

# Agenda

**Council Meeting  
Wednesday 15 December 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 - DECEMBER 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.**

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**Mayor's report**

With only two weeks since the last Mayor's report, Councillors and Council staff have still been busy assisting the community and businesses to navigate a post lockdown restrictions environment. Thank you to everyone who has shown kindness and patience as we endeavour to follow the latest health advice to keep everyone healthy and safe.

We also continue to advocate for increased state and federal government assistance regarding the ongoing need for clean-up post the June storms, aware that fire season, although later than usual this year due to the wet weather, is almost upon us. Please continue to let us know if you have any ongoing storm damage issues so we can determine what assistance we may be able to offer.

Below are some highlights of the month so far since the last Council meeting in November under the themes of our Council Plan.

**Connecting Communities**16 Days of Activism

Council was proud to support Respect Victoria to deliver its Respect Women 'Call It Out' campaign, which was part of the global 16 Days of Activism Against Gender-Based Violence between 25 November and 10 December 2021. Council worked closely with Sunbury and Cobaw Community Health Service as they led the local campaign with the Macedon Ranges Family Violence Network.

Kyneton Daffodil and Arts Festival Annual General Meeting (AGM)

It was my greatest pleasure to again attend the AGM of this hard-working group of dedicated volunteers and assist in their election of office bearers. For the past two years they have been unable to run the full traditional festival, but have still been able to provide some activities to accommodate COVID restrictions. The much-anticipated light display, postponed due to COVID restrictions will, I am reliably told, occur in 2022 as part of the Autumn Festival. Thank you to all outgoing committee members and congratulations to the new office bearers. Thanks to Cr Pearce for also attending.

Malmsbury CFA Award dinner

Having been postponed from an earlier date, it was a great pleasure to finally be able to celebrate the great achievements of those who volunteer with the Malmsbury Fire Brigade. What a great night at the Malmsbury Hotel. A great opportunity to celebrate awards for up to 65 years' service and recognition of work in the area of gender equity.

**Healthy people, Healthy Environment**Soft Plastics Recycling Trial

Council is currently conducting a six-month soft plastics recycling trial with local recycling company, Victorian Regional Recyclers. This is a free service available at all three transfer stations (formerly known as tips). Please see our website for details of what you can include. Consider picking up some free mulch for your garden at the time you drop off your plastic. The uptake has been incredible so far, exceeding our expectations. Thank you for trying to put as little as possible in the landfill bin. Please remember to try to avoid the use of these harder to recycle soft plastics in the first place.

Cities Power Partnership

Council has joined the Cities Power Partnership aligning ourselves with more than 150 councils across the country dedicated to a zero emissions future, slashing greenhouse gas pollution and tackling worsening climate change. By joining the partnership we confirm our commitment to climate action and reinforce our Declaration of a Climate Emergency.

Riddells Creek Tennis Court Opening

Deputy Mayor Cr Guthrie and Cr Death attended the official opening of the stage 2 development of the Riddells Creek tennis courts on 27 November. Councillors joined in the celebration of a project that has taken a number of years to complete. The project is a continued commitment from Council and other funding partners to develop fit-for-purpose and high quality facilities for the community. The works included the development of three new tennis courts with an acrylic playing surface and lighting.

Loddon Mallee Waste Forum

On 25 November Cr Guthrie attended this regional waste forum on behalf of Council, via Zoom. This is an important forum that looks at working together as a region to reduce waste and improve recycling and reuse of materials where ever possible.

Reopening of the Outdoor Pools

Summer has arrived and Council is pleased to announce the reopening of the two outdoor pools in Woodend and Lancefield for the 2021/22 summer season from 4 December until the Labour Day long weekend in March 2022. The two outdoor pools are open in line with COVID 19 restrictions and density requirements, as well as the temperature based guidelines.

Kyneton Kindergarten

Councillors were fortunate to informally tour the completed Kyneton Kindergarten on 10 December with Mary-Anne Thomas MP, State Member for Macedon. It was wonderful to see the interactive spaces for the children to learn and enjoy well into the future. A formal opening of the kindergarten will be planned in the first term of 2022.

**Business and Tourism**Business Excellence Awards

Congratulations to all of the finalists in the 2021 Josh's Rainbow Eggs Macedon Ranges Business Excellence Awards. Winners were announced at the gala event held on 26 November at Macedon Hotel and Spa. It was wonderful that the evening brought together local suppliers and performers. I would encourage you all to check out the full list of award winners on Council's website.

Riddells Creek Festival

Cr Death attended the Twilight Festival celebration with the Riddells Creek community on 27 November. The festival marked the opening of the Christmas tree display, while offering live entertainment on stage, roving entertainers, children's activities, local food vans and a visit from Santa. Fun for both locals and visitors alike.

#### Woodend Traders Twilight Festival

Also on the evening of 27 November, the Woodend Traders held a late night shopping event filling the streets with food, roving entertainment and light projections. The weather may have been a bit cool, but everyone's spirits were warm and happy, celebrating coming out of lockdown restrictions and having the opportunity to visit shops that they may not have been to before.

#### Filming an Art Installation for Kyneton Contemporary Art Triennial

On a hot Monday in December I dressed up in a gold space blanket suit to be directed around the transfer station at Kyneton along with the artist, Eugenia, and Steve, a worker at the transfer station, on his day off. I can't wait to see the finished product and appreciate the opportunity to be involved. KCAT was scheduled for 2021 but has been postponed to 19-27 March 2022. Great for locals and tourists alike. Eleven artists from around Australia have been commissioned to provide context sensitive art work made in a variety of media presented across multiple sites throughout Kyneton.

