Act. This would exempt Council from giving notice to:

- every Minister, public authority and municipal council that it believes may be materially affected by the amendment;
- owners and occupiers of land that it believes may be materially affected by the amendment;
- any Minister, public authority, municipal council or person prescribed;

Section 19 of the Act also identifies the requirement to publish notice in the local paper and the requirement to exhibit for one calendar month. In addition to these requirements officers would not prepare a 'Have your Say' page or advertise the amendment elsewhere.

Notice must still be given to the owner/occupiers of 12 Noel Street and 39-45 Raglan Street Lancefield and published in the Government Gazette.

If the request for a Section 20(2) exemption from notice is refused, officers are seeking that Council authorises a follow up request for Authorisation which will include full exhibition, although it is expected that if the Section 20(2) request is refused the Minister is likely to still grant authorisation without the exemption.

Timeframes

The following timeframes are provided to estimate the completion of this amendment:

Section 20(2) Limited Exhibition

STAGE 1&2	CONSIDERATION Officers consider merit of proposed Amendment	Complete
STAGE 3	SCHEDULED COUNCIL MEETING Consider requesting authorisation	August 2021
STAGE 4	AUTHORISATION Request authorisation from the Minister for Planning	September 2021
STAGE 5	LIMITED EXHIBITION Notice provided to 12 Noel Street and 39-45 Raglan Street Lancefield and notice in Government Gazette	October 2021
STAGE 6	PLANNING DELEGATED COMMITTEE No objections or changes to the amendment required	December 2021
STAGE 9	APPROVAL Submit the amendment to the Minister for Planning for final approval and gazettal	Submit January 2022 Approval TBA

Full Exhibition - No Panel Required

STAGE 1&2	CONSIDERATION Officers consider merit of proposed Amendment	Complete
STAGE 3	SCHEDULED COUNCIL MEETING Consider requesting authorisation	August 2021
STAGE 4	AUTHORISATION Request authorisation from the Minister for Planning	September 2021
STAGE 5	EXHIBITION Notification via mail and advertisements in local papers and the Government Gazette	November 2021
STAGE 6	PLANNING DELEGATED COMMITTEE No objections or changes to the amendment required	February 2022
STAGE 9	APPROVAL Submit the amendment to the Minister for Planning for final approval and gazettal	Submit March 2022 Approval TBA

Full Exhibition - Panel Required

STAGE 1&2	CONSIDERATION Council requests the Minister for Planning to	Complete
STAGE 3	SCHEDULED COUNCIL MEETING Consider requesting authorisation	August 2021
STAGE 4	AUTHORISATION Request authorisation from the Minister for Planning	September 2021
STAGE 5	EXHIBITION Notification via mail and advertisements in local papers and the Government Gazette	November 2021
STAGE 6	PLANNING DELEGATED COMMITTEE Consider changing the amendment in response to submissions - Refer unresolved submissions to a Planning Panel	February 2022
STAGE 7	PANEL HEARING Review of amendment by independent Planning Panel	April 2022
STAGE 8	PLANNING DELEGATED COMMITTEE Consider the Panel's report - consider adopting the amendment with or without changes	July 2022
STAGE 9	APPROVAL Submit the amendment to the Minister for Planning for final approval and gazettal	Submit August 2022 Approval TBA

Collaboration

Preliminary consultation has occurred within Council to determine application requirements.

Innovation and continuous improvement

Advice has been received from DELWP regarding the amendment that the Minister for Planning will not support a prescribed amendment under Section 20(4) which provides an

exemption of all notice requirements. This is despite the correction being an obvious error and technical in nature. DELWP has provided initial support for the correction to be undertaken with the exemption from notice under Section 20(2) of the Act. Through the authorisation process Council may not be exempted from all notice requirements set out in Section 19 of the Act.

If the amendment is fully exhibited, the statutory planning scheme amendment process requires formal advice of government bodies and statutory authorities to become known.

Relevant law

This report is consistent with the principles outlined in the *Local Government Act 2020*.

The Planning and Environment Act 1987 outlines the statutory process to undertake a planning scheme amendment.

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

Relevant regional, state and national plans and policies

The proposal is consistent with regional and state planning policies including:

- Plan Melbourne 2017
- Loddon Mallee South Regional Growth Plan 2014

Relevant Council plans and policies

Council's relevant plans and policies are:

- Macedon Ranges Statement of Planning Policy 2019;
- Macedon Ranges Settlement Strategy 2011; and
- Lancefield Township Framework Plan and Small Towns Study 2006.

Financial viability

By adopting the officer recommendation in this report, there will be further cost to Council to assess and progress this application.

As per the tables below, it is estimated that this site specific amendment will cost either:

Section 20(2) Amendment

Process	Cost (\$)	Optional/Required
Officer time Approx. 50 hours	\$3,000.00	Required
Advertising - Gazette Notice	\$143.99	Required
Approval Gazette Notice	\$143.99	Required
Sundry cost printing etc...	\$200.00	Required
Panel Fees (assumes 1 day)	\$5,000.00	Required (if it goes to Panel)
DELWP Approval fee	\$488.50	Required
TOTAL	\$8976.48	

Full Exhibition

Process	Cost (\$)	Optional/Required
Officer time Approx. 80 hours	\$5,000.00	Required
Advertising – newspaper Exhibition	\$3,200.00	Required
Advertising - Gazette Notice	\$143.99	Required
Advertising Approval Notice	\$3,200.00	Required
Approval Gazette Notice	\$143.99	Required
Sundry cost printing etc...	\$200.00	Required
Panel Fees (assumes 1 day)	\$5,000.00	Required (if it goes to Panel)
DELWP Approval fee	\$488.50	Required
TOTAL	\$17,376.48	

Officers believe the amendment can begin within the existing budget allocation and within existing resources. It is considered that the Section 20(2) exemption would provide considerable cost and time savings to Council. If the amendment proceeds to a planning panel, additional funds may be required. These funds could be requested through the mid-year budget review process if an independent planning panel is required. If funds are not provided for a planning panel (if required) the amendment will be lapsed by the Minister for Planning.

Sustainability implications

There are no sustainability implications and risks of note.

Officer declaration of conflicts of interest

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



PE.2	REGIONAL ROADS VICTORIA INTERSECTION WORKS AT MELBOURNE ROAD AND KILMORE ROAD IN GISBORNE
Officer:	Rob Ball, Manager Strategic Planning and Environment
Council Plan relationship:	3. Improve the built environment
Attachments:	Nil

Summary

This report responds to the Notice of Motion resolved by Council at the Scheduled Council Meeting held on 28 July 2021. The resolution was as follows:

That Council directs the Chief Executive Officer to prepare a report for the 25 August 2021 Scheduled Council Meeting regarding the proposed Regional Roads Victoria (RRV) intersection works at Melbourne Road and Kilmore Road in Gisborne. This report is to include any RRV updates on the project including in the context of Council's decision on this matter

Recommendation

That Council notes the updates provided within this report.

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. Regional Roads Victoria (RRV) held a public submissions period on the proposed works from 15 August to 29 September 2019.

During this period, they received a number of submissions from the community who expressed concern about the detrimental impact of the proposed works to the historic nature of this important gateway entry into Gisborne township, the demolition of the bluestone bridge and channel over Bunjil Creek, and the removal of several mature trees.

In their summary response to these community concerns, RRV stated works would not impact existing heritage listed sites and impacts would be minimised for local tree and flora species. However, neither the 1874 bluestone bridge and channel nor the introduced plantings of elms and oaks are currently listed in the Macedon Ranges Planning Scheme and therefore had no statutory protection.

A formal submission on the planned works was endorsed by Council at the Ordinary Council Meeting of 27 November 2019. The submission detailed Council's concerns 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. At the Ordinary Council Meeting of 26 February 2020, Council allocated funding to complete a heritage assessment on the historic features at the Melbourne Road and Kilmore Road Intersection to be undertaken.

A heritage assessment of the Bunjil Creek bridge and channel near the Melbourne Road and Kilmore Road Intersection was undertaken in March and April 2020 by GJM Heritage consultants. The assessment identified that the 1874 bluestone bridge and channel met the local level of heritage significance. The assessment recommended that the Bunjil Creek

bridge and channel be protected by a heritage overlay in the Macedon Ranges Planning Scheme.

A heritage assessment of the mature elms and oaks near the intersection was also undertaken in April and May 2020 by Plan Heritage consultancy. The assessment identified that there are two very mature English Elms that date to c1855-65 which are of local historical significance to the municipality and warrant protection in the Macedon Ranges Planning Scheme.

The review also identified a further three trees that are part of the historic planting along Hamilton Street protected by the existing Heritage Overlay 'Memorial Precinct (Howey Reserve)' HO289. These two English Oaks and an English Elm are considered to also be of local aesthetic and historical significance, and warrant protection by extending Heritage Overlay HO289 to include these three trees.

In response to these studies Council resolved on 27 May 2020 and 24 June 2020 respectively to seek authorisation from the Minister for Planning for Amendment C143macr to introduce heritage overlay controls to protect the bluestone bridge and channel and the five heritage trees. Concurrently, under delegation, the Chief Executive Officer also sought interim heritage protection for both the bluestone bridge and channel and five trees.

At its Ordinary Meeting held on 26 August 2020 Council resolved the following:

That Council:

- 1. Endorse the agreement 'in principle' regarding the heritage features at the Melbourne Road and Kilmore Road Intersection.*
- 2. Direct the Chief Executive Officer to communicate this agreement to Regional Roads Victoria.*
- 3. Direct the Chief Executive Officer to provide a copy of the agreement to the Minister for Planning for consideration with the Ministerial Amendment requests C142macr and C144macr, and application for permanent heritage controls Amendment C143macr.*

The 'in principle' agreement resolved by Council essentially centred around a bridge over bridge concept for the crossing of Bunjil Creek which would maximise the ability to retain the core heritage fabric of the bluestone bridge and channel. This resolution was subsequently communicated to both RRV and to the Minister for Planning.

Discussion

Progress of Amendment C143macr

On 4 June 2021 Council received authorisation from the Minister for Planning to prepare Amendment C143macr subject to a number of conditions. Most significantly condition one of the authorisation letter requires the removal of the proposed heritage overlay for the two Elms located in proximity to the intersection from the amendment.

On 7 June 2021 further advice was received from the Minister for Planning that he had determine to decline the two requests for interim heritage overlays for the bluestone bridge and channel, and the trees. The Minister in his letter outlining his decision to decline the interim heritage overlay protection stated:

"These requests are not considered necessary, considering the agreement reached between the council and the Department of Transport/Regional Roads Victoria which will support the implementation of the intersection upgrade project and the retention of locally significant heritage features."

Officers have been progressing Amendment C143 towards formal exhibition but has in part been put on hold, pending resolution of the final design option for crossing Bunjil Creek. If none of the heritage fabric of the bluestone bridge and channel are to be retained by RRV as part of the upgrade of the Melbourne Road and Kilmore Road intersection then Amendment C143 may need to be updated to exclude this part of the amendment.

Update from Regional Roads Victoria

On 9 June 2021 Council's Chief Executive Officer, Director Assets and Operations and Director Planning and Environment met with RRV. At this meeting, amongst other matters, RRV provided an update on the current progress and status of the Melbourne Road and Kilmore Road Intersection upgrade project. As part of this meeting RRV indicated it had completed further investigations around the bridge over bridge solution to retain the bluestone elements of the existing bridge and channel and concluded that this was no longer considered viable option.

The two main issues that have persuaded RRV that the bridge over bridge solution that Council had agreed to in August 2020 was due to ground conditions and flood risks.

In subsequent correspondence to Council, RRV have confirmed the following:

- RRV no longer supports a bridge over bridge solution due predominantly to flood risk issues that have been identified by flood modelling commission by RRV.
- RRV are intending to pursue their original design proposal to use a culvert solution that will not enable the retention of the bluestone bridge and channel.
- The bluestone from the historic bridge and channel will be reused in the project.
- A roundabout is still the preferred intersection treatment and is still considered to be the best solution for this intersection

The next steps in the project as outlined by RRV are as follows:

- Finalise the design of the roundabout, Bunjil Creek crossing and shared user paths.
- Service relocations will commence in August 2021 and completed by December 2021, weather permitting.
- Communicate service relocation impacts to the community and stakeholders to commence late July 2021
- Communicate final design concept to the community
- Develop the landscape design with Council input

Next steps

RRV has recently provided Council with a copy of the flood modelling work that is underpinning their decision to revert to the culvert crossing solution of Bunjil Creek. Council officers at the time of writing this report are expecting a further report from RRV to be provided that provides further clarification on the flood risks outlined with the two design options for crossing Bunjil Creek. Once this information is received, Council officers will meet with Melbourne Water to further understand the identified flood risks associated with Council's preferred bridge over bridge option compared to RRV's preferred culvert option.

These discussions with Melbourne Water will enable Council officers to better determine whether there is still an opportunity through this process to protect the heritage values associated with the bluestone bridge and channel.

Consultation and engagement

RRV conducted community consultation on the proposed intersection upgrade between August and September 2019. The feedback received from this community engagement as well as separate community feedback directly to Council informed Council's decision to

undertake the heritage assessments of the bluestone bridge and channel and numerous trees likely to be impacted by the intersection upgrade.

Collaboration

Council officers have worked closely with RRV in regards to the Melbourne Road and Kilmore Road intersection upgrade since late 2019, with the aim of achieving a balanced outcome between improving road safety and efficiency for all users and protecting identified heritage elements that contribute to Gisborne's heritage, character and amenity.

A negotiated outcome had been reached between RRV and Council in regards to the design of the Bunjil Creek crossing as expressed in Councils resolution at the 26 August 2020 Ordinary Council Meeting and acknowledged in the Minister for Planning's decision on the request for interim heritage overlay protection.

Council officers are continuing to work with RRV and Melbourne Water to try and achieve the balanced outcome previously endorsed by Council.

Innovation and continuous improvement

This report is consistent with the principles outlined in the *Local Government Act, 2020*.

Relevant law

The *Planning and Environment Act 1987* outlines the statutory process to undertake a planning scheme amendment to introduce heritage overlays to protect identified heritage places and objects.

There are various pieces of legislation and design standards that guide the design and delivery of road projects. RRV would consider these as part of their design process for this project.

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

Relevant regional, state and national plans and policies

This report relates to the following state policy:

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

Macedon Ranges is identified 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 (Section 46AZK).

It is noted that both Council and RRV are Responsible Public Entities. 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.

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 "in principle" statements resolved by Council at its Ordinary Meeting on 26 August 2020 and its resultant actions were considered consistent with the 10 policy domains, and their respective objectives and strategies.

Relevant Council plans and policies

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).

Financial viability

There are no financial implications for Council associated with this report.

Sustainability implications

The retention of heritage and mature trees in the 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. Where there is loss of heritage and mature trees, their removal will be partly be mitigated by replanting from the same stock after the Melbourne Road and Kilmore Road Intersection Upgrade works are completed.

Officer declaration of conflicts of interest

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

PE.3	APPLICATION FOR PLANNING PERMIT PLN/2020/540 - BOWEN STREET, MALMSBURY
Officer:	Christo Crafford, Coordinator Statutory Planning
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Locality Plan ↓ 2. Applicants Planning report (under separate cover) 3. Subdivision Plans (under separate cover) 4. Biodiversity Assessment Report (under separate cover) 5. SOPP (under separate cover)
Applicant:	Cardno TGM
Date of receipt of application:	28 December 2020
Trigger for report to Council	Councillor Call-in

Summary

The application proposes re-subdivision of the 29 existing lots into 29 new lots in three (3) stages.

The application was advertised and ten (10) objections were received.

Key issues to be considered relate to the suitability of the proposed lot sizes and lot layouts, and the future servicing of the lots.

The application has been assessed against the relevant provisions of the Macedon Ranges Planning Scheme and is considered appropriate. On balance it is considered that the subdivision is in keeping with the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zone, overlay, particular provisions and general provisions. It is recommended that the application be approved subject to the following conditions.

Recommendation

That Council issue a Notice of Decision to grant planning permit for re-subdivision of twenty-nine (29) lots into twenty-nine (29) lots in three (3) stages, alter access to a Road Zone Category 1 and removal of native vegetation for the land at Bowen Street, Malmsbury subject to the following conditions:

1. **Prior to the certification of the Plan of Subdivision for Stage 1 under the Subdivision Act 1988, three copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Cardno TGM, Rev 7, dated 25/05/2021, but modified to show:**
 - (a) **A landscape plan in accordance with conditions 6 to 10.**
 - (b) **Provision of water supply to 21, 27 and 38 Bowen Street, from the new water mains in Bowen Street, as part of Stage 1 of the development.**

- (c) The Engineering plan changes required under Condition 11.
 - (d) Any changes required as a result of Department of Transport condition 48.
 - (e) A tree protection zone (TPZ) in the south western corner of Lot 6 for the tree located in the north western corner of 21 Bowen Street in accordance with the canopy of the tree.
2. Before the Statement of Compliance for the Plan of Subdivision for Stage 1, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
- (a) Retention of the Eurabbie Tree within proposed Lot 24.
 - (b) Retention of the existing Hawthorn hedge in Bever Street.
 - (c) The planting of semi-mature locally indigenous/native canopy trees throughout the development on all the lots at a rate of one (1) tree per 1000m² and the maintenance of the planted trees for a period of at least five (5) years after planting.
 - (d) The installation of tree protection fencing in accordance with the approved tree protection zone (TPZ) on Lot 6 during construction of the subdivision and any development on Lot 6 to protect the tree on the adjoining land to the south (21 Bowen Street).
 - (e) No buildings and works shall be constructed outside the approved building envelopes for all lots as shown on the endorsed plans to Planning Permit PLN/2020/540, unless with the prior written consent from the Responsible Authority.
 - (f) All boundary fencing for all lots must be of an open rural style (e.g. post and wire) and solid fencing (e.g. paling and Colorbond) is not permitted unless with the prior written consent from the Responsible Authority.
- Prior to a Statement of Compliance being issued:
- (a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
 - (b) The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
3. The owner of the land must enter into an agreement with:
- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.

MRSC Environment Conditions

6. Prior to the issue of Certification for the plan of subdivision, and in conjunction with the Functional Layout Plan, a digital copy of a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Masterplan is to be drawn to scale and prepared by a suitably qualified and experienced landscape designer and is to show:
 - (a) The locations of street tree planting in various stages of the subdivision. Trees are to be spaced at a minimum of one per lot or every 12 metres, whichever is the lesser.
 - (b) Topography and existing features, including contours for the subject land and any affected adjacent land.
 - (c) The location of all trees existing on the site, any in the road reserves adjacent to proposed road upgrades and including any that overhang the site from adjoining land.
 - (d) Details of tree protection zones for all trees to be retained
 - (e) Any trees proposed for removal from the site clearly designated.
 - (f) All areas which will be available for streetscape planting.
7. Prior to the issue of a Statement of Compliance for each state of the sub-division, a digital copy of a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan is to be generally in accordance with the Masterplan but is to focus on the details of the streetscape planting.

The Landscape plan is to be prepared by a suitably qualified and experienced landscape designer. The plan is to be to scale and overlaid on the approved Engineering plans as required at Condition 12 to ensure coordination with services and other infrastructure. When approved, the plan will be endorsed and form part of this permit and must show:

- (a) The location of all trees existing within road reserves adjacent to the sub-division and associated road upgrades, including any that overhang the site from adjoining land.
- (b) Details of tree protection zones for all trees to be retained.
- (c) New street trees to all new upgraded roads/streets associated with the sub-division
- (d) Street trees species selection are to tie in with the existing surrounding character, be of a size suitably for road reserve widths at maturity, and be a mix of native and indigenous species to the approval of the Responsible Authority.
- (e) Typical cross-sections for each street type, dimensioning tree locations, services offsets as set out in Council's Tree Management Policy, 2019 and any other spatial requirements
- (f) A table of offsets for all utility services and street trees.
- (g) The following notations:
 - Tree planting is to occur between April & September to maximise establishment and survival.
 - Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
 - Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation
 - It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.
 - An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes.

8. Landscape Completion

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

9. Landscape Maintenance

Landscaping shown on the endorsed landscape plans must be maintained to the satisfaction of the Responsible Authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

10. In addition to the Landscape Plans, applicants must submit for approval a proposed maintenance schedule and projected costs. This schedule will also be used to ensure the proposed maintenance program is consistent with Council standards and to calculate a 35% Landscape Maintenance Liability bond. It will also be useful for the developer to prepare budget projections for the 2-year maintenance requirement.

NOTES:

Information regarding Councils preferred street trees, and typical tree planting detail can be requested from the Open Space Unit.

MRSC Engineering Conditions

11. Prior to the certification of the Plan of Subdivision for the Stage 1, an amended Subdivision Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plan but modified to show:
 - (a) Typical cross-section showing on the plan with gravel road surface must be removed from infrastructure plan and replace with sealed surface.
 - (b) Show all the proposed crossover in the plan of subdivision.
 - (c) McCrane Street must be sealed 6.6 wide from the intersection for at least 12 metres.
12. Prior to the submission of Engineering Plans and certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or the stage of subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 to acceptable standards and an electronic copy (PDF) must also be provided. The functional layout plan must generally incorporate the following:
 - (a) Topography and existing features, including contours for the subject land and any affected adjacent land.
 - (b) Identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
 - (c) Details of tree protection zones for all trees to be retained on site.
 - (d) Any trees proposed for removal from the site (including dead trees) clearly designated.
 - (e) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
 - (f) Intersections with interim and/or ultimate treatments.
 - (g) A table of offsets for all utility services and street trees.
 - (h) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
 - (i) The proposed minor drainage network and any land required for maintenance access.
 - (j) The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.
 - (k) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.

- (l) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
 - (m) Preliminary location of reserves for electrical kiosks.
 - (n) Works external to the subdivision, including both interim and ultimate access requirements.
 - (o) Proposed linkages to future streets, open space, regional path network and surrounding land.
 - (p) The location, height, width and form of all retaining walls.
 - (q) Splays on all corner lots.
13. Prior to the commencement of works for each stage of the subdivision, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
- (a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - (b) Details of any cut and fill earthworks including retaining walls.
 - (c) Fully sealed pavements with edge strips or kerb and channel where appropriate.
 - (d) Provision of concrete footpaths in all streets and reserves.
 - (e) Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater run-off from adjoining properties.
 - (f) Underground stormwater drainage to each lot in the subdivision within own boundaries.
 - (g) Water sensitive urban design measures.
 - (h) Provision for all services and conduits (underground) including alignments and offsets.
 - (i) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
 - (j) A new vehicle crossing for each lot.
 - (k) Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.
 - (l) Traffic control measures including street name signs.
 - (m) A separate signage and line marking identifying the road layout, proposed signs, line- marking, RRPMS and a sign schedule.
 - (n) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.
 - (o) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.

14. Prior to issue of a Statement of Compliance for each stage of the subdivision, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
15. Prior to the certification of the Plan of Subdivision for each stage, the permit holder must create a notice of restriction on the Plan of Subdivision to include a minimum 3000L rainwater tank for each new dwelling on a lot such that the tank will be connected to supply water for toilet flushing and outdoor usage to the satisfaction of the Responsible Authority.
16. Prior to the commencement of works for each stage of the subdivision, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:
 - (a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - (b) Occupying a road for works.
 - (c) Connecting any land to a stormwater drain.
 - (d) Opening, altering or repairing a road.
 - (e) Opening, altering or repairing a drain.
 - (f) Accessing a building site from a point other than a vehicle crossing.
17. At least 14 days prior to commencement of works for each stage of the subdivision a Site Management Plan must be submitted to and approved by the Responsible Authority. The Site Management Plan must contain the following:
 - (a) Name and contact details of appointed Civil Contractor and Superintendent.
 - (b) Existing condition survey of all existing assets including private properties
 - (c) Construction Management Plan
 - (d) Traffic Management Plan
 - (e) Environmental Management Plan
 - (f) Occupational Health & Safety and Job Safety Analysis Plans
 - (g) Council issued Asset Protection Permit
 - (h) Council approved Engineering Plans
18. All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.
19. Prior to the issue of a Statement of Compliance for each stage of the subdivision, all land to be filled and to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.
20. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following ‘as-constructed’ documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:
 - (a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.
 - (b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.

- (c) Asset information in digital format and in the form of a schedule of quantities.
21. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
- (a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
 - (b) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subdivision must be constructed at no cost to the Responsible Authority.
 - (c) All drainage courses located within allotments must be contained within expressed drainage easements.
 - (d) The flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.
 - (e) The drainage system must have provision for run-off from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.
 - (f) Performance objectives of “Best Practice Environmental Management Guidelines” (CSIRO 1999) are satisfied.
22. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council’s Policy Engineering Requirements for Infrastructure Construction (June 2010).
23. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.
24. The creation and removal of easement shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
25. Before the certification of the plan of subdivision, the owner must enter into and register on the title an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. This agreement must ensure that the land must not be further subdivided so as to increase the number of lots. The owner must pay all costs associated with the preparation, execution and registration of the agreement.
26. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- (a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - (b) Dust control;
 - (c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;

- (d) Where access to the site for construction vehicle traffic will occur;
 - (e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
 - (f) The location of any temporary buildings or yards.
27. Control measures in accordance with the approved Site Management Plan shall be employed throughout the construction of the works to the satisfaction of the Responsible Authority. The Responsible Authority must be kept informed in writing of any departures from the Site Management Plan. If in the opinion of the Responsible Authority the departure from the approved plan is significant then an amended plan must be submitted to and approved by the Responsible Authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.
28. Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the Responsible Authority. Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.
29. The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Powercor Conditions

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

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

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

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

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

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements: RESERVES established by the applicant in favour of the Distributor. SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

35. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. **Notes:** Existing easements may need to be amended to meet the Distributor's requirements. Easements required by the Distributor shall

be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

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

Goulburn-Murray Water Conditions

- 36. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 37. All works within the subdivision must be done in accordance with EPA Publication 960 “Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”, September 2004.
- 38. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 39. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Coliban Water Conditions

- 40. The owner is required reach agreement with Coliban Water for the provision of reticulated water and sewerage services to each of the lots within the subdivision and comply with any requirements arising from any effect of the proposed development on Coliban Water assets. Services are to be provided in accordance with our specifications.
- 41. The reticulated potable water and sewer mains extensions required to service each of the proposed lots within this development site, must be finalised in accordance with Coliban Water’s Developer Installed Works process.
- 42. Due to the elevation and loading the proposed development will place on Coliban Water’s existing assets, the owner will be required to reach agreement with Coliban Water for the necessary upsizing of approximately 570m of existing water mains including a Booster Pump to ensure that each of the lots can be serviced, to meet the minimum requirements of our Customer Charter.
- 43. All Coliban Water assets within the subdivision, both existing and proposed, are to be protected by an easement in favour of Coliban Region Water Corporation.
- 44. Coliban Water does not guarantee fire flows. Coliban Water consent is required, if the developer intends on utilising an in-line booster pump, this arrangement and a pump rate must be provided to Coliban Water. Alternatively, on-site storage for fire services is always our preference.
- 45. Applications through our Consent to Connect Process are required prior to any water supply service and/or drain being amended or connected to a Coliban Water asset.

46. All private works for water supply and sanitary drainage must be constructed in accordance with the National Plumbing and Drainage Code of Australia being AS 3500 and or any relevant requirements of Coliban Water.
47. The development site is located over the dividing boundary between Coliban Region Water Corporation and Central Highlands Water service areas. Please ensure that the proposal is forwarded to Central Highlands Water for comment.

Department of Transport / VicRoads Conditions

48. Prior to the issue of the Statement of Compliance for the subdivision;
 - (a) The intersection of Irwin Street / Daylesford-Malmsbury Road must be constructed to a standard approved to the written satisfaction and at no cost to Head, Transport for Victoria (Head, TfV) and
 - (b) Irwin Street must be sealed to a minimum of 10 metres from the Daylesford-Malmsbury Road edge of seal.

Notes:

No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Separate 'detailed design' approval (fees and charges apply) and the specifications of these works are required under the Road Management Act. For the purposes of this application, the works will include provision of:

- (c) Sealing of Irwin Street
- (d) Any other work in the arterial road reserve.

Please forward details marked attention to Steven Attard at: nr.mailbox@roads.vic.gov.au

Permit Expiry

49. This permit will expire if one of the following circumstances applies:
 - (a) The plan of subdivision for Stage 1 is not certified within two years of the date of this permit.
 - (b) The plan of subdivision for Stage 2 is not certified within four years of the date of this permit.
 - (c) The plan of subdivision for Stage 3 is not certified within six years of the date of this permit.
 - (d) The plan of subdivision for each Stage is not registered at Land Registry within five years of the certification of the subdivision for that Stage.

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

Permit Notes:

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

Existing conditions and relevant history

Subject land

The subject site is located on the western edge of the Malmesbury township, approximately 1.5km from the centre of the town. It comprises a group of 29 lots bound by McCrane Street to the north, Bever Street to the east, Irwin Street to the south and Bowen Street to the west. A pair of lots within the above boundary, facing Bowen Street, is not part of the subdivision. The land is bisected by the Service Street road reserve. The total site area is 19.87 hectares.

The site is currently used for agricultural purposes, predominantly cropping and grazing. There are no waterways traversing the site, although there are several disused dams and bores within the northern and southern portions of the site. The northern portion gradually falls from its west and south-west down to its eastern side. The southern portion undulates gently and also has a gradual fall from west to east.

Canopy trees line some of the boundaries both within the property and within road reserves. These appear to have all been planted in conjunction with the agricultural use of the land. There are also some canopy trees within the site, including a significant Eurabbie tree near Bever Street towards the southeast corner of the land.

Surrounds

Land to the east is rural living zoned land at the current western edge of the township. Dwellings face the land along this boundary, separated by Bever Street. The lots vary greatly in size, with some approximately 1200m² but others (at the north end of Bever Street) either approaching or larger than 1ha.

Land to the west is also zoned and used for rural living, with larger lots (from approximately 1.2 to 5ha) than land to the east. Land to the south is in the farming zone and used for agriculture.

The Calder Highway connects (through the McCrane Street local road reserve) to the northern corner of the site and the southern corner connects to Daylesford-Malmesbury Road.

The road reserves surrounding the site are all approximately 30 metres wide, with the exception of Irwin Street to the very south, which is approximately 20 metres wide. The roads are all of a rural standard with gravel carriageways in McCrane Street, Service Street, the northern half of Bowen Street, and sections at the northern and southern end of Bever Street. Irwin Street and the southern half of Bowen Street are unmade.

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

Current copies of title have been provided with the application. Multiple lots are subject to crown grant reservations which relates to rights to search for metals and to undertake mining on the subject site. The proposal does not breach this reservation. No other Covenants, Section 173 Agreements or restrictions are registered on the titles to this property.

Previous planning permit history

No relevant planning permit history for the subject property has been found.

Proposal

The application proposes re-subdivision of the 29 existing lots into 29 new lots in three (3) stages. This re-subdivision will create 29 lots suitable for future construction of dwellings.

The lot sizes will range from 4822m² to 13 890m² and vary in shape. All lots will be fully serviced with sewer, water and electricity.

The original application included a battle axe configuration for lot 21. Given Council concerns in this regard the applicant has formally amended the application to remove the battle axe configuration with a revised layout affecting lots 17 to 21. These lots now all front to Service Street.

Each lot will have direct access to upgraded road reserves surrounding the site. All roads except Bowen Street would be sealed. Bowen Street north of Service Street will have a gravel surface whilst the section south of Bowen Street will not be constructed as it does not provide access to any lots.

All of the existing canopy trees and vegetation rows, within the site and in the road reserves, will be retained through the proposed lot configuration and infrastructure upgrade works. However a planning permit is required for the removal of native vegetation as some native grasses exist on the land (although without forming a native vegetation patch).

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. The proposal in general complies with the Statement of Planning Policy and the application will meet the objectives and strategies specified in the policy.

Planning Policy Framework

Clause no.	Clause name
11	Settlement
12	Environment and Landscape Values
13.02	Bushfire
14	Natural resource management
16	Housing

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement
21.03	Vision - Strategic Framework Plan
21.05	Environment and Landscape Values
21.07	Natural Resource Management
21.09-2	Rural residential
21.13-9	Malmsbury

Zoning

Clause no.	Clause name
35.03	Rural Living Zone Schedule 5

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay Schedule 4
44.01	Erosion Management Overlay Schedule 1

Particular provisions

Clause no.	Clause name
52.17	Native Vegetation
52.29	Land Adjacent to a Road Zone, Category 1
53.01	Public Open Space Contribution and 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 of *Aboriginal Heritage Regulations 2018*.

Clause No	Details
35.03-3	A permit is required to subdivide land.
42.01-2	A permit is required to subdivide land and remove vegetation.
44.01-5	A permit is required to subdivide land.
52.17-1	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
52.29-2	A permit is required to alter access to a road in a Road Zone, Category 1.

The process to date

The application was referred to the following authorities:

Referral

Authority (Section 55)	Response
Coliban Water	No objection subject to conditions.
Goulburn-Murray Water	No objection subject to conditions.
Powercor	No objection subject to conditions.
Downer	No objection and no conditions.
DELWP	No objection and no conditions.
Department of Transport / VicRoads	No objection subject to conditions.

Authority (Section 52)	Response
CFA	No objection and no conditions.
MRSC Engineering	No objection subject to conditions.
MRSC Environment	No objection and no conditions.
MRSC Open Space	No objection subject to conditions.
Hepburn Shire	No objection and no conditions.

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring notices to be erected on the land for a period of 14 days.

Ten (10) submissions have been received in response to notification.

Concerns raised relate to:

- Provision of all services and roads;
- Impact on views and landscape;
- Retention of existing Hawthorn hedgerow;
- Stormwater provisions are not sufficient;
- Telecommunications provisions are not adequate,
- Added road connections will increase traffic, dust, and negatively impact resident amenity;
- Impact on amenity including traffic, noise and night pollution;
- Lack of detail regarding entrances to lots;
- Eastern section of Service Street should also be sealed;
- Require detail as to the upgrade of the north part of Bowen Street and staging;
- Inadequate advertising of application;
- Inconsistent with planning scheme;
- Impact on wild life;
- Set back to boundaries; and
- Tree protection.

Comments on the objections received will be provided further below.

Officer assessment

General

The proposed subdivision is required to be assessed against the provisions of the Macedon Ranges Planning Scheme, including the Planning Policy Framework, Local Planning Policy Framework, Rural Living Zone Schedule 5, the Erosion Management Overlay Schedule 1, the Environmental Significance Overlay Schedule 4, and the decision guidelines of Clause 65. Matters for consideration include the suitability of the proposed lots sizes and lot layout, the impact of the subdivision upon the surrounding land and the impact of the subdivision upon the use of the land for agriculture.

On balance it is considered that the subdivision is in keeping with the relevant provisions of the PPF and Local Planning Policy Framework as follows.

Planning Policy Framework (PPF)

Clause 12.01-2s – Native vegetation management has an objective:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

A biodiversity assessment has been submitted and the native vegetation on the land is not significant, save for one large indigenous Eurabbie tree that will be protected by a S173 agreement. No tree removal is proposed and the native grasses on the land do not form a native vegetation patch, with the land having been heavily altered by its history of agricultural use. Both council's Environment Unit and the Department of Environment, Land, Water and Planning have commented on the proposal and neither has objected.

Clause 13.02-1S – Bushfire planning primarily relates to areas subject to the Bushfire Management Overlay which does not apply to the subject property.

However, areas included in bushfire prone areas are also required to have bushfire risk assessed in specified circumstances that include subdivisions creating more than ten (10) lots.

The bushfire risk has been assessed in the submitted report. Any future construction of dwellings on the lots would need to meet designated construction standards, and the connection to reticulated water will facilitate bushfire protection. The CFA raised no concerns with regards to the proposal.

Clause 14.01-2S seeks to encourage sustainable agricultural land use. The proposal for the subdivision is considered to be a sustainable and suitable use for the subject site, with the lot sizes still of sufficient size to allow some agricultural use. The subject land has been identified and zoned for rural living development. Development of the land will assist in satisfying demand for hobby farm development and thus reduce the pressure for such development in the Farming Zone thereby preserving productive farmland.

Clause 16.01-3S outlines the need to identify land suitable for rural residential development. The policy seeks to achieve this through the following strategies:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*
- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*

- *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
- *Minimising or avoiding property servicing costs carried by local and state governments.*
- *Maintaining an adequate buffer distance between rural residential development and intensive animal husbandry.*
- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

The proposal maintains twenty-nine (29) rural living lots on suitably identified land. The reconfiguration will improve the viability of land for rural living by better distributing the land between lots. This is in accordance with the policy outlined above.

Local Planning Policy Framework (LPPF)

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.*
- *Agriculture remains an important part of the character and economy of the Shire, especially the high quality soils in the east of the Shire and in the north where there has been less land fragmentation. Effective land management is a key priority.*
- *Protection of water quality, especially potable water supply is fundamental. Land use and development, particularly unserviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised.*
- *Native vegetation is retained and enhanced, balanced with fire protection considerations. Native vegetation is vital for the environmental health of the Shire and is a significant component of the Shire's character.*
- *Rural living areas will be planned for well in advance and areas will be identified to achieve a fixed supply up to 2045 in well serviced areas with good internal connectivity and integration with external road and path networks.*

The vision and strategic direction for the land as identified in the Rural Framework plan at Clause 21.03-3 is as follows:

“Encourage and support rural living development in Rural Living Zone areas. The vision for these areas is a rural area with a range of property sizes offering different lifestyle opportunities and landscapes from low density residential to part time farming. Any new development including housing, subdivision or re-subdivision is to preserve the existing rural character.”

The vision is supported by specific policy objectives which aim:

- *To conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat (Clause 21.05-1 – Objective 1).*
- *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape (Clause 21.05-1 – Objective 7).*
- *To maintain and enhance the existing rural landscapes (Clause 21.05-2 – Objective 1).*
- *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape (21.05-2 – Objective 7)*
- *To protect agricultural land. (21.07-1 – Objective 1)*

- *To protect the quality soils of land with high capability for agriculture. (21.07-1 – Objective 3)*
- *To ensure land in rural areas is managed in a sustainable manner to improve the condition of the environment (Clause 21.07-2 – Objective 1).*
- *To retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater (Clause 21.07-3 – Objective 1).*

Clause 21.09-2 seeks further to ensure rural residential development is sustainable and gives priority to the environment and landscape. The applicable strategies include avoiding rural residential development which does not adversely impact on current and future agricultural and economic activities and demonstrates site specific sustainability, including waste water. It is considered that the existing rural character will be maintained, given that the proposed lot sizes would be generally consistent with the surrounding lot sizes and the average lot size on this site will not be changed (since the total number of lots is not to change).

These provisions emphasise the need to develop rural living land so as to reduce the pressure from rural residential development on land in the Farm Zone. They also focus on the idea of a diversity of lot sizes to permit a variety of activities and lifestyle opportunities. It is considered that the proposal is consistent with this strategic direction as the range of lot sizes offers different lifestyle opportunities and landscapes from low density residential to part time farming. It is further considered that the existing rural character will be maintained given that the proposed lot sizes would be consistent with the surrounding lot sizes.

The land already exists as 29 separate parcels, meaning that the proposed re-subdivision will not further fragment agricultural land.

The proposal is identified in the Malmsbury Township Framework Plan at clause 21.13-9 as for “longer term development.” A relevant strategy under this clause is to “ensure development on the periphery of the town within the township boundary is of a semi-rural residential form with larger lots, significant landscaping and generous setbacks.” The proposal accords with this strategy.

Overall, the proposal is generally compliant with the Planning Policy Framework and Local Planning Policy Framework.

Rural Living Zone

The site is within the Rural Living Zone Schedule 5, which has a minimum lot size for subdivision of 8ha. However, Clause 35.03-3 allows for smaller lots if “*The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*” The site currently consists of 29 separate titles and the number of titles is not increased by the proposal. It is noted that further subdivision would be prohibited under the current controls.

While it can be expected that the proposal will facilitate the shift from dedicated agricultural use of the land to a rural-residential use, the proposed subdivision will maintain lot sizes having capacity to undertake small scale agricultural pursuits on the site which is suited and supported. This is consistent with both the existing landholding pattern and the purpose of the zone, for the reasons outlined in the preceding policy section.

Indicative building envelopes have been provided on the submitted design response plan to demonstrate that appropriate locations are available within each site to build a dwelling and provide access ways. These envelopes have considered the vegetation to be retained, existing infrastructure pipes, proposed easements and the topography of the land. The envelopes also demonstrate appropriate separation distances can be provided between buildings on each proposed lot.

The proposal is overall considered consistent with the purpose of the Rural Living Zone Schedule 5.

Overlays

Environmental Significance Overlay Schedule 4

The subject site is affected by the Environmental Significance Overlay, Schedule 4 (ESO4). Schedule 4 relates to the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area. The land would be connected to reticulated sewerage and as such would be consistent with the purpose of the overlay.

The proposal has been referred to water authorities who have not objected, subject to conditions.

Erosion Management Overlay – Schedule 1 (Malmesbury Township)

The land is within Erosion Management Overlay Schedule 1 (EMO1). The purpose of this is to ensure that the water quality of Malmesbury Reservoir is not affected. A services and infrastructure plans has been submitted that addresses these issues satisfactorily. It is noted that the overlay would still trigger planning permits for the development of future dwellings, allowing further assessment and control as development occurs.

Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

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

The purpose of Clause 52.17 is also to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

As previously mentioned a biodiversity assessment has been submitted. This notes that the agricultural use of the land has substantially altered the land and the grasses present on the land do not form a patch for the purposes of the Guidelines. No trees are to be removed and the only significant tree (the Eurabbie on proposed lot 24) will be protected by a S173 agreement.

Clause 52.29 Land Adjacent to a Road Zone Category 1

The proposal would require altered access to the VicRoads controlled Calder Highway. The proposal has been referred to VicRoads / Department of Transport who have not objected, subject to conditions.

Clause 53.01 Public Open Space Contribution

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'*.

The proposal is for the re-subdivision of land into the same number of lots and no additional lots will be created. An open space contribution will therefore not be sought.

Objections

Objectors raised issues with regards to servicing (including roads, sewerage, drainage, and impacts upon general community infrastructure). The application was referred to all the relevant service authorities including stormwater, roads, electricity, sewer and water and no objections were received subject to conditions that will be included in any permit granted. It is considered that the land can be appropriately serviced. It is also acknowledged that the number of lots is not changed by this proposal, meaning that the servicing implications of the proposal are limited.

Several objections raised concerns about the loss of views and outlook across agricultural land. However the use of the land for rural residential purposes is consistent with both the zone and the existing subdivision pattern.

Similarly, while objections raised concern about the amenity impact of a shift to rural living from agricultural use, this shift is anticipated by the zone. The lot sizes are sufficient to allow separation of dwellings consistent with the expectations of the zone, and the revised layouts of many lots will allow improved outcomes in this regard.

It is also noted that some additional development control will also exist in the future for the dwelling lots less than 5000m² as these will require permission under the zone for a dwelling to be constructed. The EMO1 would also still trigger planning permits for the development of future dwellings, allowing further assessment and control as development occurs.

To provide some screening for the site the existing Hawthorn hedge in Bever Street will be retained as a condition of any permit issued and a Section 173 agreement (noting that this is a weed species).

Objectors raised concerns about the use of the land by wildlife. This is, however, highly disturbed agricultural land that is already zoned for rural residential use. The Eurabbie tree is noted in the biodiversity assessment as having habitat value and this is to be protected using a S173 agreement.

In response to objector concerns the developer has also amended the proposal to:

- Upgrade the eastern end of McCrane Street to include a sealed carriageway at its intersection with Bever Street/Calder Highway.
- Provide water supply to 21, 27 and 38 Bowen Street, from the new water mains in Bowen Street, as part of Stage 1 of the development. This is to replace their existing supply which is piped through the subject site. Upsizing of water lines and the installation of a booster pump will increase the pressure and flow currently available to these premises.
- Move the indicative building envelopes on proposed Lots 6 and 7 further north to provide greater separation from the existing dwelling at 21 Bowen Street.

In response to objector concerns the developer has also agreed to semi-mature canopy trees to be planted though out the development at a rate of one (1) tree per 1000m². This will be reflected in permit conditions including a Section 173 agreement to ensure maintenance of the planted trees.

Officer declaration of conflicts of interest

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

Conclusion

The proposal meets the policy requirements of the PPF and LPPF with regards to providing additional rural living opportunities. The development is considered suitable within its context and in keeping with the neighbourhood character as there are a mixture of lot sizes and densities within the area. The proposal maintains the existing number of lots on the site and improves their suitability for rural residential development in accordance with policy. The proposal provides housing and diversity in an approved location for rural living and will meet an identified need in local planning policy. The proposal will continue to provide appropriate amenity for it and adjoining residents. The land will be appropriately serviced.

For the above reasons the application is supported subject to appropriate conditions.

PE.4	APPLICATION TO AMEND PLANNING PERMIT PLN/2014/243/A - 386 YOUNGS ROAD, MALMSBURY
Officer:	Awais Sadiq, Coordinator Statutory Planning
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Proposed Plans (under separate cover) 2. Farm Management Plan (under separate cover) 3. Response from Dept. Agriculture ↓ 4. SOPP (under separate cover)
Applicant:	Macaulay Town Planning
Date of receipt of application:	28 January 2021
Trigger for report to Council	Councillor Call-in

Summary

Planning Permit PLN/2014/243 was issued on 29 August 2014, allowing buildings and works to construct a building associated with the agricultural use of the land (farm shed).

It is proposed to amend this planning permit to change the use of the farm shed to a dwelling, with associated works, and to amend a condition of the planning permit which prohibits human habitation of the building.

The application was advertised. Two (2) objections have been received to date.

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

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

Recommendation

That Council Issue a Notice of Decision to Refuse to Grant an Amendment to a Permit PLN/2014/243/A to change the use of a farm shed to a dwelling with associated works for the land at Crown Allotments 289A, 289B and 289C P/Lauriston 386 Youngs Road, Malmsbury VIC 3446, on the following grounds:

1. **The agricultural use proposed is not sufficient to justify the need for a permanent dwelling on site. The farm management plan fails to provide the context of the larger farming operation as it only proposes grazing animal production and fodder production (predominantly) that does not warrant a permanent dwelling on site for management.**
2. **The proposal is contrary to Clause 14.01 (Agriculture) of the Planning Policy Framework as it does not protect productive farmland due to inappropriate fragmentation which will compromise the long term capacity of the land to be used for agriculture.**

3. The proposal is contrary to Clause 14.01 (Agriculture) which seeks to encourage consolidation of agricultural land as there is potential for consolidation of the subject land into the adjoining land to the south.
4. The proposal is contrary to Rural Framework Plan under Clause 21.03-3 as it will result in a dwelling in “Agricultural Landscapes” and “Northern and Southern Catchments” areas as per the plan which aim for the continuation use of the areas for agriculture and to protect agricultural productivity in the northern catchment.
5. The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that the dwelling is required for sustainable agricultural pursuits.
6. The proposal is contrary to Clause 21.13-9 (Malmsbury) which encourages development within the existing Township boundary. The proposal will result in a type of residential development outside the township boundary where the strategy is to restrict such development within the town boundary.
7. The proposal is contrary to the purposes and decision guidelines of the Farming Zone as the dwelling will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use (dwelling), that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.
8. It is considered that the use of the land for a dwelling is not consistent with the MSS requirement to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.
9. The proposal would result in the proliferation of dwellings, and degradation of agricultural land (by fragmentation).
10. The proposal is contrary to Clause 51.07 (Macedon Ranges Statement of Planning Policy) as it will be unable to support and encourage agricultural land use.

Existing conditions and relevant history

Subject land

The subject site is located on the eastern side of Youngs Road, approximately 1.7 kilometres southeast of the Malmsbury town centre. The site consists of three parcels known as Crown Allotments 289A, 289B and 289C, with a government road (unused) separating CA 289C to the north from CA 289A and CA 289B to the south with a total area of approximately 22 hectares.

CA 289A contains an existing agricultural building with two associated water tanks. A dam is located to the west of the existing agricultural building adjacent to the Youngs Road frontage. There is a derelict cottage located on CA 289C, which is uninhabitable as well as dry bluestone walls that are recognised as having heritage significance under a Heritage Overlay.

There is an existing crossover from Youngs Road to the property that enters the unused government road, which is then used as a driveway into the three allotments. The site is predominantly clear in terms of vegetation.

Surrounds

The surrounding area to the south and west is zoned farming with some allotments developed with dwellings, associated outbuildings, and agricultural uses. Bendigo-Melbourne railway track aligns with the eastern boundary of the site.

Land to the further northeast is zoned Rural Living containing smaller lots, with dwellings with associated outbuildings.

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

The title provided with the application shows that the property is not encumbered by any restrictive covenants and/or Section 173 Agreement.

Previous planning permit history

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

Permit No.	Description
PLN/2014/243	Buildings and works to construct a building associated with the agricultural use of the land (farm shed)
PLN/2020/545	Use and Development of the Land for a Dwelling (Withdrawn)

Proposal

The proposal is to amend the planning permit to allow for the change of use of existing farm shed to a dwelling and associated works.

It is proposed to convert the existing farm shed into a dwelling with a habitable floor area of approximately 216m² (108m² at ground floor and 108m² at first floor).

The dwelling will comprise a laundry, living/kitchen/meals/ lounge areas, bathroom and a toilet at ground floor level. The first floor will comprise three bedrooms, ensuite, toilet and a retreat area. A garage associated with the dwelling use is located at the front of the building. It is setback 20m from the front boundary and 20m from the eastern boundary of CA289A.

The roof and walls of the dwelling are fully clad with colorbond in "Woodland Grey" colour.

The applicant is also seeking to amend the permit to remove the following condition from the permit:

"The outbuilding hereby permitted shall not be used for human habitation, as defined by the Macedon Ranges Planning Scheme, to the satisfaction of the Responsible Authority."

The Applicant justifies the use of the land for a dwelling on the basis of the agricultural use of the site, which includes 60 cows (30 cows in spring and 30 cows in autumn) and production of hay. A farm management plan has been provided with the application.

Relevant Macedon Ranges Planning Scheme controlsSection 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 4 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
11	Settlement

11.03-3S	Peri-Urban Areas
14.01-1S	Protection of Agricultural Land
14.01-2S	Sustainable Agricultural Land Use
15.03-1S	Heritage Conservation
16.01-3S	Rural Residential Development

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement (MSS)
21.03	Vision-Strategic Framework Plan
21.04	Settlement
21.07	Natural Resource Management
21.08-1	Heritage Conservation
21.13-9	Malmsbury

Zoning

Clause no.	Clause name
35.07	Farming Zone

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)
43.01	Heritage Overlay (Schedule 150)

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy

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	N/A

	Assessment criteria	Assessment response
	in Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	N/A
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	N/A

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

The process to date

Referral

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

Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
MRSC Health	No objection.
MRSC Heritage	No objection.
MRSC Strategic Planning	No objection.
Department of Agriculture	Comments provided.

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. Two (2) objections for the application have been received.

Following are the concerns raised by objectors:

- No advertising for previous application;
- Illegal conversion of shed to a dwelling;
- Land less than 40 hectares;
- Dwelling on small lot;
- Illegal closure of government road;
- Detrimental impact to the health of water supply;
- Collection of bin.

Officer assessment

Planning and Local Policies seek to support and enhance agricultural pursuits by ensuring future development, particularly residential development, does not result in the permanent removal of productive agricultural land or inhibit the continuation and development of

existing agricultural uses. These objectives are reiterated in the purpose of the Farming Zone.

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

Planning Policy Framework

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

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

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

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

Clause 16.01-3S aims "to identify land suitable for rural residential development." The relevant strategies associated with this objective also aim to:

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

The use of the subject site for a dwelling is not consistent with the planning policy in relation to rural and regional development, as it will permanently remove land from agriculture and creates an outcome where the potential for surrounding land for agriculture would become further limited.

This position is supported by Planning Policy put in place to guide where rural-residential type development should occur (Clause 16.01-3S). Specifically this policy requires that 'land not be zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land...'

It is also the intent of Planning Policy to encourage consolidation of existing rural settlements rather than facilitate dispersed and isolated development. The associated strategies are intended to protect land for agriculture and ensure that housing development is limited to that which is required to improve agricultural production. Submitted Farm Management Plan is not adequate to justify the need for a dwelling on the site. The dwelling does not relate to a genuine need to facilitate agriculture and operation of proposed agricultural use.

The adjoining land to the south is under the same ownership and contains a dwelling. It has an area of approximately 47 hectares and an opportunity therefore exists for the consolidation of land into a larger farming enterprise which the planning policies seek to achieve.

The application was referred to Agriculture Victoria for comment, who made similar comments on the application:

“A manager’s residence in support of this size of farming operation and to support effective succession planning may be justified, however it is noted that the house on the adjoining property (owned by the parents) was stated to be leased out. This undermines the assertion that the dwelling is required when an existing dwelling could be made available for the stated purpose.”

In Ward v Macedon Ranges SC [2013] VCAT 1758, Tribunal Member Potts discusses the importance of the consolidation of small agricultural lots by stating:

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

In Morabito v Macedon Ranges SC [2018] VCAT 1313, Tribunal Member Rundell discussed the importance of above policies while considering the proposal for dwelling in Farming Zone:

“The reasons behind the policies include not having agricultural land removed from production because it would be used as a dwelling. The policies also aim to prevent smaller agricultural lots being used as rural lifestyle lots because such use fragments, or prevents the consolidation of smaller lots into larger agricultural holdings that can be used as viable agricultural businesses. Ad hoc incremental development of small lots for dwellings can encourage land values to rise, thereby making consolidation of agricultural lots more difficult. Dwellings may also be incompatible with agricultural activities on adjoining and nearby land. At the core of the above strategies is the proposition that agricultural land (particularly land with good quality soils) is a rare and valuable resource that needs to be preserved for agriculture in the long term.”