#### Seymour Cottage talk with Professor Mile Lewis

On 28 November I attended a talk by Professor Miles Lewis about the history of portable houses in Australia, of which Romsey's own Seymour Cottage is one. A fascinating architectural history was presented as well as a bid for world heritage listing. Attendees came from throughout regional Victoria and Melbourne. Thank you Romsey and Lancefield District Historical Society for putting this together, having had it have to be rescheduled due to prior COVID restrictions.

#### Murmuring Walk

Cr Guthrie was one of the first people to experience 'Murmuring Walk' during the opening on 29 November - a sublime audio guided experience inspired by the environment and the birdlife inhabiting the lush bush surrounds of Sanatorium Lake in Mount Macedon.

The Murmuring Walk soundscape was funded through Council's arts relief funding, collectively known as Creative Encounters. From circus skills to Mystery Art Trails, from singing in parks to ghost tours at Kyneton Museum. The funding employed over 20 artists and created 11 diverse arts projects to reconnect our communities.

We hope that this audio soundscape will enable a deeper connection of the natural environment, for residents and visitors to explore.

#### Romsey Ecotherapy Park

Councillors were invited to participate in a photo opportunity with Mary-Anne Thomas MP, State Member for Macedon on 3 December at the Romsey Ecotherapy Park. Councillors were also invited to an artist's studio to view one of the art pieces that will be installed into the park upon completion.

The park is a great demonstration of what a committed group of community members can achieve, and Council is extremely grateful for the support of the Romsey community and the State Government to deliver what will be an amazing park.

### **Delivering strong and reliable government**

#### Have your say

We always try to consult with you less over the Christmas/New Year break. Thanks to everyone who gave us your early budget ideas which closed on 12 December.

Currently available for comment is our new Draft Domestic Animal Management Plan 2021-2025. Submissions close in early February. We hope you have a restful break over December/January, if you are able.



**7      PETITIONS**

**8      ADOPTION OF MINUTES**

**Recommendation**

**That Council confirms the minutes of the Unscheduled Meeting of Macedon Ranges Shire Council held on 23 November 2021 and the Scheduled Meeting of Macedon Ranges Shire Council held on 24 November 2021, as circulated.**

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**9 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF****9.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - NOVEMBER TO DECEMBER 2021**

**Attachments:** Record of meetings involving Councillors and Council staff - November to December 2021 [↓](#)

**Summary**

Rule 31(a) of Council's Governance Rules requires a written record of matters discussed at specified meetings of Councilors 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 attached.**

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**Record of Meeting involving Councillors and Council staff**

<b>Meeting</b>	Councillor Briefing		
Date	23-Nov-2021	Time	9.30am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Jessica Baguley		

<b>Councillors present</b> <i>List all Councillors in attendance</i>			
Cr Jennifer Anderson (Mayor)	A	Cr Mark Ridgeway	A
Cr Dominic Bonanno	A	Cr Annette Death	A
Cr Rob Guthrie (Deputy Mayor)	A	Cr Anne Moore	Z
Cr Geoff Neil	A	Cr Janet Pearce	A
Cr Bill West	A	<i>A = attended   Z = via Zoom   N = did not attend</i>	

<b>Officers present</b> <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Kate Young, Manager Legal and Corporate Governance	A
Duncan Kelly, Manager Information Services	A
Fleur Marshall, Acting Manager Communications Customers and Engagement	Z
Emma Orchard, Manager Children Youth and Family Services	A
Rob Ball, Manager Strategic Planning and Environment	A
Leanne Khan, Coordinator Strategic Planning	A
Simon Finlay, Manager Open Space and Recreation	A
Jessica Baguley, Senior Governance Officer	A
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<b>Others present</b>	<i>List all other persons in attendance</i>
Andrea Tomkinson, Tomkinson/Riverside Kyneton	A
Martin Zoland, Tomkinson/Kyneton Riverside	A
Jodi Cant, DELWP	A
Anthony Judd, DELWP	A
Adam Melis, DELWP	A
Mark Reilly, TRACT	A
Nathan Collins, TRACT	A
Carley Wright, TRACT	A
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<b>Matters considered</b>	<i>List all items</i>
Vaccination at Sports Precincts	
Hardwicks	
Information Services update	
External presentation by Tomkinson on Riverside Kyneton's Growth Front	
Complaints Policy	
Kindergarten Strategic Direction	
Planning Matters	
C143macr	
Presentation on Hanging Rock Master Plan options	
Romsey Structure Plan Councillor Reference Group	
DP/2013/6/A - 8 & 10 McKim Rd	
DP/2013/6/B - 11 McKim Rd	
CEO Employment Remuneration Policy	
Agenda Review for 24 November 2021	



<b>Disclosure of conflicts of interest</b>
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Name	Cr Bonanno	Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Cr Bonanno declared a material conflict of interest in relation to the petition presented to Council for the Scheduled Council meeting 24 November 2021 as he and his family would benefit from improved mobile service and internet speeds. The item was noted but not discussed during Agenda review.			
Did they leave the meeting? Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>	Time departed
			Time returned

Name	Cr Pearce	Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Cr Pearce declared a material conflict of interest in relation to the subscriptions on the agenda review for the Scheduled Council meeting 24 November 2021, as she is the Vice President on the Executive Committee. The item was noted but not discussed during Agenda review.			
Did they leave the meeting? Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>	Time departed
			Time returned

Name	Cr Anderson	Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Cr Anderson declared a material conflict of interest in relation to the subscriptions on the agenda review for the Scheduled Council meeting 24 November 2021, as she is a Board Member with the Municipal Association of Victoria. The item was noted but not discussed during Agenda review.			
Did they leave the meeting? Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>	Time departed
			Time returned

Office use	
1. The responsible officer must complete this form at any meeting, other than a meeting of Council or a delegated committee, as specified in Rule 31 of the Governance Rules.	
2. Once completed, the responsible officer must forward this form to the Coordinator Governance within two days of the meeting.	



Record of Meeting involving Councillors and Council staff

<b>Meeting</b>	Councillor briefings		
Date	30-Nov-2021	Time	9am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

<b>Councillors present</b> <i>List all Councillors in attendance</i>			
Cr Jennifer Anderson (Mayor)	A	Cr Mark Ridgeway	A
Cr Dominic Bonanno	A	Cr Annette Death	A
Cr Rob Guthrie (Deputy Mayor)	A	Cr Anne Moore	A
Cr Geoff Neil	A	Cr Janet Pearce	A
Cr Bill West	A	<i>A = attended   Z = via Zoom   N = did not attend</i>	

<b>Officers present</b> <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Allison Watt, Coordinator Governance	A
Leanne Khan, Coordinator Strategic Planning	A
Rob Ball, Manager Strategic Planning and Environment	A
Isobel Maginn, Senior Strategic Planner	A
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<b>Others present</b>	<i>List all other persons in attendance</i>
David Bergin	A
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<b>Matters considered</b>	<i>List all items</i>
Gisborne Futures Workshop	
Planning Delegated Committee Meeting Agenda Review	
15 December Council Meeting Agenda Review	



**Disclosure of conflicts of interest**

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting? Yes <input type="checkbox"/> No <input type="checkbox"/>		Time departed	
		Time returned	

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting? Yes <input type="checkbox"/> No <input type="checkbox"/>		Time departed	
		Time returned	

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting? Yes <input type="checkbox"/> No <input type="checkbox"/>		Time departed	
		Time returned	

Office use

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## Record of Meeting involving Councillors and Council staff

<b>Meeting</b>	Councillor briefings		
Date	07-Dec-2021	Time	9.50am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

<b>Councillors present</b>		<i>List all Councillors in attendance</i>	
Cr Jennifer Anderson (Mayor)	A	Cr Mark Ridgeway	A
Cr Dominic Bonanno	A	Cr Annette Death	N
Cr Rob Guthrie (Deputy Mayor)	A	Cr Anne Moore	A
Cr Geoff Neil	A	Cr Janet Pearce	A
Cr Bill West	A	<i>A = attended   Z = via Zoom   N = did not attend</i>	

<b>Officers present</b>		<i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A		
Stephen Pykett, Acting Director Planning and Environment	A		
Shane Walden, Director Assets and Operations	A		
Gina Lyons, Interim Director Corporate and Community	A		
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A		
Allison Watt, Coordinator Governance	A		
Nathan Upson, Manager People and Wellbeing Operations	A		
Gary Randhawa, Manager Engineering and Resource Recovery	A		
Meaghan McNamara, Manager Major Projects Office	A		
Julian Summer, Building Projects Officer	A		
Bob Elkington, Coordinator Economic Development	A		
Will Rayner, Coordinator Visitor Economy	A		
Nicole Pietruschka, Events and Filming Officer	A		
Rob Ball, Manager Strategic Planning and Environment	A		
Fiona Alexander, Manager Community Care	Z		
Fleur Marshall, Acting Manager Communications Communities and Engagement	Z		
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<b>Others present</b>	<i>List all other persons in attendance</i>
Steve Tinker (Telstra)	Z
Marcus Swinburne (Telstra)	Z
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<b>Matters considered</b>	<i>List all items</i>
Presentation from members of Stanley Park Committee	
Potential Future Grants update	
Update on the development of the Gender Equality Action Plan	
Macedon Ranges Regional Sports Precinct - intersection upgrade community consultation	
Telstra Project updates	
Open Gardens Mount Macedon update	
Stanley Park	
Affordable Housing	
Planning matters	
Planning Delegated Committee agenda review	
Australia Day Awards	
Complaints Policy update	
15 December Council Meeting agenda review	



**Disclosure of conflicts of interest**

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

Name		Title	
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Did they leave the meeting?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Time departed
			Time returned

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**10 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**

## 11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

<b>PE.1</b>	<b>DP/2013/6/A - 8 AND 10 MCKIM ROAD, GISBORNE - MCKIM ROAD DEVELOPMENT PLAN</b>
<b>Officer:</b>	<b>Jack Wiltshire, Strategic Planner</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Current McKim Road Development Plan (under separate cover) <a href="#">⇒</a></b></li> <li>2. <b>Proposed McKim Road Development Plan (under separate cover) <a href="#">⇒</a></b></li> <li>3. <b>SoPP - McKim Road Development Plan (under separate cover) <a href="#">⇒</a></b></li> </ol>
<b>Applicant:</b>	<b>North East Survey Design</b>
<b>Date of receipt of application:</b>	<b>14 February 2019</b>
<b>Trigger for report to Council</b>	<b>Application for an amendment to a Development Plan</b>

**Summary**

Application DP/2013/6/A seeks to amend a Development Plan for Area 2 under the Development Plan Overlay Schedule 4 (DPO4) for the land at 8 and 10 McKim Road, Gisborne.

Adjoining and surrounding landholders and occupiers were informed of the application from 8 October 2021 to 28 October 2021. Two (2) submissions have been received.

Key issues raised in the submissions relate to development plan outcomes, open space outcomes, infrastructure concerns, traffic outcomes and bushfire risk and drainage infrastructure outcomes.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered that it is consistent with the requirements of DPO4. It is recommended that application DP/2013/6/A be supported and the attached proposed Development Plan approved.