Planning Policy has emphasised the need to protect agricultural land, particularly from encroachment of urban development. In this case the development of a dwelling on the site, would serve to prevent the use of the subject site as part of a larger agricultural land holding. The existing lot could still easily be amalgamated with adjoining lots to form part of a larger agricultural enterprise.

Local Planning Policy Framework

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

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

The “Rural Framework Plan” associated with this clause identifies the site being located in an areas of “Agricultural Landscapes” and “Northern Catchments”. Development in these areas should not prejudice the agricultural activities because they contribute to the character and economy of the Shire.

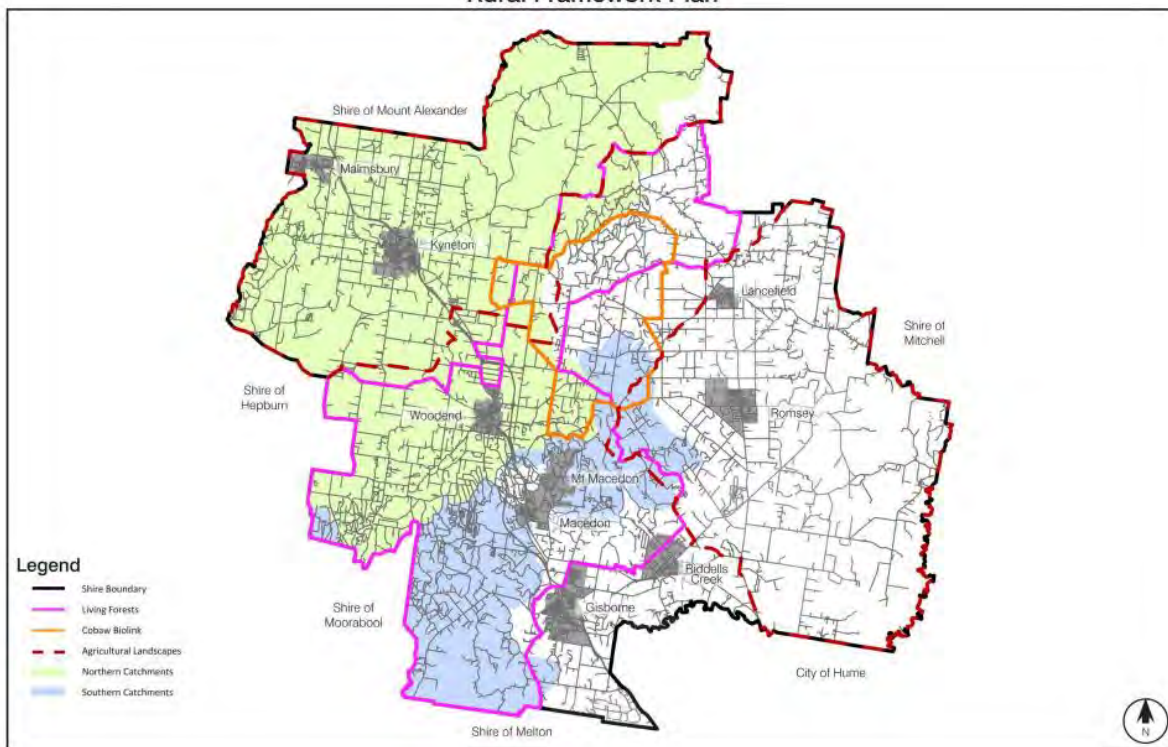
Vision and strategic direction for the “Agricultural Landscapes” shown on the rural framework plan is:

“Continue to use agricultural landscapes for stock raising (including sheep, cattle and horses) and intensive and extensive cropping. Development should not prejudice these agricultural activities because they contribute to the character and economy of the Shire.”

Similarly vision and strategic direction for the “Northern and Southern Catchments” shown on the rural framework plan is:

“Protect water quality and quantity, agricultural productivity in the northern catchment and encourage rural residential only in the more fragmented southern catchment where detailed land capability studies demonstrate there is no negative impact on water quality or agricultural uses.”

Macedon Ranges
Rural Framework Plan



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

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

- *To protect agricultural land.*

- *To provide for sustainable, productive agriculture within the Northern Catchments and Agricultural Landscapes areas identified on the Rural Framework Plan in Clause 21.03, discourage land use and development that is contrary to the vision for these areas and limit expectations of land use change and speculation.*
- *To protect the quality soils of land with high capability for agriculture.*
- *To maximise benefit from high value agriculture.*
- *To facilitate productive agricultural activity and ensure new development is related to the on-going productive use for agriculture.*

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

The subject site’s development for the purpose of a single dwelling is not generally encouraged, noting that planning policies seek to protect productive farmland rather than increasing density and numbers of rural dwellings in a Farming Zone area.

In this instance, the proposed dwelling cannot be considered as consistent with or supported by such policy in relation to rural and regional development, particularly where such development is explicitly discouraged. In addition, the application fails to sufficiently demonstrate the need for a dwelling as a secondary component to a productive agricultural use.

Ultimately to approve a dwelling on the subject land will result in a permanent change to the land use to the subject land. This land use change creating an additional residential lot which will limit the ability for agriculture to be facilitated in the context of the wider area and does not support the general principle to support the consolidation and enhancement of rural land.

By allowing a dwelling on the lot which is outside the designated township boundary area will compromise the viability of agricultural activities in the Farming Zone.

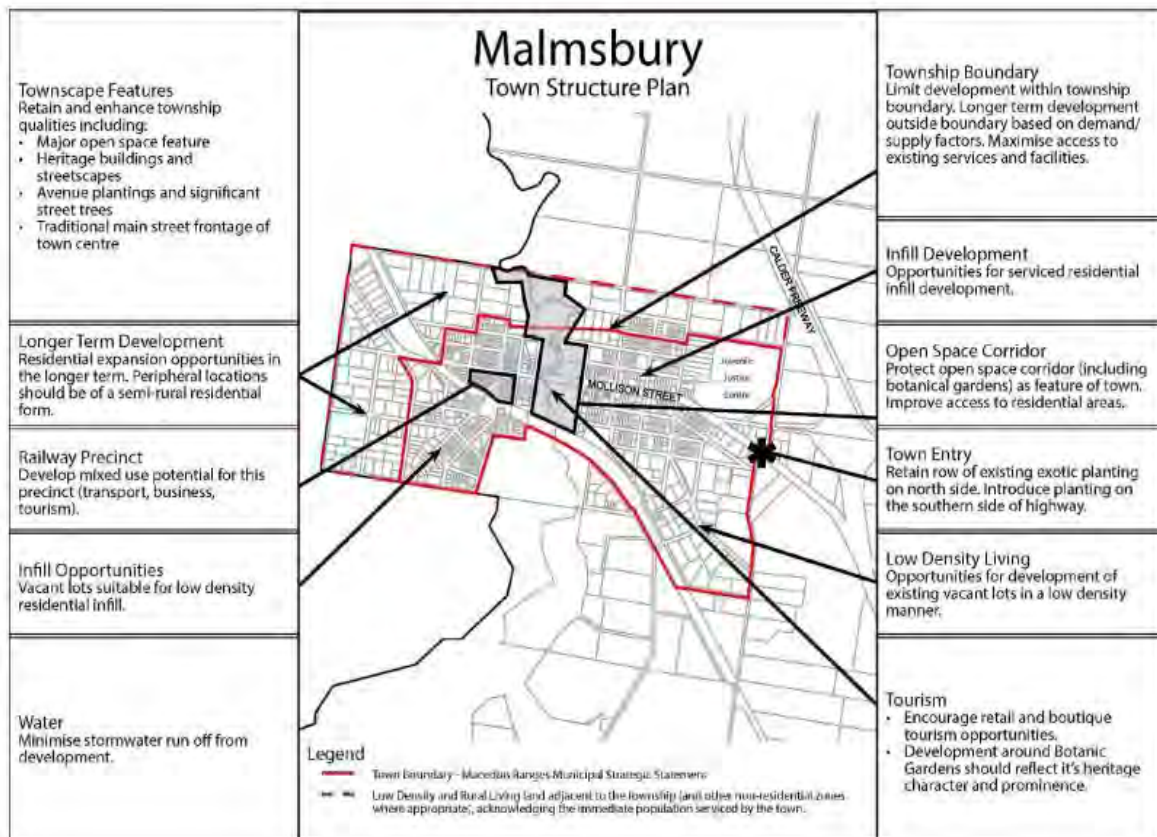
Clause 21.13-9 (Malmsbury) provides guidance in relation to the development within the township. Overview of the township under 21.13-9 states:

Given the level of existing services and infrastructure within Malmsbury, as well as the low historical demand, Malmsbury could be expected to accommodate a population of approximately 900 in 2036 (Macedon Ranges Settlement Strategy, 2011) within the township boundary and surrounding area, retaining its role as a small town.

It is acknowledged, however, that the existing land supply in Malmsbury may have the potential to accommodate as many as 1,200 people (Macedon Ranges Settlement Strategy 2011) within the township boundary and surrounding area.

2006 Population	Recommended population 2036	Increase in population 2006 to 2036	Est. lot supply required to accommodate 2036 population	Theoretical vacant lot supply (lower) @ 85% take-up ¹
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The subject land is located outside the township of Malmsbury as per Clause 21.13-9.



The objective under Clause 21.13-9 (Malsbury) which is relevant to the proposal is:

- *To provide for the orderly development of Malsbury having regard for the constraints of the area.*

Relevant strategies to achieve this objective are:

- *The location, form and design of new development in the town should be consistent with the Malsbury Township Framework Plan included in this sub-clause.*
- *Restrict new development to within the town boundary and the township sewerage district.*
- *Discourage the expansion of new rural living development.*

The proposal will be unable to achieve the above objective as it will result in a dwelling outside the township boundary where the strategy is to restrict such development within the town boundary. Main commercial area of Malsbury is located within approximately 1km to the north of the site. The site is also located within approximately 800m of the main residential area of Malsbury. Macedon Ranges Settlement Strategy 2011 states that the existing town has sufficient availability of residential zoned land. The policy seeks to direct development within the township and the proposal therefore will be contrary to this policy.

The applicant justifies that a dwelling is required in association with grazing animal production and fodder production. Given the location of the site in close proximity to the township and the availability of residential land in the town, a dwelling is not required for the operation of agricultural use. In *Andrews v Hepburn SC & Anor* [2013] VCAT 408, Member Potts refused a dwelling in the farming zone based on the location of the site being in close proximity to the township (similar scenario):

“Given the scale and nature of proposed agricultural activities operation, I am not persuaded that a fulltime presence is required on the property..., however it is clear

that the property is close to Trentham... described its location as a comfortable walk from the town centre. Given such a location, I am not persuaded that living off site, in Trentham, would not be an unworkable or present a substantial inconvenience."

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

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

It is noted that there are still a number of vacant lots of comparable size to the subject site in the surrounding area, used only for farming and grazing purposes. Development of a dwelling on the lot could encourage development of other vacant allotments, thereby impeding the potential for both the subject allotment and adjoining allotments to be effectively farmed especially as the potential to consolidate allotments would be removed.

As such it is considered that the proposal is considered to be contrary to the relevant policies and vision within the LPPF relating to protection and sustainable use of agricultural land.

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

Farming Zone

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

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

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

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

The agricultural proposed is not sufficient to justify the need for a permanent dwelling on site. This lack of justification is due to the relatively generic nature of the 'farm plan' and the minor level of infrastructure proposed. This reflects a small scale and low intensity rural use

that appears to be more in line with a hobby farm or rural lifestyle block, rather than a substantial bona fide agricultural pursuit.

The farm management plan demonstrates that grazing animal production is an appropriate land use for the site and outlines weed management and land improvement plans as well as targets for stocking and pasture production rates. This may be considered to meet the needs of an integrated farm management plan as required by the decision guidelines for the zone. The farm management plan does not address the need for a dwelling in association with the grazing animal production land use and fails to provide the context of the larger farm operation that may justify such a dwelling.

As discussed above the application with associated Farm Management Plan was referred to Agriculture Victoria and the Department has provided the same advice that the farm plan is not sufficient to warrant a dwelling on site. It is therefore not considered that the applicant has demonstrated that the agricultural use proposed requires a permanent dwelling to support it.

While a dwelling may be more convenient for the land owners, this is not a reason for the approval of a dwelling. Many of daily tasks required could simply be undertaken by daily visitation to the property and working on the site. It is considered the application has not sufficiently demonstrated that the agricultural uses proposed would not be able to be undertaken without the presence of a dwelling on the site.

Although it is acknowledged that there are some existing dwellings within the local area, it is considered that another dwelling on a small rural parcel will further contribute to a proliferation of dwellings within the area and will result in a loss of opportunity for smaller parcels to be consolidated with larger parcels. An additional dwelling is also a sensitive use, which may adversely impact the operation of future farming activities within the area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These relevant VCAT decisions demonstrate that simply because a dwelling can be considered under the zone, it does not follow that every application that can meet these

requirements should be approved. The application must be able to demonstrate how the purpose of the zone is fulfilled and the guiding policies addressed for approval to be a real option. In this instance it is not considered that this application achieves this.

The proposal would serve to permanently remove land from agricultural use, limit the expansion and operation of adjoining and nearby agricultural uses and is not reasonably required to support and enhance agricultural production.

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

Environmental Significance Overlay Schedule 4

The site is affected by Environmental Significance Overlay (Schedule 4). This overlay applies to properties within the Eppalock Proclaimed Catchment and aims to ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area.

The application site is not connected to reticulated sewerage. The decision guidelines specified in the planning scheme require Council to consider the impact of the use and development on the water catchment; the need to protect or retain vegetation; and any land capability study.

The application was accompanied by a Land Capability Assessment. The application has been referred to Goulburn-Murray Water, Coliban Water and Council's Environmental Health Officer. All authorities have confirmed that they do not object to the proposal, subject to conditions and endorsement of Land Capability Assessment. Council's Health Department issued a permit to install a septic tank on 5 November 2020.

While issuing the septic permit Council's Environmental Officer added following conditions:

- *This permit is being issued in retrospect as the system has already been installed. I note that size of the effluent lines are approx. 50m, which does not comply with the maximum length specified in the EPA's Code of Practice – On-site Wastewater Management Publication 891.4 of 30m.*
- *This permit is issued for a temp period of no more than 6 months and is subject to the Planning Permit for use of the building as a dwelling being applied for & issued. The outbuilding cannot be used for human habitation. The septic is for the disposal of wastewater generated from the toilet, shower & hand basin and they may only be used in association with the agricultural use of the land.*

Relevant water authorities have assessed the wastewater issues and the report and they have raised no concerns in relation to potential contamination of the water. Goulburn-Murray Water have also included a condition stating:

"The wastewater disposal area must be at least 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance."

The applicant has provided a copy of bore licence which allows them to extract water for domestic and stock use as well as for general non-irrigation farm use.

Heritage Overlay (Schedule 150)

The site is affected by Heritage Overlay (HO150) that relates to the dry stone walls on the subject site. Under Clause 43.01-1 of the Heritage Overlay, a permit is required to construct or carry out works.

Under the Decision Guidelines (Clause 43.01-8), the assessment needs to consider whether the proposed works will adversely affect the significance, character or appearance of the heritage place. The application was referred to Council's Heritage Advisor and the Heritage Advisor has raised no objection in relation to the proposal.

Based on the above, it is considered that the amendment will not adversely impact the significance, character or appearance of the dry stone walls on the site (HO150).

Deletion of a Condition

The applicant is seeking to remove the following condition from the Planning Permit PLN/2014/243:

"The outbuilding hereby permitted shall not be used for human habitation, as defined by the Macedon Ranges Planning Scheme, to the satisfaction of the Responsible Authority."

It is recommended not to remove this condition as the removal of this condition will facilitate the human habitation of the outbuilding which will be contrary to the policies in relation to protection of agricultural land under the Macedon Ranges Planning Scheme.

Officer declaration of conflicts of interest

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

Conclusion

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

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



Agriculture Victoria

Department of Jobs, Precincts and Regions

9 June 2020

Awais Sadiq
Coordinator Statutory Planning
Macedon Ranges Shire Council
PO Box 151,
Kyneton VIC 3444

Dear Awais

RE: Application to amend a planning permit PLN/2014/243 to include the use and development of a dwelling and deletion of Condition 4

Land at: 386 Youngs Road, Malmsbury, Allotment 289A, 289B & 289C Parish of Lauriston

Your Ref: PLN/2014/243

Thank you for the opportunity to comment on the planning application to amend a planning permit for retrospective permission to convert a farm shed to a dwelling located at 386 Youngs Road, Malmsbury.

The advice provided in this letter relates to:

1. Planning context.
2. Farm Management Plan.
3. Strategic objectives and protection of agricultural lands.

1. Planning context.

The subject land is within the Farming Zone (FZ, Clause 35.07). The property is affected by the Environmental Significance Overlay (ESO4) and Heritage Overlay (HO150).

The planning report provides the context that the dwelling is to support succession planning and management of a multi-generational farming operation that manages over 500 acres of land, the majority of which is leased and unavailable for dwellings. A manager's residence in support of this size of farming operation and to support effective succession planning may be justified, however it is noted that the house on the adjoining property (owned by the parents) was stated to be leased out. This undermines the assertion that the dwelling is required when an existing dwelling could be made available for the stated purpose.

It appears that the ESO and HO do not impact on the ability of the land to support the proposed grazing animal production.

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2. Farm Management Plan.

The Macedon Ranges Planning Scheme, Clause 21.07-1 Agriculture, provides that an application to use or develop land must be accompanied by: a report that comprehensively justifies the proposed development is required for the continuation or enhancement of the agricultural use of the land.

The farm management plan demonstrates that grazing animal production is an appropriate land use for the site and outlines weed management and land improvement plans as well as targets for stocking and pasture production rates. This may be considered to meet the needs of an integrated farm management plan as required by the decision guidelines for the zone.

Agriculture Victoria considers that the farm management plan does not address the need for a dwelling in association with the grazing animal production land use and fails to provide the context of the larger farm operation that may justify such a dwelling.

For Agriculture Victoria to make a detailed assessment of the application there is a need to provide additional detail as to the cattle operation infrastructure. The required detail would typically include;

- handling facilities such as cattle crush, scales, working yards.
- Watering and feeding facilities.

Agriculture Victoria recommends that the applicant be formally requested to provide further information to address the matters raised above.

3. Strategic objectives and protection of agricultural lands.

The Macedon Ranges Shire Council as the responsible authority will have to make a determination as to whether the dwelling is reasonably required for this proposed enterprise and the commerciality of the proposal. Livestock should be checked regularly for health and welfare, pasture availability, access to water and for other husbandry reasons.

The objectives and standards of Clause 21.07-1 Agriculture, of the Macedon Ranges Planning Scheme is relevant to this application, with particular reference to;

- Strategy 1.4, to ensure proposed development demonstrates how it relates to the ongoing productive use of the land for agricultural purposes and does not promote rural lifestyle development.,
- Strategy 6.3, to ensure any use of the land for residential activity is secondary or ancillary to the primary agricultural use of the land.
- Objective 6, To facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.

In meeting the objectives of the clause, it is recommended that any permit issued that allows the use and development of a dwelling in the Farming Zone is in association with agricultural production, protects against the potential for further subdivision of the land and ensures the use does not compromise farming activity in the area.

If a permit was to be granted it is recommended by Agriculture Victoria that conditions be placed on the permit to protect agricultural land that:

- Prior to the use of the dwelling commencing, Allotment 289A, 289B & 289C Parish of Lauriston be consolidated into one title.

And through a binding agreement which ensures:

- The development and continued use for the rural dwelling in the Farming Zone has been permitted on the basis that the dwelling is reasonably required for the operation of the agricultural activity conducted on the land in accordance with an endorsed agricultural production business plan or approved alternative, and the dwelling will only be used on that basis.
- The lot cannot be subdivided to create an additional lot and cannot be used for any further dwelling.
- That the owner acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal production, spray drift, agricultural machinery use, pumps and associated hours of operation necessary for agricultural production.

Conclusion:

This letter of advice is provided to Council to assist their assessment of the above planning permit application and any requirement in seeking further information from the applicant as part of its assessment process. The information provided should be considered as advisory in nature to inform Council's determination as the Responsible Authority. Please provide a copy of the outcome for our records.

Please contact me if you require any further clarification.

Regards



Ann McDowell
Development Officer – Panel of Animal Industries Experts
Biosecurity and Agriculture Services | Agriculture Victoria
Department of Jobs, Precincts and Regions
703 Raglan Parade, Warrnambool Victoria 3280
T: 03 5561 9903 M: 0436 934 343
E: ann.mcdowell@agriculture.vic.gov.au

PE.5	OPTIONS FOR THE AMESS ROAD PRECINCT
Officer:	Leanne Khan, Coordinator Strategic Planning
Council Plan relationship:	3. Improve the built environment
Attachments:	Detailed Consideration of Options - Amess Road precinct ↓

Summary

This report provides a brief history of the Riddells Creek Structure Plan, outlines the progress of the Amess Road Precinct Structure Plan and outlines options as required by resolution of Council at its Scheduled Council Meeting held on 23 June 2021. Of the options presented, the recommendation is that Council refer the preparation of Amess Road Precinct Structure Plan to the Victorian Planning Authority (VPA).

Recommendation

That Council:

1. **Makes a request to the Victorian Planning Authority to consider the preparation of the Amess Road Precinct Structure Plan (Option 3);**
 - (a) **Acknowledging that this option is in accordance with the Macedon Ranges Planning Scheme, Macedon Ranges Settlement Strategy (2011) and Riddells Creek Structure Plan (2013).**
 - (b) **Ensuring that Council is a partner in the preparation and engagement of the plan.**
2. **Requests the Victorian Planning Authority to become the planning authority on this matter.**
3. **Directs the Chief Executive Officer to submit an application to the Streamlining for Growth fund to support the preparation and implementation of a Precinct Structure Plan for the site.**

Background

This report responds to the Council resolution made at the Scheduled Council Meeting held on 23 June 2021:

That Council requests the Chief Executive Officer to bring a report to the August 2021 Scheduled Council Meeting outlining:

1. *An update on progress of the Amess Road Precinct Structure Plan*
2. *Options available to Council regarding the planning for the Amess Road precinct. These options to include:*
 - (a) *Progression of the current developer-led precinct structure plan process for the Amess Road precinct.*
 - (b) *Commencement of a Council-led precinct structure plan process for the Amess Road precinct.*
 - (c) *Not progressing a precinct structure plan for the Amess Road precinct until:*
 - (i) *A review of the Riddells Creek Structure Plan is undertaken with a specific focus on the quantum of land identified for future residential*

development and the community infrastructure required to support the future growth of Riddells Creek.

- (ii) *The Riddells Creek Movement Network Study (Gap Analysis) is completed.*

Discussion

Riddells Creek Structure Plan

The Riddells Creek Structure Plan was adopted by Council in 2013 and implemented by Planning Scheme Amendment C100 in June 2017. Both the Riddells Creek Structure Plan (the Structure Plan) and Planning Scheme Amendment C100 (Amendment C100) were developed in consultation with the community, including the formal exhibition of Amendment C100 during September and October 2015.

As part of the Amendment C100 process Council made a number of decisions that departed from the Structure Plan. These included but not limited to rezoning the land north of Amess Road to the Urban Growth Zone (UGZ) and designating the land south of the railway line as a priority development area and including in the UGZ. Of these two changes the Minister for Planning approved Amendment C100 with only the land north of Amess Road designated as a priority development area and zoned UGZ.

Before development of the Amess Road precinct can occur, the UGZ requires a precinct structure plan (PSP) and associated documents be prepared and implemented through a planning scheme amendment.

The Structure Plan forms part of Council's Settlement Strategy (2011), which provides overall direction for urban growth consistent with environmental constraints, community aspirations and government policy until 2036.

Macedon Ranges Statement of Planning Policy.

The Macedon Ranges Statement of Planning Policy (SPP) was endorsed by Council in July 2019, approved by the State Government in December 2019 and gazetted into the Macedon Ranges Planning Scheme via Planning Scheme Amendment VC185 in April 2021. The policy supports changes to the legislative framework to achieve protection for the Macedon Ranges, including the declaration of the shire as a Distinctive Area and Landscape under the Planning and Environment Act, 1987.

Riddells Creek has an approved protected settlement boundary within the SPP. The township boundaries are set in State Planning Policy and can only be changed with Parliamentary approval. The Amess Road PSP area is within the protected settlement boundary for Riddells Creek.

Amess Road Precinct Structure Plan

Since March 2018, Council officers have been working with the major landowner within the Amess Road PSP area, Sector Advantage to provide advice on the preparation of a PSP.

The Amess Road PSP area covers approximately 100 hectares of developable land and is the first PSP proposed within the shire. The preparation and finalisation of the Amess Road PSP is critical to ensuring Riddells Creek has an adequate supply of land to meet the current and future housing needs of the community. Based on the most recent land demand and supply assessment prepared on behalf of Council in the absence of the Amess Road area being available for housing, Riddells Creek has an estimated supply of 6-10 years of residential land.

In September 2019 Council undertook a joint exercise with the applicant to undertake community engagement on the draft Urban Framework Plan. At that time no application had

been lodged and no further documentation was received. Council received 238 written submissions in response to the community consultation.

In February 2020, Sector Advantage lodged a formal request to Council to amend the Macedon Ranges Planning Scheme to introduce the Amess Road PSP. Council officers are continuing to work with Sector Advantage to finalise the required technical documents that will underpin the PSP and ultimately enable the Amess Road PSP to progress.

Progress on the Amess Road Precinct Structure Plan

The focus of officers and the applicant to date has been on the preparation and finalisation of background technical reports. Council officers and the applicant continue to work on the following supporting technical documents which are nearing completion:

- Traffic and Transport Analysis
- Biodiversity Assessment
- Retail Needs Assessment
- Stormwater Management Plan
- Bushfire Development Report
- Community Infrastructure Assessment
- Cultural Heritage – Desktop Analysis
- Contamination
- Servicing and Utilities Report
- Developer Contributions Plan

The development will be considered under a Melbourne Water Development Services Scheme and all drainage infrastructure will be the responsibility of Melbourne Water. This is currently under preparation, but will require the landholder to fund all new infrastructure.

Recent discussions have looked to focus on the urban design of the precinct, future character and how the PSP might ensure desirable design outcomes are achieved on the ground. In addition the PSP will include the relevant requirements and guidelines resulting from the community engagement undertaken in September 2019, as presented to Council at the Ordinary Council Meeting of 26 February 2020.

Options available to Council regarding the planning for the Amess Road precinct

The following summarises the options available to Council regarding the planning for the Amess Road precinct. The more detailed assessment is found at Attachment One.