**Recommendation**

**That Council approves the amendment to the McKim Road Development Plan covering the land adjoining McKim Road, Morrow Road, Black Avenue, Oakwood Close, Wallaby Run and Eagle Ridge, Gisborne prepared for the purposes of Clause 43.04, Schedule 4 of the Macedon Ranges Planning Scheme.**

## Existing conditions and relevant history

### Subject land

The subject land is a vacant parcel located north of McKim Road. The land is an irregular shape and 1.99ha in area. The site is approximately 201m by 110m. The land is located between Morrow Road to the north of the site and McKim Road on its southern boundary. The site is split down its centre by a road reserve which connects Morrow Road and McKim Road. The site is predominantly flat and lacks any trees.

### Surrounds

The surrounding properties to the west are located in Slattery Crescent and are typically larger residential lots set within a garden residential character setting. The lots to the north of Morrow Road and towards Station Road typically exhibit a smaller lot size or consist of unit type development.

Land to the east and south of the site are generally undeveloped parcels of land ranging in size but all falling within the McKim Road Development Plan area. A concurrent application (DP/2013/6/B) has been lodged to consider amending the subdivision layout on 11 McKim Road within the McKim Road Development Plan. Current road access is provided by Wallaby Run which connects onto Station Road.

Land south of Oakwood Close and Black Avenue comprise typical residential development for Gisborne, comprising single or double storey detached dwellings on 600 – 800m<sup>2</sup> parcels. The landscape to the south drops towards the Jacksons Creek escarpment and its environs. The Calder Freeway runs to the north-east of the site.

The subject site is approximately 1km north-west of the intersection of Robertson Street and Station Road. The land is approximately 435m north of Sankey Reserve and 2km south of the Gisborne train station.

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

There is no registered restrictive covenants or Section 173 Agreements on title.

### Previous planning permit history

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

- An existing development plan approved under DP/2013/6 was approved on 16 November 2015 for the land adjoining McKim Road, Morrow Road, Black Avenue, Oakwood Close, Wallaby Run and Eagle Ridge, Gisborne (Attachment 1). This has set out road layouts, lot layout, road design and infrastructure requirements. Some permits have already been issued and some development has occurred under this development plan.
- PLN/2017/96 is a subdivision permit approved and reflects the previous layout of DP/2013/6. An amendment to this permit would be required to alter the subdivision to reflect the proposed amendment to the development plan.

## Proposal

The application is seeking to amend the existing development plan to reduce the size and capacity of the shared retarding basin, which currently lies between 8 and 10 McKim Road. The application proposes to contain the retarding basin wholly on 10 McKim Road.

As a result, the application is seeking to amend the lot design resulting in an additional two (2) lots fronting the proposed extension to Morrow Road (currently unmade). This brings the amount from 21 lots to 23 lots across 8 and 10 McKim Road, Gisborne. Lots at 8 McKim

Road would range from 600m<sup>2</sup> – 1457m<sup>2</sup> and lots at 10 McKim Road would range from 506m<sup>2</sup> to 3154m<sup>2</sup>.

### Relevant Macedon Ranges Planning Scheme controls

#### Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 requires Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 3 contains the officer assessment against the SOPP.

#### Planning Policy Framework

Clause no.	Clause name
11.01-1S	Settlement
11.01-1R	Settlement – Loddon Mallee South
11.03-3S	Peri-urban Areas
13.02-1S	Bushfire planning
15.01-1S	Urban Design
15.01-3S	Subdivision design
15.01-4S	Healthy Neighbourhoods
15.01-5S	Neighbourhood Character
15.02-1S	Energy and Resource Efficiency
16.01-1S	Housing Supply
16.01-2S	Housing Affordability

#### Local Planning Policy Framework

Clause no.	Clause name
21.01	Municipal Profile
21.02	Key Issues and Influences
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.08	Built Environment and Heritage
21.09	Housing
21.13	Local Areas and Small Settlements

#### Zoning

Clause no.	Clause name
32.08	General Residential Zone (Schedule 1) – GRZ1

#### Overlay

Clause no.	Clause name
43.04	Development Plan Overlay (Schedule 4) – DPO4
45.06	Development Contributions Plan Overlay (Schedule 2) – DCPO2

#### Particular provisions

Clause no.	Clause name
56	Residential Subdivision

General provisions

Clause no.	Clause name
-	-

**Cultural Heritage Management Plan assessment**

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	A development plan approval does not trigger a Cultural Heritage Management Plan. An assessment under the permit application process will likely be triggered.
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

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*.

A Cultural Heritage Management Plan has not been submitted.

**The process to date**Referral

Authority	Response
MRSC Engineering	No objection.
MRSC Parks and Gardens	No objection.
Melbourne Water	No objection.
Western Water	No objection.
Powercor	No objection.
Tenix	No objection.

Advertising

The application was advertised and two submission were made. They raised the following concerns:

- Traffic outcomes.
- Lack of parks.
- Concern regarding sound barrier.
- Footpath and intersection provision of Morrow Road.



- Comments regarding having a centralised basin system, contributions and site history of 11 McKim Road.

**Officer assessment**Planning Policy Framework and Local Planning Policy Framework

The Planning Policy Framework (PPF) seeks to promote growth and development of settlements within identified townships within the Macedon Ranges Shire, while maintaining their attractiveness, amenity and character of these areas.

The PPF requires the creation of quality environments which contribute positively to the local urban character and sense of place and reflect the particular characteristics, aspirations and cultural identity of the community. Clause 11.03-3S seeks to 'manage growth in peri-urban areas to protect and enhance their identified valued attributes'. Clause 15.01-5 seeks to 'recognise and protect cultural identity, neighbourhood character and sense of place. This includes ensuring development responds to its context such as the underlying natural landscape and values and needs of the community.

Clause 15.01-3S specifically seeks 'attractive, safe, accessible, diverse and sustainable neighbourhoods'. This can be achieved by providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups. It also relates to creating a strong sense of place by emphasising existing cultural values and well designed, attractive built forms.

The proposed Development Plan is considered to meet the objectives of these policies in providing for residential development on a site within an existing settlement, which is zoned for such a use. The design and layout of the subdivision is considered appropriate to respect the existing neighbourhood character. The future residential development will have a minimal impact on existing vegetation or the amenity of neighbours. The design response does not require the need for excessive earthworks over and above the current version of the Development Plan.

13.02-1S seeks to prioritise the protection of human life above all other policy considerations. It seeks to direct development to low risk locations. The need of reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

The proposal does not increase any risks associated with the development plan. It creates a small increase to the proposed lots which can be accommodated within the existing road layout and infrastructure.

The Local Planning Policy Framework (LPPF) seeks to promote population growth within existing settlements in the Shire. This is to ensure greater use of existing infrastructure while being better located to social, community and commercial services. The development is required to be sustainable and respect the existing character of the local towns and settlements.

Clause 21.04 seeks to encourage development which will shape Gisborne from a 'large district town' to a 'regional centre', with a population greater than 10,000 by 2036. The subject area is a key development location to achieve that outcome.

Clause 21.06 outlines environmental risks such as bushfire and flooding. As stated above the proposal responds appropriately to bushfire risk within the context of a development plan amendment.

Clause 21.07 outlines natural resource policy including protecting agriculture and protecting water supplies. The proposal is to occur on existing residential zoned land and will be connected to reticulated services to avoid adverse off-site impacts.

Clause 21.08 seeks to protect the rich heritage of the Shire and high landscape qualities of the area. It seeks to have appropriate control on these built form outcomes. It is considered the Development Plan has appropriately taken these values into consideration and will provide a suitable response in balance with the growth of the town. It will also ensure growth is well co-ordinated and minimises its impact on the landscape.

Clause 21.13-1 outlines Gisborne's character as:

- Rural environment with high quality landscapes.
- Significant views of prominent landforms.
- Natural environmental assets including Gisborne Racecourse Marshlands Reserve, Jacksons Creek, Mount Gisborne, Magnet Hill and remnant vegetation.
- Distinctive village characters.
- Valley setting of Gisborne's historic township area. Heritage buildings and streetscapes.
- Exotic street trees in the Gisborne town centre, Station Road, New Gisborne and within established residential areas.
- Network of open space areas focusing on Jacksons Creek corridor.
- Diverse residential precincts.
- Semi-rural character and attractive living environments.

It is considered that the proposed subdivision is consistent with the outcomes envisioned within the PPF and LPPF. The Gisborne Township is identified for growth and this site is located within the existing town boundary and can be fully serviced. The area is a key infill site and has a new emerging character. On balance, the design of the subdivision is considered to achieve the objective and strategies of the Macedon Ranges Planning Scheme.

#### General Residential Zone Schedule 1 (GRZ1)

A review of the provisions under the GRZ1 including the particular provisions of Clause 56 has occurred. As the GRZ1 does not trigger the assessment of the development plan, it is considered an application for subdivision under the proposed development plan would be in accordance with the provisions of the GRZ1 and subsequently Clause 56 of the Macedon Ranges Planning Scheme.

#### Development Plan Overlay Schedule 4 (DPO4)

The DPO4 seeks to implement the LPPF and PPF for the Macedon Ranges Shire Council. It seeks to identify areas which require the form and conditions of future use and development, to be shown on a development plan before a permit can be granted to use or develop the land. It also seeks to exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-4 outlines the matters relating to the preparation of a development plan. Point 4 of Schedule 4 outlines that one development plan may be approved for the area shown as Area 2 on Map 1, forming part of this schedule. More than one plan may be approved with the agreement of the Responsible Authority. The McKim Road Development Plan is part of Area 2 and has previously been approved. The application is an amendment of that previously approved plan. Clause 43.04-4 outlines an amendment may occur for an approved development plan.

An application for a Development Plan must include a number of requirements as outlined in the DPO4. The previous approval of the McKim Road Development Plan (Attachment 1) found the layout appropriate and the provision of infrastructure acceptable. There is limited ability for an amendment to the McKim Road Development Plan to address requirements outside of what was already approved.

The Development Plan application as per Attachment 2 of this report satisfies the list of requirements given previous approvals. The MRSC Engineering Unit and external authorities have raised no objection to the increase in lots for this section of the Development Plan. The Development Plan did not require an upgrade of Morrow Road's footpath as this area was outside of the DPO4. Footpath access will be possible for pedestrians via Wallaby Run into the Gisborne Town Centre. The proposal also does not change the requirements surrounding the Station Road / Morrow Road intersection which was accounted for in the original plan. The Department of Transport has not raised issue with the amendment to the Development Plan and the subsequent planning permit application will be referred to the relevant authorities for planning permit conditions.