<i>Option 1: Progression of the current developer-led precinct structure plan process for the Amess Road precinct (status quo)</i>	
Existing Planning Policy for Riddells Creek	Supported by the Macedon Ranges Planning Scheme
Land Supply	Documented issue with land supply
Existing Policy Considerations	Supported by current policy
Resource Implications	Can be completed within existing resources
Budget	\$50,000 – existing allocation Planning Scheme Amendment at proponent’s cost
Timing	2-3 years
<i>Option 2: Commencement of a Council-led precinct structure plan process for the Amess Road precinct</i>	

Existing Planning Policy for Riddells Creek	Supported by the Macedon Ranges Planning Scheme
Land Supply	Documented issue with land supply
Existing Policy Considerations	Supported by current policy
Resource Implications	Yes
Budget	\$510,000
Timing	2.5 years from budget allocation
Other Comments	This option recognises that Council may have to start the preparation of the PSP documents from the beginning and that the coordination exceeds existing staff allocations and expertise.

Option 3: Commencement of a Victorian Planning Authority (VPA) led precinct structure plan process for the Amess Road precinct.

Existing Planning Policy for Riddells Creek	Supported by the Macedon Ranges Planning Scheme
Land Supply	Documented issue with land supply
Existing Policy Considerations	Supported by current policy
Resource Implications	Can be completed within existing resources
Budget	\$50,000 – existing allocation Additional funds/assistance through Streamlining for Growth funding stream subject to VPA approval
Timing	2-3 years from Council resolving to pursue this option.
Other Comments	Benefits include: <ul style="list-style-type: none"> • No additional funding or resources required from Council. • Independent body to resolve issues within the precinct. • Skill and expertise of VPA to resolve key issues with Council and referral authorities • Faster and less resource intensive for Council • VPA can assist Council to develop its capability and understanding of PSP process

Option 4: Not progressing a precinct structure plan for the Amess Road precinct until:

- (i) A review of the Riddells Creek Structure Plan is undertaken with a specific focus on the quantum of land identified for future residential development and the community infrastructure required to support the future growth of Riddells Creek.***
- (ii) The Riddells Creek Movement Network Study (Gap Analysis) is completed***

Existing Planning Policy for Riddells Creek	Amendment C100 that implemented the Structure Plan went through an independent planning panel Actions contained in the plan have not been completed.
Land Supply	Documented issue with land supply
Existing Policy Considerations	Not supported by current policy in the Settlement Strategy Statement of Planning Policy provides settlement hierarchy and permanent protected settlement boundary. Protected settlement boundary can only be changed with Parliamentary approval
Resource Implications	Yes

Budget	\$920,000
Timing	3.5 years assuming concurrent project management, from Council resolving to pursue this option and resourcing it.
Other Comments	This is not the preferred option due to time and cost. In the meantime, Riddells Creek will have a critical land supply shortage, impacting on the affordability of housing in the region and adding further pressure for infill housing within the town. The Amess Road Precinct will stay UGZ until such a time Council succeeds (if possible) in changing the zoning

While Council's resolution of the Scheduled Council Meeting held on 23 June 2021 did not request officers to include a VPA led process, this has been included as an option, and the officers preferred option. This option can be completed within existing Council resources and funding can be sought from the VPA for any additional expense.

In addition the VPA have the expertise to guide Council through its first Precinct Structure Plan process, manage key stakeholders such as Melbourne Water and Regional Roads Victoria to achieve acceptable outcomes, provide certainty to landholders and the community about the future use of the land, and undertake the PSP more efficiently than Council to resolve land supply which is increasing pressure on housing availability and affordability that combined with high demand levels is contributing to the pressure for infill development in the existing residential areas of Riddells Creek.

This option supports Council's current policy framework which identifies the preparation of the Amess Road Precinct Structure Plan, which was supported by an independent planning panel. The Riddells Creek Structure Plan, the independent planning panel and the Macedon Ranges Residential Land Demand and Supply Assessment (January 2020) prepared for Council, all identify a current lack of land supply in Riddells Creek.

Council could also consider as part of budget deliberations for the 2022/23 financial year, actions identified in the adopted Riddells Creek Structure Plan (2013) to be funded. This could include:

- Finalise a movement network study to promote the development of a pedestrian and cycling network in and around the town
- Apply the Development Contributions Plan (DCP) to levy funding of infrastructure including roads and pedestrian/cycle linkages.
- Facilitate and promote the provision of adequate car parking spaces in and around the railway station and in the town centre through monitoring and review of demand and supply.
- Undertake ongoing assessment of community needs and services, particularly in relation to community infrastructure and health.

As part of budget deliberations Council could also consider bringing forward projects listed on the Long Term Capital Works Guide identified as occurring in Riddells Creek, such as footpath construction, drainage works, road improvements and open space/sporting improvements.

Consultation and engagement

No community consultation has been undertaken regarding this report.

As noted previous community engagement occurred in September 2019 resulting in 238 written submissions. The findings were presented to the Ordinary Council Meeting of 26 February 2020.

All options outlined within this report would involve some level of engagement with affected landowners, occupiers and the community.

Any future engagement undertaken as part of a planning scheme amendment must follow the statutory notice requirements set out in the *Planning and Environment Act 1987*.

Collaboration

Collaboration was not required in relation to this report. It is noted that the Officers preferred option requires significant collaboration with the Victorian Planning Authority, landowners, stakeholders and the community.

Innovation and continuous improvement

This report is consistent with the principles outlined in the *Local Government Act 2020*.

Relevant law

The *Planning and Environment Act 1987* outlines the statutory process to undertake a planning scheme amendment.

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

Relevant regional, state and national plans and policies

The proposal is consistent with regional and state planning policies including:

- Macedon Ranges Statement of Planning Policy 2019;
- Plan Melbourne 2017; and
- Loddon Mallee South Regional Growth Plan 2014.

Relevant Council plans and policies

Council's relevant plans and policies are:

- Macedon Ranges Statement of Planning Policy 2019;
- Macedon Ranges Settlement Strategy 2011; and
- Riddells Creek Structure Plan 2013.

Financial viability

By adopting the officer recommendation in this report, the preparation of the Amess Road PSP can be prepared within the existing budget with the support of the VPA through the Streamlining for Growth program.

Should Council decide on a different recommendation, budget and staff resources will need to be allocated.

Sustainability implications

There are no sustainability implications and risks of note.

Officer declaration of conflicts of interest

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

Attachment One: Detailed consideration of options available to Council regarding the planning for the Amess Road precinct

Option 1: Progression of the current developer-led precinct structure plan process for the Amess Road precinct (status quo)	
<i>Existing Riddells Creek Structure Plan</i>	<p>The Riddells Creek Structure Plan (the Structure Plan) was adopted by Council in 2013 and implemented by Planning Scheme Amendment C100 in June 2017. The independent planning panel noted:</p> <ul style="list-style-type: none"> The Panel agrees with Council that existing policies anticipate the continuing growth of Riddells Creek and notes that there is policy support for growth to achieve district town status and, in the longer term, large district town status. While this needs to be reconciled with other policies relating to character, landscape and the environment, it is clear that Riddells Creek has been identified for growth and that planning should seek to facilitate and support that growth. This is consistent with the Panel’s reading of the Settlement Strategy, the Structure Plan and the MSS. The Panel also believes that the ‘district town’ designation does not denote an absolute or maximum level of population that might be accommodated within the town. It represents the role and size of the town at some point in time and it is conceivable that it will grow beyond that level in the longer term. <p>The land north of Amess Road was designated as a ‘priority residential development precinct’ in the Structure Plan, which was then rezoned from Rural Living Zone to Urban Growth Zone (UGZ) as part of Amendment C100. The independent planning panel considered the use of the UGZ and the quantum of land, hearing a number of expert witnesses, to determine that:</p> <ul style="list-style-type: none"> The Panel is satisfied that the UGZ is an appropriate zone for the two growth precincts. The UGZ protects the land for future development and provides the mechanism for detailed planning to occur through the development of PSPs. Once prepared, the PSP will need to be incorporated into the planning scheme through the planning scheme amendment process that will provide a formal opportunity for community and stakeholder involvement. Applying the UGZ does not infer that these areas will be immediately available for development - extensive analysis and planning will be necessary before any lots could be created and put on the market. In this interim period, the UGZ provides a widely accepted mechanism to protect the land for future development.
<i>Land Supply</i>	<p>The Macedon Ranges Residential Land Demand and Supply Assessment (January 2020) suggests Council consider the demand rate of 38 new dwellings a year for Riddells Creek. In theory there is potential for 372 lots (and separate dwellings) on existing zoned land in Riddells Creek. This assessment includes land with low development potential and broad acre private sites such as Treetops Scout Camp.</p> <p>There is currently under ten years of existing land supply in Riddells Creek, however it is noted that much of this supply is low density broad acre and the Rangeview Estate. The Macedon Ranges Residential Land Demand and Supply Assessment (January 2020) identifies the potential for an additional 1154 lots (based on 800m² blocks) in the Urban Growth Zone land in Riddells Creek, equalling to an additional 30 years of land supply.</p>

	<p>The independent planning panel that considered Amendment C100 in 2015 noted that there was less than 15 years land supply in Riddells Creek. With the material presented to them (including expert witness evidence) the panel concluded:</p> <ul style="list-style-type: none"> • The population of the Riddells Creek township, as defined in the Structure Plan will increase to somewhere between 4,238 and 7,800 by 2036 • The current supply of developable residential land is limited and there is a need for additional land to accommodate the future growth of Riddells Creek. • Identifying two growth areas for this development provides more choice and competition and it is likely that it will take some time for these areas to become available to the market. • Should an oversupply of land occur, there is little downside.
<i>Existing Policy Considerations</i>	<p>The Statement of Planning Policy (2019) identifies the Amess Road Precinct and the southern precinct as inside the protected settlement boundary. It identifies Riddells Creek as a 'district town'.</p> <p>The Loddon Mallee South Regional Growth Plan (2014) describes Riddells Creek as follows:</p> <ul style="list-style-type: none"> • Riddells Creek is likely to continue to grow at a moderate rate. Current population projections indicate the town could reach a population of just over 6000 people by 2041. Supply estimates indicate potential capacity for approximately 4900 additional people on existing residentially zoned land. Further investigation is required to identify future areas for greenfield growth as well as opportunities for infill and medium density development within the township boundaries. • Riddells Creek provides a rural township lifestyle option that Gisborne has traditionally delivered. It is well connected to existing railway infrastructure, services industries and businesses. Planning for settlement growth will need to consider potential bushfire and flood hazards. <p>The Macedon Ranges Planning Scheme through the implementation of the Macedon Ranges Settlement Strategy (2011) identifies the following strategies relevant to Riddells Creek in Clause 21.04:</p> <ul style="list-style-type: none"> • Riddells Creek's designation as a "small town" (population of 2,000<) moving towards a "district town" (population of 6,000<) (Clause 21.04, Table 1) • <i>Encourage the development of Riddells Creek and Lancefield as district towns. The anticipated population of Riddells Creek is anticipated to be at the cusp of a district town and a large district town.</i> (Clause 21.04, Objective 1). • Riddells Creek's identification for "moderate growth" in recognition of its position on the railway line and the relative absence of impediments to growth. (Clause 21.04, Objective 1)
<i>Resource Implications</i>	<p>Council funded an Amendments Planner in the 2020/21 budget, partly funded through proponent led planning scheme amendment fees. The Business Case identified the Amess Road Precinct Structure Plan application as a key input into this position. The position has 16 months remaining (November 2022).</p>
<i>Budget</i>	<p>In the 2020/21 budget Council funded \$50,000 to assist with costs associated with this option. In particular costs are to be used to peer review documents to ensure Council's satisfaction with background technical work.</p> <p>Council's fact sheet on proponent led planning scheme amendments indicate all costs are the responsibility of the applicant.</p>
<i>Timing</i>	<p>With the technical reports almost complete, work is beginning on the precinct structure plan to incorporate officer feedback and community feedback from September 2019.</p>

	It is noted that from the time of Council authorisation, a planning scheme amendment typically takes 18 months to complete.
Option 2: Commencement of a Council-led precinct structure plan process for the Amess Road precinct	
<i>Existing Riddells Creek Structure Plan</i>	As above
<i>Land Supply</i>	As above
<i>Existing Policy Considerations</i>	As above
<i>Resource Implications</i>	With the current workload of the Strategic Planning Team, additional projects cannot be accommodated within existing resources. Council would either need to fund additional EFT or resolve to put on hold other strategic work currently underway. It is anticipated that a preparation of a PSP will require extensive landowner engagement and community consultation. In addition the preparation of supporting documents along with the development plan will require the input and resources of other teams within Council.
<i>Budget</i>	It is anticipated that this option would cost approximately \$510,000 consisting of: <ul style="list-style-type: none"> • Preparation of technical reports including PSP – additional \$200,000 (note \$50,000 existing funding reallocated)# • Planning Scheme Amendment process \$60,000 • Staff costs (additional if required) \$250,000 (1EFT over 2.5 financial years – strategic planning) #Whilst it is noted that the technical reports from the applicant are almost complete, they remain the intellectual property of Sector Advantage.
<i>Timing</i>	It is anticipated that a Council-led PSP process would take approximately two and a half years consisting of <ul style="list-style-type: none"> • 12 months for completion of technical reports and PSP preparation • 18-24 months for Planning Scheme Amendment to be gazetted.
<i>Other Comments</i>	This option recognises that Council may have to start the preparation of the PSP documents from the beginning and that the coordination exceeds existing staff allocations and expertise.
Option 3: Commencement of a Victorian Planning Authority (VPA) led precinct structure plan process for the Amess Road precinct.	
<i>Existing Riddells Creek Structure Plan</i>	As above
<i>Land Supply</i>	As above
<i>Existing Policy Considerations</i>	As above
<i>Resource Implications</i>	VPA would be become the planning authority. Officer time would still need to be allocated to work in partnership with the VPA. As the workload of the Amendments Planner already anticipated this work, it is likely that this can be absorbed into existing workload pressures.
<i>Budget</i>	The request to the VPA to assist in the project may require inkind officer support or financial contribution. In the 2020/21 budget Council funded \$50,000 to assist with costs associated with this option, this could be re-directed to

	assist with these costs. In addition Council could apply for Streamlining for Growth funding which may support this option.			
<i>Timing</i>	With the technical reports almost complete, work is beginning on the precinct structure plan to incorporate officer and community feedback. It is anticipated that the VPA could request authorisation within six months of taking on the project. It is noted that at the time of authorisation, a planning scheme amendment typically takes 18 months to complete.			
<i>Other Comments</i>	Benefits include: <ul style="list-style-type: none"> • No additional funding or resources required from Council. • Independent body to resolve issues within the precinct. • Skill and expertise of VPA to resolve key issues with Council and referral authorities • Faster and less resource intensive for Council • VPA can assist Council to develop its capability and understanding of PSP process 			
Option 4: Not progressing a precinct structure plan for the Amess Road precinct until:				
i. A review of the Riddells Creek Structure Plan is undertaken with a specific focus on the quantum of land identified for future residential development and the community infrastructure required to support the future growth of Riddells Creek.				
ii. The Riddells Creek Movement Network Study (Gap Analysis) is completed				
<i>Existing Riddells Creek Structure Plan</i>	As above. In relation to this option the existing Structure Plan identifies the actions below as relevant to Option Four. This highlights the need to undertake monitoring and review of existing plans and strategies.			
	<i>Number</i>	<i>Action</i>	<i>Timeframe in Structure Plan</i>	<i>Status</i>
	8	Undertake the strategic work to support the rezoning of land and apply the Development Plan Overlay to the Priority Residential Development Precinct. (Note: Area became UGZ)	Short-Term	Complete Area rezoned UGZ
	15	Monitor population growth within the Structure Plan area to ensure that there is a sufficient supply of land.	Medium-Long Term	Ongoing Land Demand and Supply Assessment (January 2020)
	24	Finalise a movement network study to promote the development of a pedestrian and cycling network in and around the town	Short term	Not started (Stage 1 funded)
	26	Apply the Development Contributions Plan (DCP) to levy funding of infrastructure including roads and pedestrian/cycle linkages.	Immediate	Not started (DCP Review funded)
	27	Facilitate and promote the provision of adequate car parking spaces in and around the railway station and in the town centre through monitoring and review of demand and supply.	Ongoing	

	28	Undertake ongoing assessment of community needs and services, particularly in relation to community infrastructure and health.	Medium-Long Term	
<i>Land Supply</i>	As above			
<i>Existing Policy Considerations</i>	As above The Statement of Planning Policy and the Settlement Strategy identifies the role of Riddells Creek in the settlement hierarchy. Current policy supports the Amess Road precinct. It is noted the Statement of Planning Policy has identified a protected settlement boundary which is unlikely to be changed. It is the view of officers that a review of the Settlement Strategy would need to take place in order to review the Riddells Creek Structure Plan in accordance with this option.			
<i>Required Budget</i>	<p>It is anticipated that this option would cost approximately \$920,000 consisting of:</p> <ul style="list-style-type: none"> • Riddells Creek Movement Network Study – (Stage 1) - \$60,000* • Riddells Creek Movement Network Study – (Stage 2) - \$60,000 • Community Infrastructure Assessment \$30,000 (Riddells Creek only) • Review of Settlement Strategy \$150,000 • Review of Structure Plan \$150,000 • Planning Scheme Amendment process \$80,000 • Staff costs (additional if required) \$350,000 (1EFT over 3.5 financial years – strategic planning) • Staff costs (additional if required) \$40,000 (0.4EFT one year - Engineering Designs & Investigation) <p>*Note Riddells Creek Movement Network Study – (Stage 1) - \$60,000 funded in 2020/21 budget</p>			
<i>Resource Implications</i>	With the current workload of the Strategic Planning and Engineering Designs & Investigation Teams, additional projects cannot be accommodated within existing resources. Council would either need to fund an additional senior EFT or resolve to put on hold other strategic work currently underway.			
<i>Timing</i>	<p>It is anticipated that a review of the Riddells Creek Structure Plan in accordance with this option would take at least three and a half years with some work needing to be done concurrently, consisting of:</p> <ul style="list-style-type: none"> • 12 months for a Riddells Creek Movement Network Study • 12-18 months for a Settlement Strategy to be adopted by Council • 12-18 months for a Structure Plan to be adopted by Council <p>It is noted that at the time of Council authorisation, a planning scheme amendment typically takes 18 months to complete.</p>			
<i>Other Comment</i>	This is not the preferred option due to time and cost. In the meantime, Riddells Creek will have a critical land supply shortage, impacting on the affordability of housing in the region and adding further pressure for infill housing within the town. The Amess Road Precinct will stay UGZ until such a time Council succeeds (if possible) in changing the zoning.			

PE.6	REGIONAL ADVANCED MANUFACTURING COOPERATIVE RESEARCH CENTRE
Officer:	Stephen Pykett, Manager Community and Economic Development, Arts and Events
Council Plan relationship:	2. Protect the natural environment 4. Enhance the social and economic environment 5. Deliver strong and reliable government
Attachments:	Regional Advanced Manufacturing CRC Information Brochure (under separate cover)

Summary

Macedon Ranges Shire Council has been provided an opportunity by Deakin University to enter into a non-binding Affiliate Partner arrangement in their Regional Advanced Manufacturing Cooperative Research Centre initiative.

Recommendation

That Council:

- 1. Commits to entering into a non-binding Affiliate Partner arrangement in the Regional Advanced Manufacturing Cooperative Research Centre initiative**
- 2. Requests the Chief Executive Officer to notify Deakin University of this resolution and to complete any necessary registrations and declarations**

Background

In July 2021, Council was approached by Deakin University seeking support for the development of a Regional Advanced Manufacturing Cooperative Research Centre (RAM CRC) initiative. Council was provided the opportunity to become an Affiliate Partner through a non-binding arrangement for the project that would be seeking funding through the Australian Governments Cooperative Research Centres (CRC) Grants – Round 23.

The RAM CRC is proposed to be jointly funded by industry partners, research organisations and the Australian government.

The RAM CRC proposes to build a vibrant ecosystem of sovereign regional manufacturing capability and scale for job creation, productivity improvement and business growth, while helping regional communities adapt to future external economic shocks and the impact of climate change.

Regionally-based sectors such as agriculture, food and beverage, mining and resources, energy, health and social services, transport and supply chain logistics will all benefit from the research activities of the RAM CRC.

The RAM CRC proposes to achieve an internationally-competitive regional manufacturing base in several critical precincts across Australia. These precincts will:

- Enable development of globally-competitive and energy-sustainable regional and remote manufacturing precincts across Australia.
- Develop and upskill the existing and next-generation workforce to improve productivity and performance in regional and remote communities.

- Create an interactive satellite network of regional manufacturing small-to-medium enterprises (SMEs) to promote and encourage scalability, economic diversity, new export markets and jobs.
- Develop resilience in regional supply chains and distribution by shifting to locally-supported and micro-connected supply chains.
- Provide transition leadership in manufacturing to support uptake of automation, 3D additive printing, data analytics and artificial intelligence.

The RAM CRC will provide funding for manufacturing Research and Development (R&D) programs and projects between industry and research organisations to:

- Flexibly support regional manufacturers of all sizes, from start-ups and SMEs through to established and mature public and private manufacturing enterprises.
- Support a nation-wide system of sustainable manufacturing through the creation of new and diverse economies of materials, products, waste and energy.
- Build manufacturing supply chain resilience and strengthen sovereign capabilities to reduce the impact of future demand shocks.
- Provide access to research skills, world-class facilities and commercialisation support to help manufacturers grow.
- Encourage SMEs to invest in innovation and boost the uptake of technologies.
- Promote greater levels of collaboration between businesses and researchers to help improve productivity and operational performance.
- Enable education and training to ensure current and next-generation workers have the right skills to take advantage of emerging technologies.

Key environmental initiatives include:

- **Circularity** - Ensuring next generation manufacturing is clean, green and sustainable, and designing new ways for materials from one industry to become valuable resources for another.
- **Energy** - Creating and identifying opportunities for manufacturers and other businesses to transition to a sustainable and renewable future.
- **Agile and Remote** - Helping regional and remote manufacturing communities rapidly adapt to challenging and changing social, economic and environmental demands

Deakin University has undertaken a number of initiatives that underline that organisations value of sustainability. These include:

- A commitment to becoming carbon neutral and using only 100% renewable electricity by 2025
- A Renewable energy microgrid at the Waurm Ponds campus
- Hycel (Warrnambool Campus) to grow Australia's hydrogen economy and deliver clean and affordable energy solutions that meet Australian and Victorian emissions reduction targets

Discussion

The option of becoming an Affiliate Partner through a non-binding agreement provides Council the opportunity to demonstrate strong leadership and commitment to supporting solutions that will address issues around waste, sustainability and climate change impacts. Developing solutions that will assist the shires businesses to adopt more sustainable practices and remain competitive.

As an Affiliate Partner, there is no financial obligation and the non-binding nature of the agreement mitigates risk whilst providing Council the ability to review its support status at any time.

Consultation and engagement

Council's Economic Development Unit has reviewed the proposal and the focus areas identified. A strong correlation has been found between the RAM CRC project and actions prioritised in the Macedon Ranges Council Plan 2017-2027.

- Address climate change mitigation, resilience and adaptation
- Manage waste as a resource
- Embed environmental sustainability principles across all Council operations
- Attract strategic investment that is consistent with Council's vision
- Encourage business diversity and growth
- Support local industry sectors that align with our vision and principles
- Attract, retain and support a skilled workforce

Future engagement with local businesses will be facilitated as part of the initiative.

Collaboration

The RAM CRC initiative is a collaboration between industry, government and academic sectors. Ongoing participation in the project will provide Council ongoing opportunities to enhance networks and collaboration.

Innovation and continuous improvement

Affiliation with the RAM CRC will provide council access to relevant information and direct discussions in areas that develop best practice and confirms a commitment to continuous improvement.

Relevant law

Not applicable.

Relevant regional, state and national plans and policies

Australian Government's CRC Program

Australian Government Department of Industry, Science, Energy and Resources' Outcome 1: Enabling growth and productivity for globally competitive industries through supporting science and commercialisation, growing business investment and improving business capability and streamlining regulation.

Relevant Council plans and policies

The RAM CRC initiative supports Council Plan priorities of; protecting the natural environment, enhancing the social and economic environment and strong and reliable government.

Council resolved to declare a Climate Emergency at the March 2021 Scheduled Council Meeting. By declaring a Climate Emergency, Council publicly acknowledges that action is urgently required to address the causes and impacts of climate change and avoid irreversible disruption to society, the economy and ecosystems. Affiliation with the RAM CRC demonstrates Councils commitment to actively addressing this situation.

Financial viability

The Affiliate Partner relationship has no associated cost or financial commitment.

Any financial or resourcing implications relating to this process will be subject to future budget requests/deliberations or grant funding opportunities.

Sustainability implications

This initiative is specifically targeted at regional areas of Australia and by enhancing economic and environmental outcomes will in turn strengthen regional communities.

The RAM CRC has the potential to reduce waste and provide solutions to assist to manage implications associated with climate change.

Officer declaration of conflicts of interest

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

12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	CONTRACTS TO BE AWARDED AUGUST 2021
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Nil

Summary

This report provides details of contracts proposed to be awarded under a delegation from Council. The report recommends noting the power delegated to Council officers in relation to the first four contracts listed below and delegating power in relation to the fifth contract listed below. However, for each of the contracts, Council has the power to:

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

Recommendation**That Council:**

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C22.1116 Roadside Slashing Program**
 - (b) **C22.1117 Township Hazard Reduction**
 - (c) **C22.1118 Open Space Mowing**
 - (d) **A22.1131 Provision of Natural Gas**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
 - (a) **C22.1123 Design and Construct Shared Trail Project**

Background information

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

Opportunity to review delegated authority

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

C22.1116 Roadside Slashing Program

This is a two (2) year contract with an option for a further one (1) year for the provision of grass slashing and vegetation management of roadsides within the municipal area for fire

prevention purposes. The current contract expires on 30 September 2021 and there are no further options to extend.

The CEO has delegated authority to award this contract.

C22.1117 Township Hazard Reduction

This is a two (2) year contract with an option for a further one (1) year for the provision of township hazard reduction services. The contract is divided into a number of township areas and may be awarded to more than one contractor. The works involve the routine slashing of Council owned/managed lands for fire hazard reduction and removal of fire hazards on private land under power of fire prevention notices (see *Country Fire Authority Act 1958*).

The current contract expires on 30 September 2021 and there are no further options to extend.

The Director of Planning and Environment has delegated authority to award this contract.

C22.1118 Open Space Mowing

This is a three (3) year contract with the option of further two (2) x two (2) year extensions for the provision of mowing services for council assets within the Macedon Ranges Shire. The service will be performed within open space facilities including parks and reserves; roadside reserves; roundabouts; median strips; sporting facilities and other similar sites as specified. As well as mowing, other works which may be carried out as part of this contract are brush cutting, mechanical edging and hand mowing. The current contract expires on 11 November 2021.

The CEO has delegated authority to award this contract.

C22.1131 Provision of Natural Gas

This a collaborative procurement process conducted by Procurement Australasia as agent for a number of councils for the provision of retail energy. Macedon Ranges Shire Council has opted in to the five (5) year contract for the provision of natural gas for Council facilities. The current contract for the provision of natural gas expired on 30 June 2021.

The CEO has delegated authority to award this contract.

C22.1123 Design and Construct Shared Trail Project

This contract is for the design and construction of the Macedon Ranges Shared Trail Project. In September 2020, Council executed a Grant Agreement with Regional Development Victoria to deliver the Woodend - Macedon - New Gisborne - Riddells Creek Shared Trails Experience. The 24km long shared use trail will take approximately 18 months to complete.

The contract exceeds the \$1million financial delegation of the CEO.

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

Council reviews its Procurement Policy regularly, in accordance with the *Local Government Act 1989*. These reviews consider options for innovation and are part of continuous improvement processes.

Relevant Law

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

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

Financial viability

Funds for all contracts to be awarded, as listed above, have been provided in the 2021/22 operational and/or capital works budgets and future annual budgets.

Sustainability implications

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

Officer declaration of conflicts of interest

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

CX.2	MEDIA POLICY REVIEW 2021
Officer:	Fleur Marshall, Manager Customers, Communication and Engagement
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Media Policy 2021 ↓

Summary

Council's Media Policy was last adopted in 2018, with revision dates to follow each Council election. A current review identified significant ambiguities around roles and responsibilities and inconsistencies with relating policies, resulting in the need for a new policy that is relevant, clear, flexible and concise.

The new Media Policy provides a clear framework for engaging with media organisations, and covers any form of communication to any form of media, to ensure Council meets the expectation of the community by being transparent, accurate and accountable. It has been developed in consultation with key stakeholders including the Mayor and Councillors.

Recommendation

That Council adopts the Media Policy 2021.

Background

Council's Media Policy was implemented to provide a framework for Councillors, staff, volunteers or contractors when interacting with media organisations.

Macedon Ranges Shire Council deals with media enquiries on a daily basis and regularly produces information for the media and community. The Media Policy aims to facilitate the provision of information and comment to the media in a timely, coordinated and responsive manner and ensures Council's message is conveyed accurately.

The policy sets clear guidelines for Councillors, staff and contractors around spokesperson responsibilities and guides how Council responds to media enquiries, issues media releases and information, and engages with the media in emergency situations. It also sets out Council's approach to supporting a positive, effective working relationship with the media.

The Media Policy is required to be reviewed following each Council election, with the last update occurring in 2018. An internal review was conducted by Communications staff and several key issues identified within the existing policy that necessitated a re-write of the policy, rather than an update.

Discussion

The review of the existing Media Policy by Communications staff resulted in the following findings:

- Lack of clarity
- Procedural in nature
- Unclear responsibilities
- Blurring with guidance in other policies (e.g. Social Media Policy)

As a result of the above findings, a new policy was developed which provides clearer guidelines for Councillors, staff, volunteers and contractors when dealing with any media organisations and any forms of communication, including print, radio, television and digital media. Roles and responsibilities in regards to media interactions on behalf of Council have also been more clearly defined within the policy.

The new policy will enhance and protect the good reputation of the Council and facilitate its effective voice on behalf of the community.

Consultation and engagement

The policy has been reviewed internally with input from key stakeholders, including the Mayor and Councillors, and proposed changes have been implemented in the new version of the Media Policy

Collaboration

The nature of this policy review did not require collaboration with other councils, governments or statutory bodies.

Innovation and continuous improvement

A review of the policy is to be conducted following each council election. A review of multiple other local government areas ensured the updated Media Policy was in line with industry best practice.

Relevant law

There is no legislation or legal advice to be considered in relation to this report.

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

- Council Plan – Theme 5: Delivering Strong & Reliable Government
- Social Media Policy
- Staff Code of Conduct
- Councillor Code of Conduct
- Election Period Policy
- Community Engagement Policy
- Governance Rules

Financial viability

There are no financial or resourcing implications to be considered in relation to this report.

Sustainability implications

There are no social, economic or environmental sustainability implications to be considered in relation to this report.

Officer declaration of conflicts of interest

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



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Policy Title:	Media Policy
Date of Adoption:	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Executive <input type="checkbox"/> Other (<i>please specify</i>)
CEO Signature:	Date:
Responsible Officer and Unit:	Manager Customers, Communications and Engagement
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other - After every Council election
Last Review Date:	April 2018
Next Review Date:	May 2021
Purpose / Objective:	This policy provides a clear framework for engaging with media organisations, covers any form of communication by Councillors, staff, volunteers or contractors to any form of media.
Background / Reasons for Policy:	Macedon Ranges Shire Council deals with media enquiries on a daily basis and regularly produces information for the media and community. This policy aims to facilitate the provision of information and comment to the media in a timely, coordinated, responsive manner.
Definitions:	Media: newspapers, radio, television, community newsletters, news websites, social media, magazines and periodicals. Council representatives: the Mayor, Councillors, Council employees, contractors and volunteers. Council approved spokesperson: Council representatives who have been authorised to speak publicly on behalf of Council.
Related Policies:	Social Media Policy Staff Code of Conduct Councillor Code of Conduct Election Period Policy Community Engagement Policy Governance Rules

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1. Policy Statement

The Media Policy (the policy) provides a clear framework for engaging with all media organisations, including metropolitan and local print, radio, television and digital media, to ensure that Council meets the community's expectations for accuracy, relevance and accountability. The policy will enhance and protect the good reputation of Macedon Ranges Shire Council and facilitate its effective voice within, and on behalf of, the community.

2. Scope

This Policy applies to all Councillors, staff, volunteers and contractors.

3. Approved Spokesperson(s)

Mayor

The Mayor is the primary spokesperson for Council. The media role of the Mayor is to:

- inform the public about Council decisions or the strategic direction of Council
- encourage community participation in Council services and programs
- promote the region to residents, visitors and businesses
- represent Council and the community's needs during an emergency

The Mayor does not comment on staffing or operational/administrative matters at Council, as this is the role of the Chief Executive Officer (CEO).

The Mayor may choose to delegate their authority to respond to the media under certain circumstances. For example, the Mayor may delegate to another Councillor.

When engaging with the media, the Mayor (or Delegate) must comply with the Councillor Code of Conduct.

As spokespersons, the Mayor (or Delegate) must represent and respect Council decisions, regardless of their personal views. Councillors must also comply with the requirements of Part 6 – Council Integrity of the Local Government Act 2020.

Councillors

Councillors may be assigned a spokesperson role for particular Council projects or matters, as delegated by the Mayor (see above).

When approached by the media, Councillors may choose to comment on their personal position making it clear that this is not the formal position of the Council, while being respectful of the formal decision-making process.



If a Council decision is yet to be made, Councillors may wish to put forward their personal views or position on the matter, however Councillors need to be aware of their obligations to observe the common law rules of natural justice and procedural fairness when commenting before a Council decision has been made. Councillors making public comments as private citizens need to make it clear they are not speaking on behalf of Council, and that they are personal opinions only so as to not jeopardise their Council position.

For all other matters, unless the Mayor has given a Councillor specific spokesperson responsibility, enquiries from the media will be referred to the Communications unit.

Councillors making personal statements should be guided by these points:

- They must make clear whether they are representing the Council in accordance with an adopted Council position or policy, or whether they are presenting a personal viewpoint as an individual, not on behalf of the Council.
- They play a key role in maintaining a positive public image and in preserving public confidence in Council
- Any media release issued by a Councillor expressing their personal views must not include the Council logo and will not be issued by the Communications unit
- When expressing personal views, they must show respect for the Council, its decisions, decision-making process or other elected members, officers or employees.
- The Council Chamber is the most appropriate forum for Councillors to publicly express their views on a decision and to debate matters with their fellow Councillors.
- Their comments must not breach the provisions in the Councillor Code of Conduct and the Local Government Act.
- Comment on adopted policies and decisions of the Council must be conveyed accurately and should not contain information that may be determined by Council to be confidential.
- In circumstances where a Council decision is made and any Councillor/s are absent due to a declared conflict of interest, that Councillor cannot act as the Council spokesperson on the Council decision or associated issues.
- Councillors must not promote any private business interests, in their role as delegated Council spokesperson. Councillors must not promote their political or personal interests as a registered candidate in a State or Federal Government election.
- Councillors should advise either the Chief Executive Officer or their delegate when contacted by the media, and prior to providing any statement that may be reported in the public domain.

All Councillors must comply with the policy and respect the respective roles of the Mayor and Chief Executive Officer as spokespersons for the Council. When engaging with the media, Councillors must comply with the Councillor Code of Conduct.

Chief Executive Officer

The CEO is responsible for statements about operational/administrative matters. The CEO may delegate (in line with the Media Procedure) to a member of the Executive Leadership Team (ELT) or Senior Management Team (SMT) who has portfolio responsibility for a particular issue.

Executive Leadership Team

Media statements from a member of ELT will be on matters directly relevant to their areas of responsibility, or in place of another member of ELT on request. They may delegate to a Manager or staff member where comments are required on specialist matters relating to an officer's responsibility.

Council staff, volunteers and contractors

Council staff, volunteers and contractors are not authorised to speak on behalf of Council or the organisation, unless delegated authority outlined in Table 1. All staff making public comments as private citizens need to make it clear they are not speaking on behalf of Council, and that they are personal opinions only so as to not jeopardise their Council position.

Table 1. Media responsibilities by scenario



Scenario	Spokesperson
Major decisions made by Council and associated issues	Mayor
Spokesperson for Council and the community's needs during an emergency	Mayor
Major decisions made by Council and associated issues - when the Mayor is unable to perform their duties	Deputy Mayor
Other Council decisions and associated issues - as delegated by The Mayor	Councillor
Council decisions or policy matters - as delegated by the Mayor	Chief Executive Officer
Organisational, operational or administrative matters	Chief Executive Officer
Declared municipal emergency (as defined in the Municipal Emergency Management Plan)	Chief Executive Officer
All high-level administrative, operational, sensitive and management issues following the activation of the Business Continuity Plan,	Chief Executive Officer
Organisational, operational or administrative matters specific to their department or service area (delegated by the Chief Executive Officer)	Executive Team member
Promotion of specific Council services, events or facilities, when delegated by the relevant ELT member	Employees with specialist or technical knowledge
Matters of fact or clarification only, in response to approved media statements	Council's Communications Officer/s

4. Role of the Communications Unit

All media enquiries must be referred to, coordinated and managed by the Communications Unit.

The Communications Unit will provide advice and support to other departments to create newsworthy opportunities and target media appropriately. Council-initiated news stories will be coordinated and managed by the Communications Unit.

The Communications Unit will support the Mayor in their role as Council spokesperson. This includes liaison with media and ensuring the Mayor is appropriately briefed/supported as spokesperson.

4.1 Media Releases

The Communications Unit will write, and seek necessary approvals for media releases and statements. The Communications Unit will liaise directly with the media to follow up and coordinate enquiries.

Quotes within a Media Release are approved in accordance with the Media Procedure. Media releases are approved by the relevant Manager, ELT member and Executive Manager People, Culture and Performance. The CEO will be provided with final review of Media Releases at the discretion of the Manager Customers, Communications and Engagement and Executive Manager



People, Culture and Performance for matters that are of a higher risk, political in nature or sensitive.

4.2 Media Relations

Council will maintain good working relationships with all media organisations including metropolitan and local print, radio, television and digital media.

It will achieve this through:

- Providing clear, consistent and reliable information to the media in a timely manner at all times;
- Issuing regular media releases and statements;
- Responding promptly to media questions and working to meet mutually agreed deadlines - where this is not possible we will keep the media outlet advised of the timeline for our response;
- Initiating, developing and implementing positive media strategies that inform the community about Council activities and services, and enhance the reputation and image of the Macedon Ranges Shire Council.
- Not having exclusivity with individual media outlets

Council employees will promptly provide background information to the Communications Unit to assist in preparing responses. All responses will be approved by the Executive Team member and/or Mayor as per Media Procedure.

In return, Council expects fair and balanced reporting, with an opportunity to represent Council's position on issues.

4.3 Promoting Council business

The Communications Unit is responsible for developing, approving and implementing Council's media and external communications strategies with the relevant Executive authorisation.

Council media and external communication strategies and resources will be used only to promote and disseminate the decisions, intentions, activities and actions of Council, and will not be used to promote individual Councillor or officer views or agendas that are inconsistent with or contrary to those of Council.

State or Federal politicians will only be represented through Council's media and extra communication strategies where necessary to reasonably inform the community of important news.

5. Media responsibilities in Emergency Management

In an emergency, it is vital that the spokesperson ensures they are fully briefed by emergency staff before making media comments, and that comments do not bypass or conflict with incident control communication processes.

In particular, comments to the media should not cover warnings or incident updates as this is the role of the control agency (the CFA, Fire Rescue Victoria, Emergency Management Victoria, Victoria Police or SES). The spokesperson must not take command of the situation. They must be clear that Council is not managing the emergency. It only plays a support and facilitation role.

6. Social Media

Mayor and Councillors

Councillors should refer to Council's Social Media Policy and Councillor Code of Conduct regarding their personal and professional use of social media in conjunction with this Media Policy



Council staff, volunteers and contractors

Staff should refer to Council's Social Media Policy regarding their personal and professional use of social media in conjunction with this Media Policy.

13 DIRECTOR CORPORATE AND COMMUNITY REPORTS

CC.1	COMMUNITY VISION AND COUNCIL PLAN
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	<ol style="list-style-type: none"> 1. Community Vision 2021 - 2031 final draft ↓ 2. Council Plan 2021 - 2031 final draft (under separate cover)

Summary

The Community Vision and Council Plan form part of the Strategic Planning and Reporting Framework, as outlined in the *Local Government Act 2020* (LGA). The Community Vision captures what community members most value about their community. It sets out the future vision and aspirations for the community for at least a ten year period, while the Council Plan must provide the strategic direction of Council, its objectives, the strategies to achieve these objectives and strategic indicators for monitoring the achievements.

The purpose of this report is to seek endorsement of the draft Community Vision 2021 – 2031 and the draft Council Plan 2021 – 2031 for public display in preparation for adoption in October 2021.

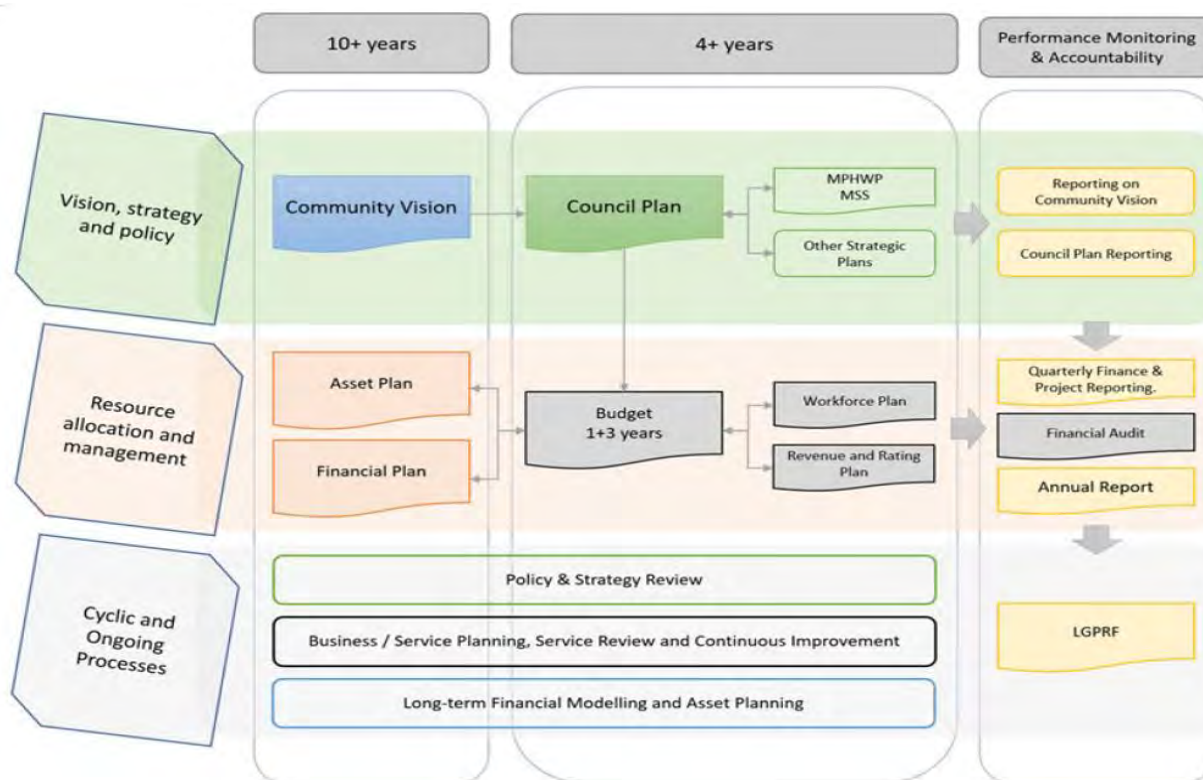
Recommendation**That Council**

1. **Endorses the draft Community Vision 2021 – 2031 and the draft Council Plan 2021 – 2031 for the purpose of public display;**
2. **Undertakes community engagement and consultation in accordance with the Local Government Act 2020 and Council’s Community Engagement Policy;**
3. **Notes that following hearing from submitters at a meeting of the Submitters Delegated Committee, a report and recommendations will be presented to a Scheduled Meeting of Council on 27 October 2021, to enable Council to consider the submissions and adopt the Community Vision 2021 – 2031 and Council Plan 2021 – 2031.**

Background

The LGA introduced strategic planning principles for Victorian councils, which include an integrated approach to planning, monitoring and performance reporting. The Council Plan forms part of the core legislated elements of the Integrated Strategic Planning and Reporting Framework.

Figure 1. Integrated Strategic Planning and Framework



Community Vision

The Community Vision is a requirement under Section 88 of the LGA, whereby Council must develop, maintain and review a Community Vision with its municipal community, using deliberative engagement practices. The Vision must have an outlook of at least 10 years and describe the municipal community’s aspirations for the future including social, economic, cultural and environmental aspirations for adoption by 31 October 2021.

Council Plan

The Council Plan is a requirement under Section 90 of the LGA, whereby, Council must prepare and adopt a Council Plan for a period of at least the next four financial years after a general election. The Plan must be adopted by 31 October in the year following a general election. The Plan must be developed using deliberative engagement and other consultation processes, and must provide:

- The strategic direction of Council
- Strategic objectives for achieving that direction
- Strategies for achieving the objectives (for at least four years)
- Strategic indicators for monitoring achievement
- Description of initiatives and priorities for services, infrastructure and amenity

Discussion

To ensure compliance with the Strategic Planning and Reporting Framework, as outlined in the LGA, the Community Vision and Council Plan have been developed utilising deliberative engagement processes in accordance with Council’s Community Engagement Policy.

Recommended form of deliberative engagement

As noted by Council in a report presented on the 16 December 2021, a consultant had recommended a Jury (or Peoples Panel) as the best approach for Council to undertake deliberative engagement. This technique involves randomly selecting a group of people who

are broadly representative of the community who would come together over a considerable period of time to learn, reflect, debate and then arrive at consensus on particular issues.

Establishment of Community Vision Assembly

Council engaged an independent consultant to undertake an expression of interest process to randomly select participants to align with the demographic of the Macedon Ranges community.

As noted by Council at its 16 December Scheduled Council Meeting, a consultant report completed for Council outlined what a representative sample of Macedon Ranges Shire community should include:

- An equal split of gender (and should also be open to including non-binary)
- A mix of ages from 18 and up, this should take into consideration the population aged over 70 and ensure inclusion from this age group
- A mix of postcodes/location
- A mix of ratepayers, renters and business owners
- Inclusion of people whose first language is other than English
- Members who identify as parents/carers for children
- Members who identify with a disability and/or those caring for people with a disability.

The size of the group as recommended for Macedon Ranges Shire would be a sample of 20-30 individuals across the demographic profile outlined above.

In seeking expressions of interest to part take in the process, the following channels were targeted:

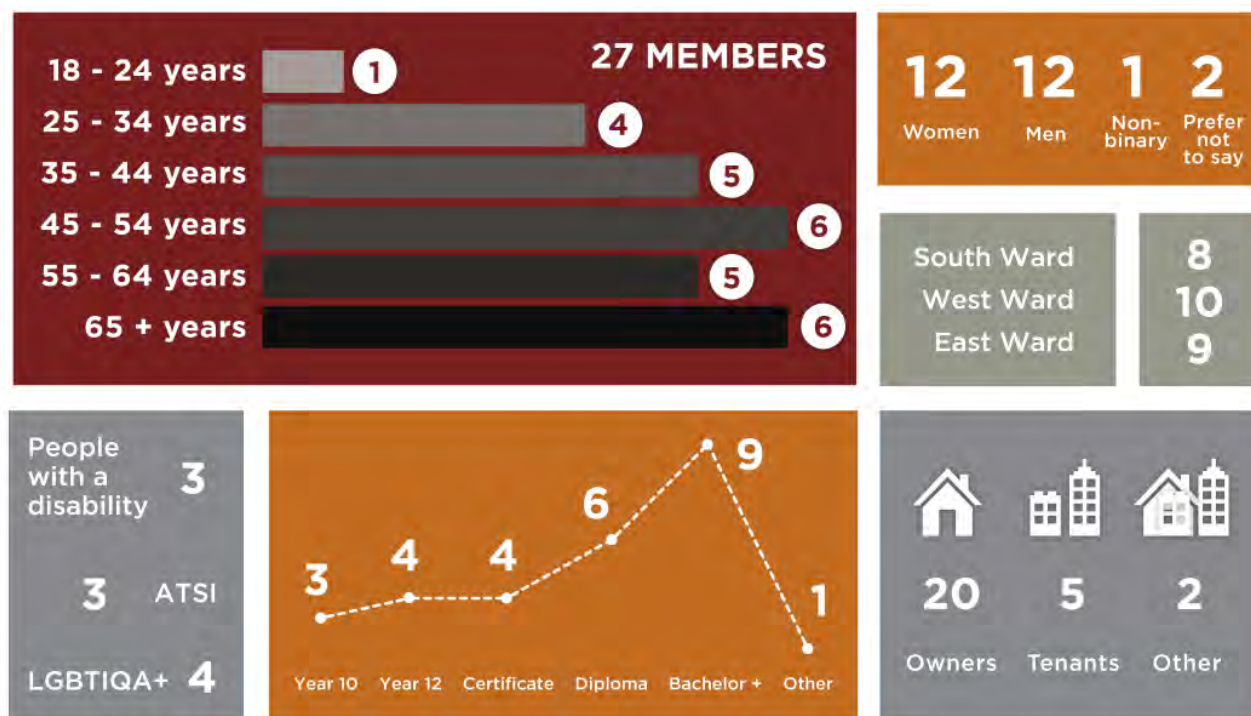
- An email invitation to around 2,500 ratepayers with an email address registered in the rates system;
- A post to Council's social media channels, which reach around 3,000 people; and
- A market research company engaged by the panel selection consultancy made over 1,000 calls to randomly generated numbers in Macedon Ranges Shire, offering people the opportunity to register.

A total of 28 individuals were invited to form part of the Community Vision Assembly. The following illustrates the membership of the assembly:



MACEDON RANGES COMMUNITY VISION ASSEMBLY

The Macedon Ranges Community Vision Assembly was randomly selected to form a representative sample of the community



Recruitment and stratification undertaken by Deliberately Engaging

It should be noted one participant withdrew just prior to the induction night, and three participants withdrew during the course of the sessions for a variety of reasons. As a result, a core group of 24 participants completed the sessions.

The Community Vision Assembly

Facilitated by specialist deliberative engagement practitioners, i.e. community, the Assembly met on five occasions during March and April 2021, working together for a total of 22 hours to produce the Community Vision, and related themes and recommendations. The Assembly was provided with information from Council officers and community surveys during the process, as well as written answers to questions raised at each session.

- The current Council Plan that was developed in 2017
- Multiple years of feedback and consultation on the plan (which has resulted in limited changes)
- The 2021 deliberative engagement process with the Community Vision Assembly

Council’s existing strategic priorities were used as the basis for framing the conversations that were held with the Community Vision Assembly, along with Council’s 2017 – 2027 Council Plan. The Community Vision Assembly was not presented with the strategic objective “Deliver strong and reliable government”. Officers felt this objective was considered to be a requirement of the Council’s responsibility under the LGA.

The Community Vision

The Community Vision Assembly created a community vision statement at the conclusion of the process, this statement was presented to Councillors who were present at the final workshop:

“With our unique regional identity, Macedon Ranges Shire embodies a caring, resilient approach to community; through our robust local economy, protection of the natural environment and a collaborative commitment to inclusivity for all.”

The Citizens Assembly also developed themes, priorities and actions that supported the Community Vision for consideration by Council. The key themes were:

- Connecting communities - *A connected community is where people have access to the services they need and are empowered to contribute, creating a sense of belonging. Our community is diverse and has a range of needs. We need to ensure we are addressing all of them. We also need to bridge any gaps between Council actions and community expectations.*
- Healthy environment, healthy people - *The community prioritises the protection of the natural environment and recreational facilities. There is also strong community support for initiatives to minimise our shire’s impact on the earth and its resources. Resilient communities and robust economies rely entirely on a healthy environment.*
- Business and tourism - *Business and tourism is about prioritising and promoting the people, resources, services and our regional identity to ensure economic growth. Economic development is crucial for the continued growth of the economy of the Macedon Ranges Shire.*

Council Plan preparation

Councillors agreed to incorporate the themes created by the Community Vision Assembly as the Strategic Objectives in the Council Plan. It was recognised that this would allow the two documents to interface more easily.



Councillors also indicated they wished to have a Council Plan that linked directly with all other plans that are currently being developed. On this basis this Council Plan is a 10 year plan for the period 2021/22 – 2030/31.

Officers commenced the process by incorporating a review of the strategic priorities and actions included in the 2017– 2027 Council Plan for relevance to remain in the Council Plan 2021 – 2031. Officers have added actions relating to the 2021/22 delivery of services that relate to each of the strategic priorities that ultimately ensure Council achieves its strategic objectives of the Council Plan.

The strategic objectives included in the Council Plan for 2021 – 2031 include:

Connecting communities –

We will maintain our built environment – including roads, paths, buildings, open space and other assets – in a fiscally, environmentally and socially sustainable way. This includes effective land-use planning, which has a direct impact on the liveability of our shire.

Healthy environment, healthy people –

We will contribute to positive health and wellbeing in our community by proactively supporting mental health, the prevention of violence against women, healthy lifestyles for all ages and abilities, social connection and inclusion, volunteers, community safety, and arts and culture.

We will protect our natural environment through proactive environmental planning, advocacy and policy to address climate change, support biodiversity and enhance water catchment quality. The Macedon Ranges Shire declared a Climate emergency in 2021.

We will take action to reduce waste in order to protect public health and the environment.

Business and tourism –

We will foster economic vitality in a way that promotes positive individual and community health outcomes, including business diversity, housing, transport and employment options. Investment attracted to the shire will be consistent with Council’s vision.

Deliver strong and reliable government –

We will demonstrate the qualities of good governance, including a clear vision and culture, transparency, respect, consistency, accountability and responsiveness.