Furthermore, the DPO4 outlines specific requirements for Area 2 of DPO4, this includes:

- A low density interface to the Calder Freeway and landscape buffer of adequate width to limit view lines into the development plan area.
- A road pattern that provides for the eventual connection of Morrow Road with The Boulevard/Black Ave improvements to Morrow Road and its intersection with Station Road.
- Building siting, design (including materials and colours) and height controls for future development in order to address the landscape sensitivity of the site resulting from the interface with the Calder Freeway and significant view lines to Magnet Hill.
- Improvements or a contribution to improvements for roadworks as appropriate to: –
  - Bring Morrow Road up to an urban standard; and
  - Morrow Road's intersection with Station Road to the satisfaction of VicRoads.

The increase of lot density is relatively minor to the overall development plan and does not alter the original outcomes addressed by the approved development plan. Council previous decision to support DP/2013/6 addresses the development plan requirement. The MRSC Engineering Unit have advised that the increase of two lots for this section does not result in increased infrastructure outcomes for the local road network.

Overall, it is considered the amended development plan provides an appropriate response to the provisions of the DPO4 and on balance is recommended to be approved by Council

#### **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.

<b>PE.2</b>	<b>DP/2013/6/B - 11 MCKIM ROAD, GISBORNE - MCKIM ROAD DEVELOPMENT PLAN</b>
<b>Officer:</b>	<b>Jack Wiltshire, Strategic Planner</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Current McKim Road Development Plan (under separate cover) <a href="#">⇒</a></b></li> <li>2. <b>Proposed McKim Road Development Plan (under separate cover) <a href="#">⇒</a></b></li> <li>3. <b>SoPP - McKim Road Development Plan (under separate cover) <a href="#">⇒</a></b></li> </ol>
<b>Applicant:</b>	<b>D Campbell</b>
<b>Date of receipt of application:</b>	<b>12 October 2020</b>
<b>Trigger for report to Council</b>	<b>Application for an amendment to a Development Plan</b>

### Summary

Application DP/2013/6/B seeks to amend a Development Plan for Area 2 under the Development Plan Overlay Schedule 4 (DPO4) for the land at 11 McKim Road, Gisborne.

Adjoining and surrounding landholders and occupiers were informed of the application from 8 October 2021 to 28 October 2021. One (1) submission has been received.

Key issues raised in the submission relate to development plan outcomes, open space outcomes, infrastructure concerns, traffic outcomes and bushfire risk.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered that it is consistent with the requirements of DPO4.

The matter is subject to an appeal to the Victorian Civil and Administrative Tribunal (VCAT) against Council's failure to determine the matter within statutory timeframes. Council needs to determine its position ahead of the VCAT hearing and compulsory conference.

That application DP/2013/6/B to amend the development plan for Area 2 under Development Plan Overlay Schedule 4 should be supported for the reasons outlined in this report.

### Recommendation

**That Council determines that had it decided the application DP/2013/6/B to amend the development plan for Area 2 under Development Plan Overlay Schedule 4, it would have supported the application.**

**Existing conditions and relevant history**Subject land

The subject land is a vacant parcel fronting McKim Road to its north. The land to the south of the parcel has recently been subdivided with single dwellings fronting Havana Court, a cul-de-sac created under the existing development plan. A stormwater basin is located to the south-east corner of this development fronting Oakwood Close.

11 McKim Road comprises an area of 3832m<sup>2</sup> in a rectangular shape split by a 5m wide drainage reserve, which runs in a north-south direction down the centre of the site linking McKim Road and Havana Court. A 3m wide easement runs along the southern boundary of the site.

Surrounds

The surrounding properties directly to the north, east and west of the site are undeveloped parcels of land ranging in size but within the McKim Road Development Plan area. A concurrent application (DP/2013/6/A) has been lodged to consider amending the subdivision layout on 8 -10 McKim Road within the McKim Road Development Plan. Current road access is provided by Wallaby Run which connects onto Station Road.

Land south of Oakwood Close and Black Avenue comprise typical residential development for Gisborne comprising single or double storey detached dwellings on 600 – 800m<sup>2</sup> parcels. The landscape to the south drops towards the Jacksons Creek escarpment and its environs. The Calder Freeway runs to the north-east of the site.

The subject site is approximately 1km north-west of the intersection of Robertson Street and Station Road. The land is approximately 475m north of Sankey Reserve and 2km south of the Gisborne train station.

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

There is a registered Section 173 Agreement: AS477633S – 27/5/2019 between the landholder and Macedon Ranges Shire Council. The agreement relates to the development contributions, open space contributions and the provision of post and wire fencing along the drainage reserve. The proposed Development Plan under consideration does not contravene the agreement.

Previous planning permit history

An existing development plan approved under DP/2013/6 was approved on 16 November 2015 for the land adjoining McKim Road, Morrow Road, Black Avenue, Oakwood Close, Wallaby Run and Eagle Ridge, Gisborne (Attachment 1). This has set out road layouts, lot layout, road design and infrastructure requirements. Some subdivision permits have already been issued and some development occurred under this development plan.

**Proposal**

The proposal is for an amendment to the McKim Road development plan to increase the number of lots fronting McKim Road from 4 to 6 lots. It does not propose any other changes to any area of the approved development plan. The size of the lots would change the four lots from around 950m<sup>2</sup> to 6 lots which range from 632m<sup>2</sup> – 640m<sup>2</sup>. The road layout and reserve would not change the overall layout of the development plan.

**Relevant Macedon Ranges Planning Scheme controls**Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 requires Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of

Planning Policy (SOPP) in exercising decision making powers. Attachment 3 contains the officer assessment against the SOPP.