The below image set outs the link between the Community Vision and aspects of the Council Plan:



Future reporting on the Council Plan

A number of Strategic indicators have been developed to report on the success of delivering the annual actions of the Council Plan. The reporting of the strategic indicators will be undertaken within the following reports.

- Quarterly reports, Annual Report and performance statements, which are published on the Macedon Ranges Shire Council website.
- Council’s performance against the Local Government Performance Reporting Framework is published annually on the ‘Know Your Council’ Victorian Government website.

In accordance with the LGA, the Mayor will also be required to ensure that Council reports, at least once a year, on the implementation of this Council Plan.

Ideas for the future

Also noted in the Council Plan and provided by the Community Vision Assembly, were a number of outcomes and strategies that cannot be completed with Council’s existing resources, but which have been included for the purpose of transparency, and for referral to future processes of evaluation and potential funding.

Consultation and engagement

The draft Community Vision 2021 – 2031 and draft Council Plan 2021 – 2031 will be placed on public display and submissions will be invited from the public. An opportunity will be provided to those who make a submission to the draft Council Plan 2021 – 2031 in accordance with Section 223 of the *Local Government Act 1989* to be heard at a Submitters Committee.

The draft Community Vision 2021 – 2031 and draft Council Plan 2021 – 2031 have been prepared under the requirements of the LGA and has been prepared via deliberative engagement method as outlined in Council’s Community Engagement Policy.

In addition, Council undertook public consultation on a broader level at the beginning of this process with regard to the Community Vision aspirations and Strategic Objectives.

Collaboration

This process to prepare both the Community Vision and Council Plan has been completed in collaboration with external consultancy agencies that specialise in engaging with the community. No collaboration was required with other councils, government and/or statutory bodies.

Innovation and continuous improvement

Section 88(4) and 90(3) of the LGA requires councils to develop or review the Community Vision and Council Plan in accordance with its deliberative engagement practices and adopt the Plans by 31 October in the year following a general election. The Community Vision and Council Plan has effect from 1 July in the year following a general election.

Relevant law

This report has been prepared in accordance the LGA and is compliant with the requirements. These two plans must be provided to the Minister for Local Government by 31 October 2021.

Relevant regional, state and national plans and policies

Integrated Strategic Planning and Reporting Framework (ISPRF).

Relevant Council plans and policies

These plans when adopted will have effect from 1 July 2021 and will replace Council's current Council Plan 2017 – 2027.

Financial viability

These documents support Council's long-term financial resourcing requirements.

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

Community Vision 2021–2031

DRAFT





Bunji's nest, Reconciliation Week

Acknowledgement of Country

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

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

Front cover: Two people on Hanging Rock walk

A message from the Mayor



Mayor Jennifer Anderson

With the introduction of the **Local Government Act 2020** came the requirement for Councils to have a long-term community vision. Developing a community vision is a practical way of involving the community in long-term strategic planning that informs other Council strategies and plans, in order to respond to continuing changes both within our shire and at a state, federal and global level.

A critical element in the development of the vision was the formation of a Community Vision Assembly. This was done via multimedia promotion to email an Expression of Interest invitation, followed by phone recruitment, with 28 members representing the broad demographics of the community, randomly selected by an independent consultant.

The work of the Community Vision Assembly was challenging, as they heard what members of the

broader community had told Council, analysed and understood information and data presented by Council officers, and then collectively developed a long-term vision and focus areas to meet the future needs and aspirations of our shire.

The Community Vision Assembly was responsible for the creation of the Macedon Ranges Shire Community Vision 2031, which aims to reflect the hopes and aspirations of the whole community for what life could look like in the shire in 2031, and guides planning for the future of our shire and for the entire community.

All Councillors were invited to attend the conclusion of the final Assembly session to see the unveiling of the Community Vision and chat to members about their deliberations.

I would like to thank all the residents who registered to be part of the Assembly and particularly those who were appointed and gave so much of their valuable time to be part of this new process.

I congratulate them for developing the Macedon Ranges Shire Community Vision 2031, which will serve as the heart of our work, to ensure the entire community can work together towards a bright future for all in the Macedon Ranges Shire.

I commend this vision to you as it provides the basis for the ongoing Council Plan, Financial plan and each year's Annual Budget process.

I encourage everyone to view the Community Vision and we look forward to receiving your feedback via our [website](#) or by email at mrsc@mrsc.vic.gov.au.

Mayor Jennifer Anderson

A message from the CEO



CEO Bernie O'Sullivan

The Macedon Ranges Shire Community Vision 2031 provides Council with a solid foundation for future planning and resource allocation, to ensure a bright future for all.

Officers have had the opportunity to participate in a Q&A session with the Assembly during their deliberations, and regularly provided information to guide their process. It was excellent that staff, in conjunction with Councillors, were able to attend the final Assembly session to see the unveiling of the Community Vision and chat with members.

I thank the Community Vision Assembly for their enthusiasm, commitment, creativity and hard work over the six-week period, culminating in the production of this Community Vision for the entire Macedon Ranges Shire community.

Through the development of our Council Plan every four years, we will work towards achieving the Macedon Ranges Shire Community Vision 2031.

CEO Bernie O'Sullivan



Mechanics Institute, High Street Lancefield

Community Vision statement

With our unique regional identity, Macedon Ranges Shire embodies a caring, resilient approach to community through our robust local economy, protection of the natural environment and a collaborative commitment to inclusivity for all.

Theme 1. Connecting communities

A connected community is where people have access to the services they need and are empowered to contribute, creating a sense of belonging.

Theme 2. Healthy environment, healthy people

The community prioritises the protection of the natural environment and recreational facilities.

Theme 3. Business and tourism

Business and tourism is about prioritising and promoting the people, resources, services and our regional identity to ensure economic growth.

The Community Vision Assembly

The recruitment for the Assembly members was conducted by an independent consultant, Deliberately Engaging Pty Ltd, to ensure the selection of participants was made independently of Council.

Commencing on 5 February 2021, an Expression of Interest invitation was emailed to 2,516 email addresses registered with Council and posted to Council social media channels. A market research company also conducted random phone recruitment.

Nearly 320 expressions of interest were received. A range of demographic data, being age, gender, house tenure, education and location were applied to stratify the sample and other characteristics such as LGBTIQ+, disability and cultural diversity were also applied to proportionally match community representation.

This resulted in the recruitment of 28 participants who were representative of the broader demographics of Macedon Ranges Shire.

One participant withdrew just prior to the induction night, and three participants withdrew during the course of the sessions for a variety of reasons. As a result, a core group of 24 participants completed the sessions.

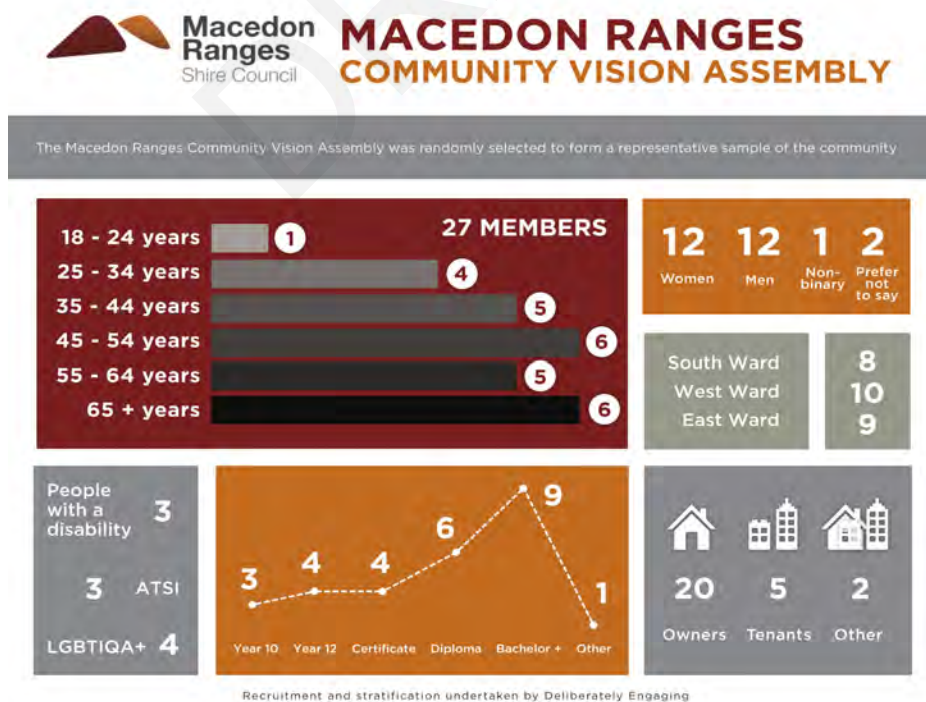
Details of the demographic structure of participants were provided to Council on the day before the panel induction session. This ensured that Council could not influence the final group selected, beyond the requested demographic representation.

Facilitated by specialist deliberative engagement practitioners, i.e. community, the Assembly met on five occasions during March and April 2021, working together for a total of 22 hours to produce the Community Vision and related themes and recommendations. The Assembly was provided with information from Council officers and community surveys during the process, as well as written answers to questions raised at each session.

Council is committed to using the work produced by the Community Vision Assembly to inform our strategies and plans for the future of the Macedon Ranges Shire. Council is also committed to delivering the intent of the Local Government Act and Council's engagement policy, to strengthen the relationship with the community.

The Community Vision was the first element created in the Integrated Strategic Planning and Reporting Framework. The Council Plan was then developed to outline the agenda for Council over the next four years and this supports the achievement of the Community Vision through strategic objectives and strategies.

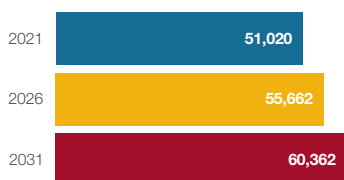
Figure 1. Community Vision demographics



Our shire

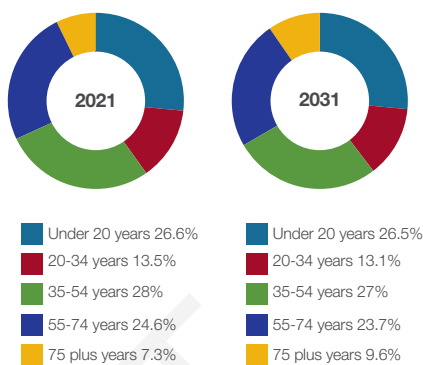
Figure 2. Macedon Ranges Shire demographics forecasts

Population size



18.3% projected increase in population over the next 10 years

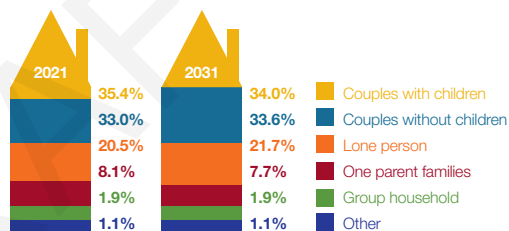
Population age breakdown



Households

	2021	2031
Total number of households	19,369	23,197
Average number of people	2.61	2.58
Most likely number of bedrooms	3	3

Household type



There were **23,113** rateable properties as at 30 June 2020, an **increase of 1%** on the previous year, and **8.9%** over the last five years

35.3% of people live in a rural setting (outside a town boundary)
64.7% of people live in a township

Population and household forecasts prepared by .id (informed decisions), November 2017.



Kyneton Farmers Market

Theme 1. Connecting communities

Description

A connected community is where people have access to the services they need and are empowered to contribute, creating a sense of belonging.

Aim

Our community is diverse and has a range of needs. We need to ensure we are addressing all of them. We also need to bridge any gaps between Council actions and community expectations.

Priorities

- Greater transparency from Council to residents through cohesive communications
- Roadways, including kerb, footpath and bike path accessibility
- Respect for all people, places and environment

Focus areas

- Programs and services to acknowledge and address specific needs of vulnerable groups
- Improvements to kerbs, footpaths and bike paths
- Local access to services, such as shelters, for local people
- Community-triggered reviews of Council decisions and more deliberative engagement
- Continued acknowledgment of Traditional Owners
- Signage for amenities to aid differing demographics of the community
- Information gathering, such as surveys, to confirm the needs of older people
- Better Council communication, such as a weekly newsletter



Person fishing at Walter J Smith Reserve, Riddells Creek

Theme 2. Healthy environment, healthy people

Description

The community prioritises the protection of the natural environment and recreational facilities.

There is also strong community support for initiatives to minimise our shire’s impact on the earth and its resources.

Aim

Resilient communities and robust economies rely entirely on a healthy environment.

Priorities

- Waste – promote and educate about responsible waste management
- Energy – achieve 100% renewable energy by Council, residents and business
- Protection of the natural environment – protect, preserve and enhance bushland and waterways
- Transportation – encourage safe everyday alternatives to car use, and provide safe cycle pathways and footpaths
- Health – provide a greater commitment to community health programs and initiatives

Focus areas

Promotion of expansion to soft plastic and ban single-use plastics

Promotion of renewable energy usage

A clear, concise long-term environmental plan

Defined walking and cycling trails to protect the surrounding environment within flora and fauna areas

Cycling pathways, outdoor exercise equipment and sporting facilities with signage of distances, approximate time frames and gradients for all walking trails, to make them accessible to everyone



Camel's Hump lookout, Mount Macedon

Theme 3. Business and tourism

Description

Business and tourism is about prioritising and promoting the people, resources, services and our regional identity to ensure economic growth.

Aim

Economic development is crucial for the continued growth of the economy of the Macedon Ranges Shire.

Priorities

- Attracting diverse industries (and jobs) to the region through incentives, including a reduction in bureaucracy
- Promotion of 'Local First' across the region
- Beautification and improved signage of streets, parks and landmarks
- Community-led and driven activities to engage residents and encourage a local focus with support of Council

Focus areas

Support of local business that is above the influence from external pressures

Promotion of the local economy by prioritising local purchase and contracting within the shire, such as preferencing local business for contracting goods and services

Investing in the promotion of tourism by enhancing and maintaining local landmarks and parks

Enhance amenities and accessibility for natural assets

Promote local identity to stimulate tourism and the economy, such as waiving venue hire fees and supporting markets and trade fairs

“The Community Vision Assembly feels as though this initiative has allowed greater input into the direction of our shire. We believe these recommendations provide a good roadmap to achieving the Macedon Ranges Shire that we envision for our community. We trust that our recommendations will guide Council to realise our vision for the future.”

*Closing statement presented by the Assembly on
Thursday 8 April 2021*

Macedon Ranges Shire Council

PO Box 151, Kyneton VIC 3444

Tel: (03) 5422 0333

Fax: (03) 5422 3623

Email: mrsc@mrsc.vic.gov.au

Website: mrsc.vic.gov.au

Find us on social media    

Office locations

Kyneton Administration Centre

129 Mollison Street, Kyneton

Gisborne Administration Centre

40 Robertson Street, Gisborne

Romsey Service Centre

96-100 Main Street, Romsey

Woodend Service Centre

Corner High and Forest Streets, Woodend

CC.2	DRAFT FINANCIAL PLAN 2022-2031
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Financial Plan final draft (under separate cover)

Summary

The Financial Plan is a new requirement under the *Local Government Act 2020*. It will be a ten-year plan starting on 1 July 2021. The Plan describes the financial resources required to give effect to the Council Plan and other strategic plans of Council. The Plan provides information about decisions and assumptions on which it is based, outlines any other resource requirements considered appropriate or contained in the regulations and an overview of Council's strategic financial planning context and drivers used to develop the Plan. The purpose of this report is to endorse the draft Financial Plan for public display and feedback in preparation for adoption in October 2021.

Recommendation

That Council:

- 1. Endorses the draft Financial Plan 2022-2031, prepared in accordance with Section 91 of the Local Government Act 2020, for the purpose of public display.**
- 2. Endorses the draft Financial Plan 2022-2031 be placed on public display on Council's website and at the Council Offices from Thursday 26 August 2021 and remain on public display until Thursday 26 September 2021.**
- 3. Notes that a report and recommendations will be presented to a Scheduled Meeting of Council on 27 October 2021 to enable Council to consider submissions and to adopt the Financial Plan 2022-2031 with or without amendment.**
- 4. Authorises the Chief Executive Officer to carry out all administrative procedures necessary to enable Council to carry out its functions under the Local Government Act (1989 and 2020), in relation to the finalisation and publication of the Financial Plan.**

Background

Under section 91 of the Local Government Act 2020, Council is required to prepare a Financial Plan by 31 October following a general election. The plan covers a period of ten financial years, with the document describing the financial resources required to give effect to the Council Plan and other strategic plans of Council.

Discussion

Council has a legislative responsibility to develop a Financial Plan in accordance with Section 91 the Local Government Act 2020. It provides a long-term plan of financial resources required by Council to give effect to the Council Plan and other strategic plans of Council.

The Financial Plan demonstrates the following financial management principles:

- Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with Council's financial policies and strategic plans.
- Management of financial risks, the financial viability of Council, the management of current and future liabilities of the Council.
- Financial policies and strategic plans are designed to provide financial stability and predictability to the community and
- Council maintains accounts and records that explain its financial operations and financial position.

The Financial Plan contains the following key statements:

- 10-year income statement
- 10-year cash flow statement
- 10-year balance sheet
- 10-year statement of changes in equity
- 10-year capital works statement

The Financial Plan provides for the following:

- Service levels to continue at current levels
- \$194,231,000 spend on renewing Councils assets
- \$76,528,000 spend on new assets
- \$29,898,000 spend on asset upgrade
- \$17,265,000 new borrowings to undertake new asset works listed above

The Financial Plan has been based using the following assumptions:

- Annual rate increase of 2%
- Employee costs increase 2.2% (based on current EA)
- Other operating line items a 2% is used as an annual growth factor

Integrated Strategic Planning and Reporting Framework

This Financial Plan is an important part of Council's integrated strategic planning, as outlined to Council on 16 December 2020. The Financial Plan forms one of the key elements to its overall Integrated Strategic Planning and Reporting Framework.

The plan also enables Council to measure itself against a number of financial ratios. Council remains in a financially sustainable position through the 10 year period of this plan.

Consultation and engagement

The draft Financial Plan 2022-2031 will be placed on public display and submissions will be invited from the public.

The Financial Plan has been prepared under the requirements of the Local Government Act 2020 and has been prepared via deliberative engagement method and Council's Community Engagement Policy.

Collaboration

Nil

Innovation and continuous improvement

Section 91 of the Local Government Act 2020 requires councils to develop or review the Financial Plan in accordance with its deliberative engagement practices and adopt the Financial Plan by 31 October in the year following a general election. The Financial Plan has effect from 1 July in the year following a general election

Relevant law

Nil

Relevant regional, state and national plans and policies

Local Government Victoria Planning and Reporting Guidelines, Financial Plan 2021/22.

Relevant Council plans and policies

The preparation of this plan considers the Budget Management Policy for this first year of this plan.

Financial viability

The Financial Plan sets out Council's long-term financial resourcing requirements.

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

CC.3	DRAFT MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN
Officer:	Fiona Alexander, Manager Community Care
Council Plan relationship:	1. Promote health and wellbeing
Attachments:	Draft Health and Wellbeing Plan 2021-2025 (under separate cover)

Summary

Council is undertaking the development of a new Municipal Public Health and Wellbeing Plan 2021-2025. Officers seek approval for the draft plan to be placed on public exhibition.

Recommendation

That Council:

- 1. Resolve to place the draft Municipal Public Health and Wellbeing Plan 2021-2025 on public exhibition for a period of no less than twenty eight days**
- 2. Note that following community consultation, officers will report back to a Council meeting with a summary of community feedback and draft plan for adoption.**

Background

Under various laws, local government has a responsibility to protect, improve and promote public health and wellbeing. One of these laws, the *Public Health and Wellbeing Act 2008*, requires councils to develop a municipal public health and wellbeing plan.

Council's previous public health and wellbeing plan was integrated in the *Council Plan 2017-2027*. A new Council Plan is being developed to align with the *Local Government Act 2020* and will be submitted to Council for endorsement in the coming months.

The development of a standalone municipal public health and wellbeing plan was endorsed by Council at its Ordinary Meeting held 23 June 2021, with consideration of discussion with Council's Health and Wellbeing Advisory Committee.

Following adoption, the final plan will supersede Council's previous approach of integrating public health and wellbeing planning in the Council Plan.

Discussion

Development of the draft Municipal Public Health and Wellbeing Plan has considered

- the views of external stakeholders, primarily health agencies, community groups and education providers
- input from Council's Health and Wellbeing Advisory Committee
- population data from many sources
- Commonwealth and Victorian Government priorities
- evidence about what works
- our current actions and resources available in each goal area

The draft goals align with requirements under the Public Health and Wellbeing Act and local need. The draft goals are:

- (1) A community where people are understood, respected and supported, and people are confident that they can contribute to community life
- (2) An environment that supports people to eat well and be physically active
- (3) A community that is safe and free from violence
- (4) A community that strives to reduce harm resulting from gambling, tobacco, alcohol and other drugs
- (5) An environment that reduces potential public health risk to our people
- (6) A community that is committed to tackling the climate emergency change and its impacts on health
- (7) A community that effectively prepares for, responds to and recovers from emergency events (including COVID-19)

To support a more coherent plan, the ten draft goals listed in CC.2 23 June 2021 have been reduced to seven. Whilst some goals have been collapsed, all health areas listed in the previous report are addressed in the draft Municipal Public Health and Wellbeing Plan before Council.

Consultation and engagement

Council hosted external stakeholder workshops in June 2021 that were attended by fourteen agencies. A consultation plan will support further engagement about the draft Municipal Public Health and Wellbeing Plan with providers and agencies, and community members and groups. The consultation plan is consistent with Council's Community Engagement Policy. Officers will report back to Council with a summary of community feedback and an updated draft plan for adoption.

Collaboration

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

Innovation and continuous improvement

The outcomes that Council will work towards are consistent with those set in the *Victorian public health and wellbeing outcomes framework*. The framework reflects the public health and wellbeing priorities identified by the Victorian Government and the intent of the Public Health and Wellbeing Act. It brings together a comprehensive set of indicators drawn from multiple data sources. These indicators can help track whether the efforts of many, including government, non-government organisations, businesses, health professionals, communities, families and individuals, are improving the health and wellbeing of people over time.

Relevant law

This report is directly relevant to requirements under the Public Health and Wellbeing Act. The report is indirectly relevant to requirements under the Victorian *Disability Discrimination Act 2006* and the *Charter of Human Rights and Responsibilities Act 2006*.

Relevant regional, state and national plans and policies

The *Victorian public health and wellbeing plan 2019–2023* is the Victorian Government's vision for the public health and wellbeing of Victorians. Councils must develop their public health and wellbeing plans with due regard to the focus areas in the *Victorian public health and wellbeing plan*. This requirement is met in the draft Municipal Public Health and Wellbeing Plan before Council.

Relevant Council plans and policies

The draft Municipal Public Health and Wellbeing Plan has been prepared to align with the draft Disability Action Plan. Both plans will be in effect for the period 2021- 2025. The draft Municipal Public Health and Wellbeing Plan considers the draft Community Vision developed for the new Council Plan.

Financial viability

The actions proposed are drawn from existing Council strategies and plans, or are achievable within operational budgets. Officers will continue to seek funding to complement listed activities.

Sustainability implications

There are no sustainability issues identified related to release of the draft Municipal Public Health and Wellbeing Plan.

Officer declaration of conflicts of interest

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

CC.4	DRAFT DISABILITY ACTION PLAN
Officer:	Fiona Alexander, Manager Community Care
Council Plan relationship:	1. Promote health and wellbeing
Attachments:	Draft Disability Action Plan 2021-2025 ↓

Summary

Council is undertaking the development of a new Disability Action Plan 2021-2025. Officers seek approval for the draft plan to be placed on public exhibition.

Recommendation

That Council:

- 1. Resolves to place the draft Disability Action Plan on public exhibition for a minimum period of twenty eight days.**
- 2. Notes that following community consultation, officers will report back to a Council meeting with a summary of community feedback and a final plan for adoption.**

Background

A Disability Action Plan is a legislated requirement for local government and becomes a publicly listed document. A Disability Action Plan is required to meet obligations under the Commonwealth's *Disability Discrimination Act 1992* and the Victorian *Disability Act 2006*.

Council's current Disability Action Plan was integrated in the Council Plan 2017-2027 from July 2019. A new Council Plan is in development to align with the *Local Government Act 2020* and will be submitted to Council for endorsement in coming months.

The development of a standalone Disability Action Plan was endorsed by Council at its Ordinary Meeting held 23 June 2021 (CC.2), with consideration of discussion with Council's Health and Wellbeing Advisory Committee.

Following adoption, the final plan will supersede Council's previous approach of integrating disability action planning in the Council Plan.

Discussion

The new Disability Action Plan, when adopted, will guide Council activities to cultivate an inclusive community where people with disability feel valued, safe and connected.

Development of the draft has considered consultation findings from 2019, and external stakeholder workshops facilitated by consultants in 2021.

The areas in the draft Disability Action Plan 2021-2025 align to requirements under the Disability Discrimination Act, namely:

- (1) Reducing barriers to persons with a disability accessing goods, services and facilities
- (2) Reducing barriers to persons with a disability obtaining and maintaining employment
- (3) Promoting inclusion and participation in the community of persons with a disability
- (4) Achieving tangible changes in attitudes and practices that discriminate against person with a disability

In easy English format, the actions in the draft Disability Action Plan are set across:

- (1) Access to buildings and places
- (2) Jobs
- (3) Joining in
- (4) Helping people to know about disability
- (5) Safe and healthy

The draft Disability Action Plan before Council has reframed draft goals listed in the report of 23 June 2021 as actions.

The draft Disability Action Plan is integrated in the draft Municipal Public Health and Wellbeing Plan.

Consultation and engagement

Council hosted external stakeholder workshops in June 2021 that were attended by representatives from fourteen agencies. A consultation plan will support further engagement about the draft Disability Action Plan with disability support providers and agencies, and community members and groups. The consultation plan is consistent with Council's Community Engagement Policy. Officers will report back to Council with a summary of community feedback and an updated draft plan for adoption.

Collaboration

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

Innovation and continuous improvement

The draft Disability Action Plan has been prepared as a standalone document in Easy English, with actions replicated in the draft Municipal Public Health and Wellbeing Plan. This approach reflects local government's responsibility to protect, improve and promote health and wellbeing for all residents. The approach meets requirements under the Disability Act and has been tested with the Victorian government's Office for Disability.

Relevant law

This report is directly relevant to requirements under the Commonwealth Disability Discrimination Act 1992 and the Victorian Disability Act 2006. The report is indirectly relevant to requirements under the Charter of Human Rights and Responsibilities Act 2006 and Equal Opportunity Act 2010.

Relevant regional, state and national plans and policies

The Victorian government is developing a new State Disability Action Plan. Consultation has now closed. The current State Disability Action Plan, Absolutely Everyone 2017-2020, will be in place until the new plan is released.

Relevant Council plans and policies

The draft Disability Action Plan has been prepared to align with the draft Municipal Public Health and Wellbeing Plan. Both plans will be in effect for the period 2021- 2025.