Planning Policy Framework

<b>Clause no.</b>	<b>Clause name</b>
11.01-1S	Settlement
11.01-1R	Settlement – Loddon Mallee South
11.03-3S	Peri-urban Areas
13.02-1S	Bushfire planning
15.01-1S	Urban Design
15.01-3S	Subdivision design
15.01-4S	Healthy Neighbourhoods
15.01-5S	Neighbourhood Character
15.02-1S	Energy and Resource Efficiency
16.01-1S	Housing Supply
16.01-2S	Housing Affordability

Local Planning Policy Framework

<b>Clause no.</b>	<b>Clause name</b>
21.01	Municipal Profile
21.02	Key Issues and Influences
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.08	Built Environment and Heritage
21.09	Housing
21.13	Local Areas and Small Settlements

Zoning

<b>Clause no.</b>	<b>Clause name</b>
32.08	General Residential Zone (Schedule 1) – GRZ1

Overlay

<b>Clause no.</b>	<b>Clause name</b>
43.04	Development Plan Overlay (Schedule 4) – DPO4
45.06	Development Contributions Plan Overlay (Schedule 2) – DCPO2

Particular provisions

<b>Clause no.</b>	<b>Clause name</b>
56	Residential Subdivision

General provisions

<b>Clause no.</b>	<b>Clause name</b>
-	-

**Cultural Heritage Management Plan assessment**

	<b>Assessment criteria</b>	<b>Assessment response</b>
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as defined in Part 2 Division 3 or 4 of the <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
2	Does the application proposal include significant ground disturbance as defined in Regulation 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 <i>Aboriginal Heritage Regulations 2018</i> ?	A development plan approval does not trigger a Cultural Heritage Management Plan. An assessment under the permit application process will likely be triggered.
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

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*.

A Cultural Heritage Management Plan has not been submitted.

**The process to date**Referral

<b>Authority</b>	<b>Response</b>
MRSC Engineering	No objection.
Melbourne Water	No objection.
Western Water	No objection.
Powercor	No objection.
Tenix	No objection.

Advertising

The application was advertised and one submission was made. They raised the following concerns:

- Traffic outcomes.
- Lack of open space in the area.
- Concern regarding sound barrier.
- Footpath and intersection provision of Morrow Road.

**Officer assessment**Planning Policy Framework and Local Planning Policy Framework

The Planning Policy Framework (PPF) seeks to promote growth and development of settlements within identified townships within the Macedon Ranges Shire, while maintaining their attractiveness, amenity and character of these areas.

The PPF requires the creation of quality environments which contribute positively to the local urban character and sense of place and reflect the particular characteristics, aspirations and cultural identity of the community. Clause 11.03-3S seeks to 'manage growth in peri-urban areas to protect and enhance their identified valued attributes'. Clause 15.01-5 seeks to 'recognise and protect cultural identity, neighbourhood character and sense of place. This includes ensuring development responds to its context such as the underlying natural landscape and values and needs of the community.

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The proposed Development Plan is considered to meet the objectives of these policies in providing for residential development on a site within an existing settlement, which is zoned for such a use. The design and layout of the subdivision is considered appropriate to respect the existing neighbourhood character. The future residential development will have a minimal impact on existing vegetation or the amenity of neighbours. The design response does not require the need for excessive earthworks over and above the current version of the Development Plan.

13.02-1S seeks to prioritise the protection of human life above all other policy considerations. It seeks to direct development to low risk locations. The need of reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

The proposal does not increase any risks associated with the development plan. It creates a small increase to the proposed lots which can be accommodated within the existing road layout and infrastructure.

The Local Planning Policy Framework (LPPF) seeks to promote population growth within existing settlements in the Shire. This is to ensure greater use of existing infrastructure while being better located to social, community and commercial services. The development is required to be sustainable and respect the existing character of the local towns and settlements.

Clause 21.04 seeks to encourage development which will shape Gisborne from a 'large district town' to a 'regional centre', with a population greater than 10,000 by 2036. The subject area is a key development location to achieve that outcome.

Clause 21.06 outlines environmental risks such as bushfire and flooding. As stated above the proposal responds appropriately to bushfire risk within the context of a development plan amendment.

Clause 21.07 outlines natural resource policy including protecting agriculture and protecting water supplies. The proposal is to occur on existing residential zoned land and will be connected to reticulated services to avoid adverse off-site impacts.

Clause 21.08 seeks to protect the rich heritage of the Shire and high landscape qualities of the area. It seeks to have appropriate control on these built form outcomes. It is considered the Development Plan has appropriately taken these values into consideration and will provide a suitable response in balance with the growth of the town. It will also ensure growth is well co-ordinated and minimises its impact on the landscape.



Clause 21.13-1 outlines Gisborne's character as:

- Rural environment with high quality landscapes.
- Significant views of prominent landforms.
- Natural environmental assets including Gisborne Racecourse Marshlands Reserve, Jacksons Creek, Mount Gisborne, Magnet Hill and remnant vegetation.
- Distinctive village characters.
- Valley setting of Gisborne's historic township area. Heritage buildings and streetscapes.
- Exotic street trees in the Gisborne town centre, Station Road, New Gisborne and within established residential areas.
- Network of open space areas focusing on Jacksons Creek corridor.
- Diverse residential precincts.
- Semi-rural character and attractive living environments.

It is considered that the proposed subdivision is consistent with the outcomes envisioned within the PPF and LPPF. The Gisborne Township is identified for growth and this site is located within the existing town boundary and can be fully serviced. The area is a key infill site and has a new emerging character. On balance, the design of the subdivision is considered to achieve the objective and strategies of the Macedon Ranges Planning Scheme.

#### General Residential Zone Schedule 1 (GRZ1)

A review of the provisions under the GRZ1 including the particular provisions of Clause 56 has occurred. As the GRZ1 does not trigger the assessment of the development plan, it is considered an application for subdivision under the proposed development plan would be in accordance with the provisions of the GRZ1 and subsequently Clause 56 of the Macedon Ranges Planning Scheme.