Financial viability

Council is not a disability service provider under the National Disability Insurance Scheme, and does not receive recurrent grants that are specific to the needs of people with disability. Council does not have a dedicated role to promote disability inclusion. Noting this, the

actions proposed are drawn from existing Council strategies and plans, or are achievable within operational budgets.

Sustainability implications

There are no sustainability issues identified related to release of the draft Disability Action Plan.

Officer declaration of conflicts of interest

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



DRAFT

Disability Action Plan 2021-2025

Easy English

Hard words

This book has some hard words

The first time we write a hard word

The word is in blue

We write what the hard word means.

You can get help with this book

You can get someone to help you

- Read this book
- Know what this book is about
- Tell us what else we can do to support people with disability

DRAFT

About this book

Macedon Ranges Shire Council wrote this book

We work on Aboriginal land.

We respect Aboriginal elders.

We are making a Disability Action Plan.

It says how we will make access and inclusion better for people who live, work or visit
Macedon Ranges

We are also making a Health and Wellbeing Plan

The things that we say in this book are also in the Health and Wellbeing Plan

Access means information and places are easy for people with disability to use

Inclusion means everyone feels like they can join in

Both plans will go from 2021-2025.

About a Disability Action Plan

The law says that there are some things that Council must do. Laws are rules that we must obey. The law says we must

- respect everything about you, including:
 - your age
 - your gender
 - your sexuality
 - your cultural background, religion or faith
 - whether or not you are married
 - whether or not you have a disability
- provide information in a way that is right for you
- support you to take part in the community
- respect your privacy

We want everyone with disability to feel like they can join in the same as everyone else.

We will work to help people in our community

- be safe
- be proud of who they are
- be kind to others
- be healthy and well
- give children a good start in life

At Council we will

- have staff who are well trained and who are good at their jobs
- have a good way of working with people who make enquiries. Enquiries are questions.
- offer different ways for people to have a say
- listen to the things that people tell us
- work with other organisations in the community. Organisations are where people work.
- be prepared to change the way we work if there is a problem

- always work hard to make sure our services are good

Things we will do to help people with disability

There are five areas in the Disability Action Plan

1. Joining in
2. Safe and healthy
3. Helping people to know about disability
4. Access to buildings and places
5. Work

DRAFT

1. Joining in

Council will

- Support families of babies and carers with disability to join parent groups and playgroups.
- Help children with disability to learn skills, get support and to move between kindergarten and school.
- Teach more children [Auslan](#). Auslan is the sign language some deaf people use to communicate
- Teach more children [Key Word Sign](#). Key Word Sign helps some people to learn and understand words.
- Help young people with disability make friends at programs and groups
- Help sporting clubs to be inclusive
- Work with other community groups and clubs to help them to be inclusive
- Help more people in the community to share ideas with each other and with Council
- Help people with disability use Council programs and [grants](#). Grants help groups and clubs to get money for projects.

2. Safe and healthy

Council will

- Work toward a community where all people are safe – no one is allowed to hurt you
- Have information on our website about [rights](#) and who you can talk to if you feel unsafe or have been hurt. Rights are things that everyone should be able to get, have or do.
- Help people with disability in an [emergency](#). We will keep a list of people who may need more help in an emergency. Emergency is when a bad thing happens and you need help – for example a fire, a bad storm or a flood.
- Have places to go and be active
- Have information on our website about staying healthy.
- Offer programs that teach families how to help their babies and children with disability to learn and grow
- Support families to understand different types of disability and how to get support for children with disability early
- Provide services to help keep people healthy – for example, when you have a baby or when you need a [vaccine](#). A vaccine can help you to not get sick.

3. Helping people to know about disability

Council will

- Teach our staff about the needs of people with disability
- Support staff to make sure children and young people with disability are included
- Help the community to understand disability
- Help people know about the [National Disability Insurance Scheme](#). The National Disability Insurance Scheme is called the NDIS. The NDIS helps people with disability, their family, carers and the community.
- Help people to see how people with disability make communities better
- Tell people about programs and activities that other [organisations](#) offer to people with disability. Organisations are where people work.
- Tell other carers about things that might help them

4. Access to buildings and places

Council will

- Make sure builders follow [standards](#) so that new buildings are accessible. Standards are like rules. We will give builders a standards book with rules to build new buildings in an accessible way.
- Tell people about our [Changing Places](#) toilets in Gisborne, and where to find other accessible toilets. Changing Places is a large bathroom with a toilet with side rails, a high bench, a hoist to lift the person and a place to sit down.
- Help people to understand and follow laws about keeping pathways clear for good access.
- Make more accessible car parks
- Make more good footpaths in places where people need them
- Ask the government for more public transport

5. Work

Council will

- Offer work experience for young people with disability
- Look at how we support people with disability to work with us, and try to do better.
- Help other workplaces to understand disability, and access and inclusion. This will help more people with disability to get work experience and jobs.

DRAFT

How we will make the Disability Action Plan work

The Disability Action Plan and the Health and Wellbeing Plan will work together. There are some things that are the same in both books.

We will

- Start to do the work on the plans
- Check the work
- Change things if we need to.

We will tell you

- If we have met our goals, or
- If there is more work to do

Have we got it right?

You can tell us what else you think that Council can do to help people with disability.

How you can tell us

Call 03 5422 033

Website www.mrsc.vic.gov.au/yoursay

email mrsc@mrsc.vic.gov.au

If you need help to speak or listen

Contact Macedon Ranges Shire Council through the National Relay Service

Call the helpdesk 1800 555 660

Go to the website

Communications.gov.au/accesshubs/nrs

CC.5	QUARTERLY REPORT FOR THE PERIOD ENDED 30 JUNE 2021
Officer:	Travis Harling, Manager Finance and Reporting
Council Plan relationship:	5. Deliver strong and reliable government
Attachments:	Quarterly Report - Quarter 4 2020/21 (under separate cover)

Summary

The Quarterly Report for the period ended 30 June 2021 is presented for Council's consideration and information. This report includes the following:

- Section 1 – Quarterly financial statements
- Section 2 – Capital works progress report
- Section 3 – Council plan actions – progress report
- Section 4 – Risk management report
- Section 5 – Implementation of Council Resolutions
- Section 6 – People, Culture and Performance Report
- Section 7 – Governance schedule
- Section 8 – Councillor expenditure
- Section 9 – Councillor activities in the community

The report also provides a high-level summary of the organisations performance to 30 June 2021.

Recommendation

That Council notes the Quarterly Report for the period ended 30 June 2021.

Background

The quarterly report is provided in accordance with Section 97 of the *Local Government Act 2020*, ensuring that a statement comparing budgeted and actual revenue and expenditures is presented at an open Council Meeting.

Discussion

Section 1 and 2 - Financial performance to 30 June 2021

The Income Statement reports an adjusted operating surplus (excluding other adjustments) of \$14.9m which is \$1.6m unfavourable to budget for the 2020/21 financial year ending 30 June 2021.

Capital expenditure totalled \$18.4m for the financial year, which was \$25m less than budget. The variance is due largely to infrastructure expenditure being \$18m less than budget (due to delays related to COVID-19 and accessing resources and materials) and property, plant and equipment being \$2.1m less than budget.

The implications of dealing with the COVID-19 pandemic has slowed progress in the delivery of Capital expenditure items included in the budget. It is expected the program delivery will continue to escalate as working conditions return to normal.

Council remains in a sound financial position for the financial year ending 30 June 2021. Impacts on Council's financial position due to COVID-19 pandemic have been recorded and will be reported when the final reconciliation is finalised.

Section 3 to 9 – Quarterly Report 30 June 2021

Sections 3-9 of the report provides Council an update on the progress of completing various Council Plan actions for the 2020/21 financial year, and includes reports relating to People Culture and Performance and Risk Management. The report also includes a Governance Schedule and several other reports relating to Councillor expenses and activities.

Consultation and engagement

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

Collaboration

Collaboration with other councils, governments and/or statutory bodies was not required in relation the Quarterly Report.

Innovation and continuous improvement

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

The Quarterly Report is reviewed by the Executive and incorporates feedback from various levels of management to enhance readability and allow for continuous improvement.

Relevant law

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

This report aligns with Councils plan to deliver strong and reliable government.

Financial viability

The Quarterly Report provides information on Council's operating and financial performance for the financial year ending 30 June 2021. The financial statements within the report indicate that Council remains in a sound financial position. The financial impacts of COVID-19 will continue to be monitored by officers and major variations have been considered (and allowed for) as part of the 2021/22 Budget process.

Sustainability implications

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

Officer declaration of conflicts of interest

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

CC.6	AFFORDABLE HOUSING
Officer:	Fiona Alexander, Manager Community Care
Council Plan relationship:	1. Promote health and wellbeing 3. Improve the built environment 4. Enhance the social and economic environment 5. Deliver strong and reliable government
Attachments:	Nil

Summary

Access to social and affordable housing is important for economic, social, environmental and health reasons. Beyond fulfilling a need for shelter, affordable housing is likely to support better education, employment, social and health outcomes. The Victorian Government is investing to increase social and affordable housing in Macedon Ranges Shire.

Recommendation

That Council directs the Chief Executive Officer to:

- 1. Commence development of a high level Affordable Housing Policy for consideration at the October 2021 Council Meeting**
- 2. Engage with Homes Victoria about opportunities under Victoria's Big Housing Build**
- 3. Include affordable housing as a priority in the draft Council Plan 2021-2031**

Background

Affordable housing, as distinct from housing affordability or affordable living, specifically focuses on the housing needs of the very low, low and moderate income households.

Announced in November 2020, Victoria's *Big Housing Build* program is an unprecedented \$5.3 billion investment in social and affordable housing by the Victorian Government. The state government has developed a new agency, Homes Victoria, to deliver Victoria's *Big Housing Build*.

\$30 million has been identified as the minimum investment in the Macedon Ranges Shire, providing a time limited opportunity to increase social and affordable housing in the shire.

Officers have identified that further research is needed to understand the extent of affordable housing need in the shire and enable Council's potential role to be clarified.

Discussion

While housing stress can be highly dependent on individual circumstances, using Census data to analyse this provides a good overview of the problems and highlights areas in the shire where households may be having problems meeting their commitments.

In 2016, 1.4% of the Macedon Ranges Shire's households were renting their dwelling from a government authority (also known as Housing Commission) compared to 3.3% in regional Victoria.

While the shire had a lower proportion of households renting from a government authority, this varied across districts. Proportions ranged from a low of 0.0% in Lancefield District to a high of 4.9% in Kyneton. The five areas with the highest percentages were:

- Kyneton (4.9%)
- Woodend (3.8%)
- Kyneton District (2.7%)
- Woodend District (2.0%)
- Gisborne (1.4%)

Housing Stress is defined as per the NATSEM (National Centre for Social and Economic Modelling) model as households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs.

In 2016, 7.6% of Macedon Ranges households were experiencing housing stress compared to 10.5% in regional Victoria. Again, while the shire had a lower proportion of households experiencing housing stress, it is important to note that this varied across districts.

Proportions ranged from a low of 2.7% in Macedon to a high of 12.7% in Kyneton. The five areas with the highest percentages were:

- Kyneton (12.7%)
- Kyneton District (10.0%)
- Romsey (9.9%)
- Lancefield (9.5%)
- Romsey District (8.5%)

Rental Stress applies the same modelling as housing stress, being households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on rent. Rates of rental stress in the shire is closely aligned to those in regional Victoria.

In 2016, 29.0% of the Macedon Range Shire's renting households were experiencing rental stress compared to 30.3% in regional Victoria. Rates of rental stress varied across the shire. Proportions ranged from a low of 11.5% in Macedon to a high of 31.4% in Kyneton. The five areas with the highest percentages were:

- Kyneton (31.4%)
- Lancefield (30.7%)
- Kyneton District (28.7%)
- Romsey (28.1%)
- Riddells Creek (25.8%)

With the forecast population growth, increasing housing costs and greater competition for access to affordable housing, there is a likelihood of an increasing trend in housing stress and demands for affordable housing, including social housing. The impact of Covid19 on access to affordable housing is not reflected in the data above.

Consultation and engagement

If the recommendation is carried, community engagement on the issue of affordable housing will be undertaken. Officers will develop a community engagement plan in line with Council's Community Engagement Policy.

Collaboration

Collaboration has not been required in relation to this report.

Innovation and continuous improvement

Not applicable in relation to this report.

Relevant law

There are several Acts which are relevant to Affordable Housing in Victoria. The most relevant Acts are:

The *Local Government Act 2020*, which provides the legal framework in which Victorian councils operate. The Act controls the sale and leasing of council-owned land, procurement of goods and services by a council, the administration of public open space, and governance and probity requirements for councils.

The *Housing Act 1983*, which has the broad objective – among other things – of ensuring every person in Victoria has adequate and appropriate housing at a price within his or her means. The Housing Act, together with the Office of the Housing Registrar, provides the framework for the establishment, compliance and recognition of registered housing agencies.

The *Planning and Environment Act 1987*, which provides a framework for the administration of the use and development of land, and includes objectives relevant to affordable housing supply.

Relevant regional, state and national plans and policies

The National Housing Finance and Investment Corporation (NHFIC) is a corporate Commonwealth entity dedicated to improving housing outcomes, with a particular focus on affordable housing. It was established in 2018 to provide long term, low cost finance for affordable housing providers to support greater private and institutional investment in the community housing sector.

The National Housing and Homelessness Agreement (NHHA), recognises the Commonwealth and the State's mutual interest in improving housing outcomes across the housing spectrum, including outcomes for Australians who are homeless or at risk of homelessness. Under the NHHA, around \$1.5 billion is provided to states and territories each year to improve Australians' access to secure and affordable housing, targeting social housing investment and provision of homelessness support services.

Under the NHHA, to receive funding, state and territory governments must have publicly available housing and homelessness strategies.

The Victorian government is developing a ten-year Social and Affordable Housing Strategy, due for release in late 2021.

Homes for Victorians (2017) is the State government's current Housing Strategy. It works with amendments to the Planning and Environment Act 1987 (2018) to deliver measures which respond to the need for increased levels of social and affordable housing.

Relevant Council plans and policies

Neither Federal nor State legislation sets out mandatory requirements for affordable housing. Instead Federal, State and in some cases local policy is used to influence investment and decision making around supply.

Council does not have an affordable housing policy or strategy, however the Macedon Ranges Planning Scheme includes some local policy that encourages the provision of 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 within the shire's

towns. It promotes a range of housing options to improve housing affordability in the larger towns, with a particular focus on Kyneton.

The 2007 Housing Strategy, which has not been revoked, includes reference to social housing. Council's role as a provider of social housing has changed significantly since this document was prepared.

Financial viability

The high level draft Affordable Housing Policy can be achieved within the adopted 2021/22 budget.

Sustainability implications

Not applicable in relation to this report.

Officer declaration of conflicts of interest

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

14 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	NATURE STRIP LANDSCAPING POLICY - REVIEW
Officer:	Simon Finlay, Manager Open Space and Recreation
Council Plan relationship:	3. Improve the built environment
Attachments:	1. Nature Strip Landscaping Policy 2021 ↓
	2. Nature Strip Landscaping Guideline Fact Sheet 2021 ↓

Summary

On 28 August 2019 Council adopted the Nature Strip Landscaping Policy, with a review of the policy to be undertaken after 12 months to assess its effectiveness.

The policy (Attachment 1) is implemented through the Nature Strip Landscape Guidelines (Attachment 2). The guidelines are an operational document and are publicly available on Council's website and at Customer Service Centres.

Following an internal review and minor amendments, this report seeks Council adoption of the revised Nature Strip Landscaping Policy.

Recommendation

That Council adopts the Nature Strip Landscaping Policy 2021, noting the three year review period.

Background

In August 2017, Council began preparing the Nature Strip Landscaping Policy, recognising the opportunity to enhance the amenity of the shire's streetscapes. This was in response to resident requests to landscape the nature strip adjacent to their property.

A survey was released to establish community preferences and/or concerns, and officers incorporated the feedback from the community consultation and contributions from relevant Council departments into the policy.

At the 22 August 2019 Council Meeting, Council resolved to:

- 1. Adopt the Nature Strip Landscaping Policy 2019;*
- 2. Refer the introduction of a fee for a Nature Strip Landscaping Permit to the 2020/21 budget process and in the interim apply the General Local Laws Permit Fee;*
- 3. Request Officers review the Policy in 12 months and provide Council with a briefing on the first year of implementation following the review; and*
- 4. Request officers write to submitters, thanking them.*

Discussion

Since the adoption of the policy, there have been limited requests from the community to landscape their nature strips. Officers undertook an initial internal review of policy implementation to date.

As a result of the review, the Nature Strip Landscaping Policy was updated to include the minor amendments to address some inconsistencies:

- (1) Section 6, page 7 – wording update to read: “Where a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may reinstate the nature strip with seeded turf grass”. Previously the policy said that the resident could request Council reinstate the nature strip, which is inconsistent with the preceding paragraph in the document.
- (2) Section 8.8 and Section 11 updated for consistency - the reference to digging and cultivation is changed to ‘hand only’ excavation to the whole of the nature strip rather than within the dripline of trees only. This change recognises the risk to residents undertaking these works as utility services and other infrastructure located beneath the nature strip are at high risk of damage by mechanical excavation.
- (3) The offset distance of vegetation to be planted from the base of an existing street tree is increased from 500mm to one metre (1.0m) to provide greater protection for the tree.

Consultation and engagement

Officers undertook an internal review and distributed the draft revised policy and the updated Guidelines Fact Sheet internally on 22 April 2021. No additional changes to the policy occurred as a result of feedback from this process.

Officers recommend that community consultation occurs in 2024 as part of the three-year review of this policy.

Collaboration

The policy review did not require collaboration with other councils or agencies.

Innovation and continuous improvement

Each review of the Nature Strip Landscaping Policy is a continuous improvement opportunity. This policy update reflects learnings since the original implementation.

Relevant law

The *Road Management Act 2004* is relevant to this matter. The development of the policy and subsequent review is consistent with this Act.

Relevant regional, state and national plans and policies

There are no regional, state and federal plans and policies relevant to this matter

Relevant Council plans and policies

The following Council Policies and Plans are relevant to this matter and have been considered in reviewing the Nature Strip Landscaping Policy:

- Asset Protection Policy 2005;
- Biodiversity Strategy 2018;
- Environment Strategy 2018;
- Road Management Plan 2021; and
- Tree Management Policy

Financial viability

There are no financial implications associated with this matter.

Sustainability implications

The proposed minor changes to the Nature Strip Landscaping Policy do not have sustainability implications.

Officer declaration of conflicts of interest

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



Policy Title:	Nature Strip Landscaping Policy	
Date of Adoption:	28 August 2019	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> CEO <input type="checkbox"/> Other (please specify)	
CEO Signature:		Date:
Responsible Officer and Unit:	Manager Open Space and Recreation	
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Every three years	
Last Review Date:	August 2021	
Next Review Date:	August 2024	
Purpose / Objective:	<p>The objectives of this Policy are to:</p> <ol style="list-style-type: none"> 1. Provide opportunities for residents to contribute to enhancing the overall visual amenity of towns within Macedon Ranges Shire Council in terms of nature strip landscaping. 2. Highlight the obligations and responsibilities of Council and the community in relation to the maintenance of nature strips. 3. Ensure that an area on the nature strip is available for pedestrian movement and to accommodate utilities. 4. Ensure that the maintenance practices undertaken by property owners on nature strips contribute to the overall streetscape amenity of Macedon Ranges Shire. 5. Complement the Nature Strip Landscaping Guidelines as a means to enhance the aesthetic and environmental qualities of the Shire. 6. Ensure that nature strips provide adequate sight lines for vehicle traffic and cyclists at intersections and curves. 	
Background / Reasons for Policy:	<p>Macedon Ranges Shire Council (Council) acknowledges nature strips play an important role in the aesthetics, environmental and social health of our Shire. This Policy allows property owners alternative "low water use" options that are in keeping with Macedon Ranges natural environment.</p>	

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1	October 2018	Manager Operations
Second Draft	2	December 2018	Manager Operations
Third Draft	3	April 2019	Manager Operations
Final Draft	4	August 2019	Manager Operations
Approval		28 August 2019	Ordinary Council Meeting
Revised	5	August 2021	Manager Open Space and Recreation

Related Policies, Strategies and Plans:	<p>Asset Protection Policy 2005</p> <p>Macedon Ranges Tree Management Policy 2019</p> <p>Macedon Ranges Planning Scheme</p> <p>Macedon Ranges Open Space Strategy 2013</p> <p>Macedon Ranges Walking and Cycling Strategy 2014</p> <p>Road Management Plan 2021</p> <p>Council Plan 2017-2027</p> <p>Roadside Conservation Management Plan (in development)</p> <p>Biodiversity Strategy 2018</p> <p>Environment Strategy (revised October 2019)</p> <p>Climate Change Action Plan 2017</p>
Related Legislation:	<p>Road Management Act 2004</p> <p>Road Safety Act 1986</p> <p>Road Safety Road Rules 2017</p> <p>Road Safety (Traffic Management) Regulations 2009</p> <p>Road Management (Works and Infrastructure) Regulations 2015</p> <p>Code of Practice Operational Responsibilities for Public Roads 2017</p> <p>Macedon Ranges Shire Council, General Purposes and Amenity Local Law No.10 2013</p> <p>Local Government Act 2020</p> <p>Catchment and Land Protection Act 1994</p> <p>Flora and Fauna Guarantee Act 1988</p>
Related Guidelines & Resources:	<p>Macedon Ranges Nature Strip Landscaping Guidelines</p> <p>AS 1742.302009 Manual of Uniform Traffic Control Devices, Part 3: Traffic Control for Works on Roads</p> <p>Guide to the Weeds of Central Victoria, 2015</p> <p>Guide to the Flora of the Macedon Ranges, 2019</p>

1. POLICY INTENT

The intent of the Macedon Ranges Shire Council Nature Strip Landscaping Policy (the Policy) is to provide clear direction to residents about what can be done to enhance their nature strips. Residents and landowners in the Macedon Ranges Shire may have an alternative to grassed nature strips and this policy offers guidance and information on their design and maintenance.

Council recognises nature strips play an important role in the aesthetics, environmental and social health of the towns and villages within our Shire. This Policy acknowledges the impacts of climate change and allows property owners alternative “low water use” and “low maintenance” approaches to the traditional grassed nature strip that are in keeping with Macedon Ranges' natural environment. The policy also acknowledges nature strips provide an important access way for utility services.

Council supports the landscaping of nature strips provided the Policy and accompanying Guidelines are followed when modifying the nature strip to ensure their underlying purpose and the ongoing safety of the general public is maintained. Council will not assume responsibility for the maintenance or restoration of enhanced or beautified nature strips.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- enable residents to consider the use of low maintenance, low growing, drought tolerant plants as alternatives to the “traditional grassed nature strip”.
- achieve a range of environmental and social benefits including water conservation, increased biodiversity, increased visual amenity, and reduced maintenance.
- provide guidance to residents to ensure that if nature strips are modified, they:
 - are landscaped and maintained appropriately to provide for safe and unobstructed transport movement including vehicle, pedestrian and cycling
 - allow access for postal deliveries and utility service providers
 - allow unimpeded access to fire hydrants
- ensure provision is made for kerbside parking of vehicles and safe and practical conditions for waste management.

3. DEFINITIONS

For the purposes of this policy, the following terms are defined as:

3.1 Nature strip

A nature strip, also referred to as a road reserve, is defined in the *Dictionary of Road Safety Road Rules, 2017* as:

“an area between a road (except a road related area) and adjacent land, but does not include the shoulder of a road or a bicycle path, footpath or shared path”

Nature strips are set aside to provide one or more of the following uses:

- to accommodate utility services such as power and light poles, water supply, sewer or storm water pipe, gas supply mains, underground communication and electrical infrastructure and footpaths;
- to allow for door opening space and facilitate pedestrian movement between the road and the footpath;
- to allow pedestrian access along a street where there is no footpath;
- where possible to provide a space for the location of household garbage, recycling and green waste bins;
- to provide visibility of and for motorists, cyclists, and pedestrians at intersections, curves in the road, and near driveways;
- to provide space for the provision of street tree planting.

3.2 Town

A town is a centre of concentrated population settlement within the surrounding rural district and in planning terms, is area zoned for township land use. These zones include the residential, commercial and industrial zones. A town boundary can be generally defined as where the road speed zones changes to within or below 60km per hour.

The streetscape character varies between, and even within, towns such as the width of the streets, type of road edging or drainage infrastructure. Streets may or may not contain a footpath, but have a nature strip between the road and the property boundary.

3.3 Rural Roadsides / Reserves

Rural roadsides/reserves are outside town boundaries – the planning zones include rural living, rural conservation, and farming zones. These have different functions and values to town nature strips and often contain remnant native vegetation that supports biodiversity and habitat. Native vegetation occurring within rural roadsides is protected and removal/re-planting is not permitted without a Planning or Local Laws permit.

3.4 Town native nature strips

Native nature strips are road reserves located within the town boundary that contain existing native vegetation. This vegetation provides a buffer between natural and introduced vegetation and also serves an important environmental function by providing habitat links.

Native vegetation within town native nature strips is protected and removal/re-planting is considered prohibited unless approved under special conditions and with a Planning or Local Laws permit.

3.5 Heritage nature strips

Heritage nature strips contain garden beds that have been historically planted and maintained. They generally reflect the patterns off settlement, connect us with our past, and contribute significantly to the local character of the town.

Heritage nature strips are protected and removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.6 Water Sensitive Urban Design (WSUD)

Water sensitive urban design (WSUD) is an alternative to traditional urban drainage systems. WSUD is an engineered environmental design approach to provide water quality treatment, flood management, and reduce pollution from entering our waterways.

Nature strips which incorporate the principles of WSUD include swales and rain gardens and must be maintained in accordance with the design intent. Removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.7 Coordinating Road Authority (CRA)

The Coordinating Road Authority (CRA) means the road authority with the responsibility for the management and coordination of works within a particular road or road reserve. Council is the CRA for most local roads, including service roads.

The CRA for arterial roads (other than service roads) is VicRoads. Aside from regular maintenance activities on an arterial road nature strip, including mowing, weeding and picking up litter, all other activities carried out on an arterial road may be considered "works" under the *Road Management Act 2004* and will require a "Works within the Road Reserve Permit" from VicRoads.

3.8 Arterial Road

An arterial road is a high-capacity road, or main road, that connects traffic between town centres or one existing arterial road to another. To determine if a road is an arterial road visit 'Maps of declared roads' at the VicRoads website or [MAP OF DECLARED ROADS](#).

4. SCOPE

4.1 Areas within the scope of this Policy

This Policy only applies to the landscaping of a nature strip on a Council managed road or street.

4.2 Areas not covered by this Policy

This Policy does not apply to the following areas:

- Nature strips on arterial roads (other than service roads)
- Rural roadside /reserves
- Town native nature strips
- Heritage nature strips
- WSUD nature strips

Residents who are unsure whether their nature strip is covered by this Policy can contact Council to confirm.

5. LEGISLATION AND POLICIES

5.1 General Purpose and Amenity Local Law No.10 (2013)

This Policy must be read in conjunction with the requirements of Macedon Ranges Council *General Purpose and Amenity Local Law No.10* of 2013 ('the Local Law').

The Local Law sets out requirements for the use of Council land and roads including the requirement to obtain a permit for certain uses and activities. Under Clause 12(3) of the Local Law a person must obtain a permit to;

- (a) plant or remove any vegetation from a nature strip or undertake any landscaping on a nature strip or a road reserve in a residential, commercial or industrial zone; or
- (b) remove any soil from a nature strip.

A person is only exempt from the requirement to obtain a permit if the use or activity will comply with requirements prescribed in any Council approved policy applicable to that use or activity.

This policy complements the Local Law by setting out requirements and conditions for making modifications or carrying out landscaping on nature strips. Provided landscaping treatments are in accordance with the prescribed requirements in this Policy, a person is exempt from the requirement to obtain a permit under the Local Law.

5.2 Other applicable policies and guidelines

The following Macedon Ranges Shire Council Policies and Guidelines are also to be referred to in conjunction with this Policy:

- Tree Management Policy 2019
- Nature Strip Landscaping Guidelines
- Asset Protection Policy
- Roadside Conservation Management Plan (in development)
- Road Management Plan 2021
- Biodiversity Strategy 2018
- Environment Strategy (revised October 2019)
- Climate Change Action Plan 2017

6. NATURE STRIP RESPONSIBILITY

The CRA is responsible for management of nature strips however it does not undertake any renovation or maintenance (including mowing, weeding, removing rubbish, fallen leaves, sticks and bark and trimming edges). Council is responsible for the planting and maintenance of street trees within nature strips.

Ongoing maintenance of a modified and landscaped nature strip is the responsibility of the owner (or tenant), or any subsequent owners of the property for the life of the landscape. Where a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may reinstate the nature strip with seeded turf grass.

Utility companies are obligated to reinstate the nature strip following maintenance work, but are not required to reinstate nature strips that have been modified and landscaped with anything other than grass (soil and seed).

7. REQUIREMENTS FOR LANDSCAPING NATURE STRIPS

Residents within Macedon Ranges Shire can be exempt from applying for a permit to landscape the nature strip adjoining their property provided it adheres to this Policy. If any proposed landscaping treatment does not follow this Policy, and the accompanying guidelines, a Permit will be required under Council's *General Purpose and Amenity Local Law No.10. (2013)*.

Nature strips may be landscaped under the following conditions:

- The location must be covered within the Scope of this Policy - refer to Scope
- A minimum of one (1) metre from the back of kerb, or one (1) metre offset from the back of table drains for those roads without kerb and channel, is kept clear of plantings to allow for people to enter and exit their vehicles safely and for placement of waste and recycling bins
- Where no existing footpath exists, 1.8 metres from the property line is to be kept clear to allow for pedestrian access, mail, paper and other deliveries
- Plants must not exceed 600mm other than on corner blocks which are limited to ground cover plants to a maximum height of 250 mm within ten (10) metres either side of an intersection to ensure a good line of sight for motorists and pedestrians
- Plants are set back so mature foliage and mulch materials do not spill over on to footpaths to ensure pedestrian and all-abilities access at all times
- The following permitted and non-permitted items are observed:

8. PERMITTED ITEMS ON NATURE STRIPS

8.1 Appropriate plants

Appropriate plants for landscaping a nature strip include a wide range of shrubs, ground covers, grasses and bulbs that are drought tolerant, low-maintenance, and low growing (under 600mm high). Plants that are well-suited to the Macedon Ranges natural environment, including some exotics, are recommended however local native plants are the preferred type. Native plants provide a usable habitat for birds, small reptiles and insects, and increase biodiversity within the Shire.

Residents who wish to grow vegetables on their nature strips as an alternative to landscaping are encouraged to in a sustainable way that protects the surrounding environment. This can be achieved by limiting high inputs such as irrigation, fertilisers or pesticides and ensuring materials used are suitable near gutters and storm water drains (and not in the 8.4 Non-permitted items on nature strips list below).

Information about Native plants of the Macedon Ranges is available on Council's website and at Customer Service Centres. Council officers can also provide plant advice as required.

8.2 Grass /Turf

Traditionally nature strips have been turfed or grassed. Guidelines on how to establish a grassed nature strip and information on suitable grass varieties are available in the Macedon Ranges Nature Strip Landscaping Guidelines.

8.3 Permeable Surfaces

The following mulches and gravels are permitted:

- Wood chips or gravel between 7mm to 25mm in size, to a depth of 75mm, natural in colour, and in conjunction with plantings only – to discourage illegal parking
- Fine gravel mulches, such as granitic sand or toppings to a maximum depth of 100mm may be used for areas that are required to be kept clear, see 7 requirements above, and must be well compacted.

Where a gravel or wood chip mulch is used on the nature strip:

- It is not permitted to encroach onto the footpath, driveways, roadways or into the kerb and channel
- The level of the mulch must not extend above the level of the footpath or kerb
- The mulch on the nature strip must be maintained at a reasonable level and in a weed free condition.

8.4 Non-permitted items on nature strips

In addition to any item which an Authorised Officer of Macedon Ranges Shire Council considers may constitute a risk, items that must not be installed or which are not permitted as part of landscaping the nature strip include:

- bluestone pitchers, railway sleepers or retaining walls
- objects and/or barriers such as fencing, large rocks, logs, or bollards
- garden edging that protrudes above the nature strip or footpath level
- shredded plant products such as compost, pea straw or fine wood chips (other than that specified in Section 8.3 of this policy) or similar
- scoria
- any other loose materials that can enter and obstruct storm water drains
- fertilisers or garden sprays that may wash into storm water drains
- spiny, thorny, or artificial plants

- plants with an aggressive root system
- noxious or environmental weed species. Information regarding common weeds in the Macedon Ranges can be found on the Shire's website <http://www.mrsc.vic.gov.au/Live-Work/Environment/Weeds-Native-Plants/What-Weed-Is-That>
- artificial turf ¹
- irrigation systems
- hard paving such as concrete, brick or asphalt
- temporary or permanent electrical wiring, including tree lights
- timber or metal stakes, or star pickets

8.5 Car parks on nature strips

Parking is not permitted on nature strips under State law, irrespective of the surface used. This is to protect Utility services, Council assets, and is law under the *Victorian Road Safety Road Rules, 2017*.

8.6 Fire Hydrant Visibility

Any modifications to the nature strip must not cover, obscure or hide any fire hydrant or their marker posts. Fire Hydrants must remain accessible at all times.

8.7 New Street Trees

Residents are not permitted to supply or plant new trees on the nature strip. Council is responsible for the planting and maintenance of street trees within nature strips.

If a resident requires a street tree in the nature strip, a request can be made to Council's Operations Department. The planting of street trees is subject to the requirements of Macedon Ranges Shire Council's Street Tree Management Policy.

8.8 Existing Street Trees

Residents are not permitted to prune or modify existing trees on the nature strip in any way (other than watering or mulching). Requests may be made to Council if pruning is required.

Any digging or cultivation within the nature strip for landscaping must be by hand only i.e. no mechanical excavation. Vegetation should not be planted within a

¹ The use of synthetic turf is not encouraged throughout Macedon Ranges Shire Council due to the adverse effect it has on the environment. It may only be installed on nature strips in exceptional circumstances and an application for a permit must be approved prior.

metre (1.0m) from the base of any existing tree as they will compete for moisture and nutrients. Any mulch installed on the nature strip must be kept back from the trunk of existing trees to prevent collar rot.

8.9 Utilities and maintenance work

Council and utility companies that supply water, gas, electricity, sewerage, drainage and telecommunications may occasionally require access to the nature strip to carry out repairs and/or maintenance work. The utility companies are required to reinstate the nature strip following maintenance work, but are not required to reinstate residential nature strips that have been modified and landscaped other than in grass (soil and seed).

Council and utility companies or maintenance contractors will not be responsible to replace plants, landscaping, or any other modifications made to the nature strip, to the condition existing prior to maintenance work.

9. MAINTENANCE OF LANDSCAPED NATURE STRIPS

Nature strips landscaped in accordance with this Policy must be kept in a well maintained and safe condition by the resident at all times by:

- regularly mowing all grassed areas
- ensuring that plants are pruned and mulches are contained so that they do not extend onto pathways, driveways, roadways or over the kerb
- keeping plants (other than street trees) trimmed to a height of no more than 600mm at all times
- maintaining the nature strip in a neat and safe condition - free of weeds and rubbish, any tripping hazards, and any protruding objects.

10. FAILURE TO MAINTAIN A NATURE STRIP

Council retains the right to request the rectification of a modified or landscaped nature strip where a resident fails to maintain it in accordance with this policy and the following:

- the condition of the nature strip is a traffic or pedestrian hazard
- it does not provide appropriate pedestrian access
- it is a safety or fire hazard
- it interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways
- it impacts unfavourably and significantly on the local amenity as described in Point 9.

- it contains noxious or environmental weed species

The resident will be given a fair and reasonable time to rectify the works unless the level of risk warrants a more timely response.

In instances where the property owner does not comply with Council's requests, an Authorised Officer may enforce the requirements of this Policy as a Notice to Comply under the *General Purpose and Amenity Local Law No.10, (2013)*.

If the resident fails to observe the requirements of a Local Law Notice to Comply, the Macedon Ranges Shire Council will take action to remove the landscaping and reinstate the nature strip to a safe and tidy condition. All costs in these instances, will be charged to the property owner.

11. SAFETY AND LIABILITY

During landscaping or maintenance works on the nature strip, the person conducting the works has a duty of care under common law to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

The resident should confirm with their insurer they have adequate Public Liability insurance to allow for any claims that may arise as a result of any modification or landscaping of the nature strip.

Residents must contact "Dial Before You Dig" or visit the website www.1100.com.au, (a free national service) to determine the presence of any underground services before commencing any excavation to the nature strip. Any excavation in the nature strip must be carried out by hand, not heavy machinery, to minimise any potential damage to existing street trees or infrastructure.

Council will not be liable for any financial penalties that the resident incurs from damaging any underground services.

Council accepts no occupational health, safety or public liability related to works carried out on the nature strip by residents.

12. LANDSCAPING NATURE STRIPS - STEPS FOR RESIDENTS

Residents are required to take the following steps when planning new landscaping within a nature strip:

1. Residents must confirm their nature strip is permitted to be landscaped under this Policy - Refer to section 4 Scope
2. If renting, tenants must gain the prior approval of the property owner or management body
3. Refer to section 7 Requirements for Landscaping Nature Strips and the accompanying Nature strip Landscaping Guidelines
4. Consider at the planning phase:
 - the suitability of the design
 - if it complements the neighbourhood character
 - whether it suits the streetscape.
5. Conduct a Dial Before You Dig prior to any excavation
6. Confirm the works can be carried out in a safe manner
7. Consider the ability to maintain the landscaping in a safe and tidy condition in the long term

APPENDIX 1.

Nature Strip Landscaping Guidelines



Nature Strip Landscaping Guidelines

To be read in conjunction with the Nature Strip Landscaping Policy, 2021

A permit to undertake nature strip landscaping is not required provided that any works meet the Policy as explained in the Guidelines. Any proposed works that do not meet these Guidelines require a permit application for consideration.

About Nature Strips

A nature strip is the area between your property boundary and the road edge excluding a footpath. Nature strips are set aside to allow for:

- ❖ utility services,
- ❖ car door opening
- ❖ pedestrian movement,
- ❖ an area for collection of household bins,
- ❖ visibility for motorists, cyclists, and pedestrians
- ❖ street tree planting

Council (or VicRoads on main roads) are responsible for the management and safety of nature strips but do not carry out maintenance other than for street trees.

If you wish to landscape your nature strip you will need to complete the following steps.

Planning the Landscaping of your Nature strip

1. Confirm your nature strip is in an area that is permitted to be landscaped. Some areas e.g. main roads or outside town boundaries (where speed zone changes to above 60km per hour) are not included. Check the Policy or contact Council to confirm.
2. If renting, gain the prior approval of the property owner
3. Refer to the diagram above and the table over page for permitted and non-permitted landscaping
4. Consider whether the design complements the neighbourhood character / suits the streetscape
5. Lodge a 'Dial Before You Dig' query online or dial 1100 to locate services prior to any excavation.
6. Confirm the works can be carried out in a safe manner
7. Consider the ability to maintain the landscaping in a safe and tidy condition in the long term

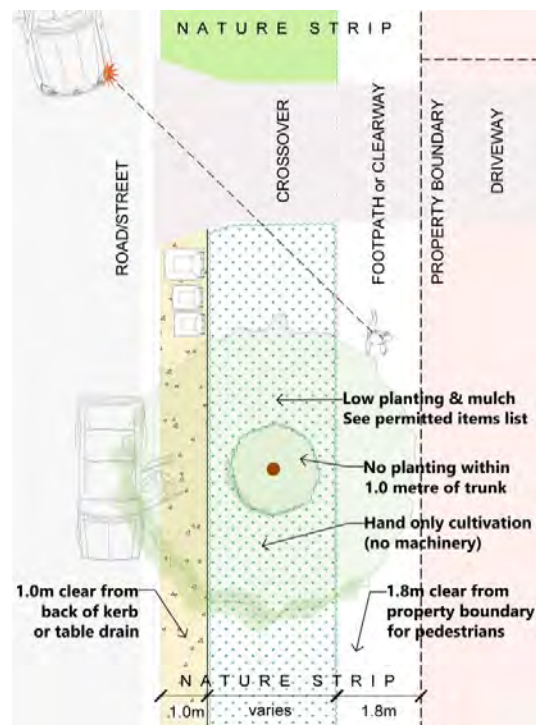


Fig. 1. Plan of permitted landscaping for your nature strip



Permitted and non-permitted items on nature strips

✔	✘
<ul style="list-style-type: none"> ✔ Plants below 600mm in height to maintain motorist/pedestrian sightlines ✔ Plants on corner block intersections below 250mm to maintain sightlines ✔ Wood chips or mulch 75mm depth between 7 to 25mm size with plantings ✔ Compacted fine gravel or toppings to maximum 100mm depth in required clear area only - refer to diagram * ✔ Native and indigenous plants ✔ Other drought tolerant, low-maintenance, plants well-suited to the Macedon Ranges natural environment ✔ Plants placed so when mature they do not overhang footpaths and driveways ✔ Allowing 1.8 metres clear from property boundary where no existing footpath ✔ Allowing 1.0m clear, either grass or compacted fine gravel, from back of kerb/table drain for bins & car doors ✔ Grass or turf ✔ Planting 1.0m away from trees ✔ Mulch/edging level with surrounds 	<ul style="list-style-type: none"> ✘ No plants above 600mm in height ✘ No fine mulches, compost, loose materials – can enter and obstruct storm water drains ✘ No wood chips, mulch, or gravels across whole of nature strip with no plantings * ✘ No fencing, large rocks, logs, or bollards ✘ No mulch or garden edging protruding above the footpath/driveway level ✘ No mulch on the footpath, road or channel ✘ No noxious or environmental weed species ✘ No spiny, thorny plants, artificial plants or turf ✘ No plants overhanging footpaths or driveways ✘ No fertilisers or garden sprays that may wash into storm water drains ✘ No planting or modifying street trees (Council only) ✘ No irrigation systems or wiring e.g. lights ✘ No bluestone pitchers, sleepers, retaining walls or planter boxes (or around street trees) ✘ No hard paving such as concrete, brick or asphalt ✘ No timber or metal stakes, or star pickets

* to discourage illegal parking on nature strips as per Victorian Road Safety Road Rules, 2017

Contact Council for further information regarding these Guidelines or to obtain:

- A copy of the Nature Strip Landscaping Policy
- Information regarding applying for a Permit
- A suggested planting list for landscaping Nature strips
- A Guide to the Weeds of Central Victoria, 2015

ABN 42 686 389 537
 PO Box 151 Kyneton Victoria 3444
 T 03 5422 0333 F 03 5422 3623 E mrsc@mrsc.vic.gov.au
www.mrsc.vic.gov.au

AO.2	PUBLIC TOILET FEASIBILITY STUDY - KYNETON
Officer:	Carina Doolan, Coordinator Facilities Management
Council Plan relationship:	3. Improve the built environment
Attachments:	Nil

Summary

This report responds to a Council request on 26 May that the Chief Executive Officer prepare a costing and feasibility report on the development of new Council-operated toilet facilities in Piper Street, Kyneton (rotunda end).

This report also responds to a petition tabled at the 23 June 2021 Scheduled Council Meeting requesting two additional public toilet blocks in Kyneton, adjacent to the newly constructed outdoor fitness station near the Campaspe River Walk in St Agnes Place and at Quarry Reserve in the vicinity of the Barry Doyle Rotunda.

Recommendation

That Council:

- 1. Requests a business case be prepared for consideration in the 2022/23 financial year budget to design and plan a new toilet block providing a unisex All Abilities toilet and two other toilets with services and connecting pathways at St Agnes Place Kyneton.**
- 2. Requests a business case be prepared for consideration in the 2022/23 financial year budget to design and plan a new toilet block providing a unisex DDA toilet and two other toilets, services and connecting pathways at Quarry Reserve Kyneton.**
- 3. Requests a business case be prepared for consideration in the 2022/23 financial year budget for sealing Campaspe Crescent, Kyneton to address the expected increase of traffic to the park, due to recommendation 2 above.**
- 4. Requests the presentation of the draft Public Toilet Strategy to Council at the February 2022 Scheduled Council Meeting for consideration, noting this will inform recommendations 1,2 and 3 above.**

Background

At the Council Meeting on 26 May 2021, Council endorsed the following Notice of Motion:

“That Council request the Chief Executive Officer to prepare a costing and feasibility report on the development of new council operated toilet facilities in Piper Street, Kyneton – preferably at the rotunda end of the street by August 2021.”

At the 23 June 2021 Scheduled Council Meeting, a petition was tabled requesting two additional public toilet blocks in Kyneton. The petition requested toilets adjacent to the newly-constructed outdoor fitness station near the Campaspe River Walk in St Agnes Place and at Quarry Reserve in the vicinity of the Barry Doyle Rotunda. Council resolved:

“That the petition is received and noted and that it be referred to Council officers for investigation and reporting back to Council.”

Established in 1850, Piper Street is one of Kyneton's first streets and is renowned in and beyond the Macedon Ranges for its eateries, antique stores, galleries and shops. It is also home to the Kyneton Farmers' Market on the second Saturday of the month.

Visitor numbers have increased over time at Quarry Reserve. It provides barbecues and open space for tourists and locals to enjoy while visiting Piper Street, Kyneton Mineral Springs and the Sculpture Park located on either side of the Piper Street Bridge.

There are currently no Council-owned public toilet facilities located along Piper Street. Council leases privately owned toilets at *Duck Duck Goose* situated at 17-21 Piper Street. This toilet facility is leased to Council annually, with limited and inconsistent operating hours. There is potential to negotiate different opening times for this facility, noting this may come at a higher operating cost.

As part of the Healthy Heart of Victoria initiative, Council received funding to deliver outdoor exercise equipment that supports people of all ages at the Campaspe River Walk near St Agnes Place, Kyneton.

The high number of visitors to Piper Street and the construction of the Campaspe River Walk, including the Healthy Heart Outdoor Gym equipment at St Agnes Place, has increased community requests for more readily accessible public toilet facilities

Discussion

This report provides the project costings and high-level feasibility for the toilet locations requested.

Council owns 11 public toilet facilities that service the Kyneton township..

In urban areas, the distance to access a publicly available toilet is approximately 400 metres. A publicly available toilet is not necessarily owned by the Council, but one open for the public to use.

The nearest Council-owned facilities from the centre of Piper Street are:

- The rear of the Town Hall, Hutton Street (370 metres)
- Barkly Square, Beauchamp Street (735 metres) and
- The Kyneton showgrounds, Mollison Street (350 metres)

The Town Hall and showgrounds are within acceptable walking distance of the Piper Street precinct. Officers note it is a further 450 metres from the centre of Piper Street to Quarry Reserve; therefore, Quarry Reserve is not serviced by these toilet facilities, based on a 400 metre travel distance.

The nearest Council-owned facilities to the St Agnes Place outdoor exercise equipment are:

- Kyneton Botanic Gardens (750 metres) and
- Kyneton Mechanics Institute (1280 metres)

These locations are further than 400 metres from the St Agnes Place fitness equipment. Consultants are currently drafting a Public Toilet Strategy to review current toilet provision across the shire, look at what is needed, and balance this with affordability. The draft strategy will identify areas within the shire with a shortfall in access to public toilet facilities and aim to provide an agreed design standard for public toilets, taking into account privacy, security, vandalism and contemporary trends.

The business cases are proposed to be drafted for the Financial Year 2022/23 budget consideration. The business cases will be written before the Council considers the Public Toilet Strategy. The timing of the strategy's consideration at the February 2022 Scheduled

Council Meeting will allow for any final budget decision on the business cases to incorporate the strategy's guidance and intent.

Consultation and engagement

The preparation of this report included engagement with the number of internal business units in addition to Coliban Water and the Department of Land, Water and Planning (DELWP).

Initial conversations with Coliban Water (an authorising agency) identified that it had concerns about mains connection to this site due to the size of the mains. They also raised concerns that any vandalism or malfunction of the toilet's sewerage would risk impacting the sewerage services to residents in the vicinity.

Further consultation with the following will be required if the construction of toilets is to proceed:

- Powercor
- North Central Catchment Management Authority
- Taungurung Clans Aboriginal Corporation
- Aboriginal Victoria
- VicRoads (DOT)

As part of the approval process for the permit to build the toilets, some of the entities identified above may also have formal authorising roles.

Collaboration

Detailed collaboration with the Taungurung (as these works will require a Land Use Activity Agreement), DELWP and/or other statutory bodies has not been undertaken in the preparation of this report and is needed if this project were to proceed.

For the type of works identified, the discussion with the Taungurung is likely to be classified as 'negotiation' under the Land Settlement Agreement (LSA) and take a minimum of six months.

Other referrals and consultations are expected to be of a three to six-month duration.

Innovation and continuous improvement

The provision of an additional toilet in these precincts will support:

- people using the popular Piper Street precinct by providing additional public toilet facilities for visitors and tourists.
- people of all ages and abilities to use existing outdoor exercise equipment and open spaces.

The following innovations and continuous improvements will be considered in the preparation of the business cases:

- Rain water tanks providing water for toilet flushing and hand washing purposes
- Security design considerations
- Non-gender specific toilet cubicles

Subject to the outcomes of the Public Toilet Strategy, the following innovations and continuous improvements will be considered:

- Rain Water Tanks providing water for toilet flushing and handwashing purposes
- Security design considerations

- Non-gender specific toilet cubicles

Relevant law

Both proposed toilet locations are subject to:

- the Taungurung Land Settlement Agreement (LSA) and is Crown Land; therefore, the LSA applies for the St Agnes Place location and most likely requires a Land Use Activity Agreement.
- Aboriginal Cultural Heritage Sensitivity overlay
- bushfire provisions
- an Environment Significance Overlay both locations as it is within 45 to 80 meters of a waterway
- a Land Subject to Inundation Overlay (LSIO) affects both potential sites as they are subject to flooding due to their proximity to the creek
- *Local Government Act 2020*
- *Road Management Act 2004*
- *Aboriginal Heritage Act 2006*

Relevant regional, state and national plans and policies

There are no specific plans or policies directly relating to the content of this report.

Relevant Council plans and policies

This request aligns with Council Priority #3 – Improve the Built Environment, highlighted by the following points:

- Plan for improved recreation and community facilities using environmentally sustainable designs
- Encourage multi-use recreation and community facilities

The following Council plans and policies guide the consideration of the toilet installations:

- Asset Management Policy
- Community Engagement Policy
- Engineering Requirements for Infrastructure Construction Policy
- Open Space Policy
- Procurement Policy
- Public Transparency Policy
- Asset Management Strategy 2014
- Council Plan 2017-2027 (Year four)
- Heritage Strategy
- Visitor Economy Strategy
- Public Road Register
- Public Roads Procedure
- Road Management Plan

Financial viability

The estimated costs to build two new public toilets and supporting civil infrastructure is as follows:

	Unit cost	Units	Total
New public toilet three cubicle block	155,000	2	310,000
Civil works, including services connections and connecting pathways	90,000	2	180,000
Road sealing – Campaspe Crescent	140,000	1	140,000
			\$630,000

The estimated total cost of works is \$630,000, plus contingency and project management. More accurate figures will be provided in the business cases once complete.

Annual services charges, cleaning and maintenance, is \$21,000 per toilet facility.

Sustainability implications

The proposed sites are in an area that is subject to:

- Two Heritage Overlays – further advice is required from Council’s Heritage Advisor about the location and design of each facility
- The Land Use Activity Agreement with the Taungurung
- Environmental Significance Overlays - Any vegetation removal may require a permit
- Aboriginal Cultural Heritage Sensitivity – officers require confirmation from Aboriginal Victoria on whether each location requires a Cultural Heritage Management Plan
- LSIO overlays – seek advice from North Central Catchment Management Authority if the toilets would require elevation above flood levels

Officer declaration of conflicts of interest

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

15 NOTICES OF MOTION AND RESCISSION

No. 34/2021-22: NOTICE OF MOTION - REGIONAL TELECOMMUNICATIONS REVIEW 2021

I, Councillor Jennifer Anderson, give notice that at the next Meeting of Council to be held on 25 August 2021, I intend to move the following motion:

That Council:

- 1. Notes the content of the Regional Telecommunications Review 2021 - Issues paper**
 - 2. Requests the CEO to prepare a submission to the Regional Telecommunications Review 2021 and;**
 - (a) Present the draft submission to the September Scheduled Council Meeting for endorsement and;**
 - (b) Submit Council's endorsed response to the Regional Telecommunications Review 2021 by the deadline of 30 September 2021.**
-

No. 35/2021-22: NOTICE OF MOTION - ICAN (INTERNATIONAL CAMPAIGN TO ABOLISH NUCLEAR WEAPONS)
--

I, Councillor Annette Death, give notice that at the next Meeting of Council to be held on 25 August 2021, I intend to move the following motion:

That Council:

- 1. Puts on record its deep concern about the grave threat that nuclear weapons pose to communities throughout the world. Council firmly believes that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.**
- 2. Welcomes the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017.**
- 3. Requests the Mayor write to Senator the Hon Marise Payne, Minister for Foreign Affairs, to call on Australia to sign and ratify the Treaty without delay.**
- 4. Requests the Chief Executive Officer to issue a media release announcing that Council has joined the call for the Federal Government to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.**
- 5. Directs that the Chief Executive Officer must initiate a review of Council's investment in a financial institution if it is brought to the Chief Executive Officer's attention that that financial institution invests in the production of nuclear weapons.**
- 6. Recognises the ICAN (International Campaign to Abolish Nuclear Weapons) Cities for Peace Appeal and acknowledges the large number of cities and shires across Australia that have committed to this appeal.**

16 URGENT BUSINESS

17 CONFIDENTIAL REPORTS

Nil