#### Development Plan Overlay Schedule 4 (DPO4)

The DPO4 seeks to implement the LPPF and PPF for the Macedon Ranges Shire Council. It seeks to identify areas which require the form and conditions of future use and development, to be shown on a development plan before a permit can be granted to use or develop the land. It also seeks to exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-4 outlines the matters relating to the preparation of a development plan. Point 4 of Schedule 4 outlines that one development plan may be approved for the area shown as Area 2 on Map 1, forming part of this schedule. More than one plan may be approved with the agreement of the Responsible Authority. The McKim Road Development Plan is part of Area 2 and has previously been approved. The application is an amendment of that previously approved plan. Clause 43.04-4 outlines an amendment may occur for an approved development plan.

An application for a Development Plan must include a number of requirements as outlined in the DPO4. The previous approval of the McKim Road Development Plan (Attachment 1) found the layout appropriate and the provision of infrastructure acceptable. There is limited ability for an amendment to the McKim Road Development Plan to address requirements outside of what was already approved.

The Development Plan application as per Attachment 2 of this report satisfies the list of requirements given previous approvals. The MRSC Engineering Unit and external authorities have raised no objection to the increase in lots for this section of the Development Plan. The Development Plan did not require an upgrade of Morrow Road's footpath as this area was outside of the DPO4. Footpath access will be possible for pedestrians via Wallaby Run into the Gisborne Town Centre. The proposal also does not change the requirements surrounding the Station Road / Morrow Road intersection which was accounted for in the original plan. The Department of Transport has not raised issue with the amendment to the Development Plan and the subsequent planning permit application will be referred to the relevant authorities for planning permit conditions.

Furthermore, the DPO4 outlines specific requirements for Area 2 of DPO4, this includes:

- A low density interface to the Calder Freeway and landscape buffer of adequate width to limit view lines into the development plan area.
- A road pattern that provides for the eventual connection of Morrow Road with The Boulevard/Black Ave improvements to Morrow Road and its intersection with Station Road.
- Building siting, design (including materials and colours) and height controls for future development in order to address the landscape sensitivity of the site resulting from the interface with the Calder Freeway and significant view lines to Magnet Hill.
- Improvements or a contribution to improvements for roadworks as appropriate to: –
  - Bring Morrow Road up to an urban standard; and
  - Morrow Road's intersection with Station Road to the satisfaction of VicRoads.

The increase of lot density is relatively minor to the overall development plan and does not alter the original outcomes addressed by the approved development plan. Council previous decision to support DP/2013/6 addresses the development plan requirement. The MRSC Engineering Unit have advised that the increase of two lots for this section does not result in increased infrastructure outcomes for the local road network.

Overall, it is considered the amended development plan provides an appropriate response to the provisions of the DPO4 and on balance is recommended to be approved by Council.

#### **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 proposed development plan application for approval meets the objectives and provisions of the Macedon Ranges Planning Scheme and should be supported by Council.

<b>PE.3</b>	<b>PLANNING SCHEME AMENDMENT C143MACR - SUBMISSIONS</b>
<b>Officer:</b>	<b>Jack Wiltshire, Strategic Planner</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>1. Explanatory Report <a href="#">↓</a></b>
	<b>2. Gazette Notice <a href="#">↓</a></b>
	<b>3. Redacted Submissions <a href="#">↓</a></b>

### Summary

The purpose of this report is for Council to consider all submissions made to the exhibition of Macedon Ranges Planning Scheme Amendment C143macr.

### Recommendation

#### That Council:

- 1. Reviews and considers the issues raised in submissions to Amendment C143macr.**
- 2. Requests the Minister for Planning to appoint an independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions to Amendment C143macr to the Macedon Ranges Planning Scheme.**
- 3. Refers all submissions on Amendment C143macr to the Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987.**
- 4. Notifies all submitters of Council's resolution.**

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### Background

Council is seeking to permanently protect Gisborne's Bunjil Creek bridge and bluestone channel and three historically significant trees located in Howey Reserve before works commence to upgrade the Kilmore Road and Melbourne Road Intersection Upgrade.

This important entrance to Gisborne is identified by Council and the community as having local aesthetic and historical significance.

A planning scheme amendment, C143macr, has progressed to introduce a new Heritage Overlay to the Bunjil Creek bridge and bluestone channel. It will also extend an existing Heritage Overlay to include two oaks and one elm tree that align with the existing heritage avenue in Howey Reserve.

At the Ordinary Council Meeting of 27 May 2020, it was resolved:

*That Council:*

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

At the Ordinary Council Meeting of 24 June 2020, it was resolved:

*That Council:*

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

At the Scheduled Council Meeting held on 25 August 2020 it was resolved:

*That Council:*

1. *Notes the updates provided within this report and continues to advocate for the protection of the heritage fabric of the Bluestone bridge and channel, and trees.*
2. *Requests the Chief Executive Officer to resolve the conditions of authorisation and progress Planning Scheme Amendment C143macr to exhibition as soon as practical.*

## **Discussion**

C143macr initially sought to introduce Heritage Overlays to the following places near the Melbourne Road and Kilmore Road Intersection:

- ‘Bunjil Creek bridge & channel’ (HO351);
- Two English elms, ‘Ulmus procera’ (HO352); and
- Three trees, two oaks and an elm, to be included in the ‘Memorial Precinct (Howey Reserve)’ (HO289).

The Minister for Planning declined a formal request made by Macedon Ranges Shire Council for interim Heritage Overlays for the bluestone bridge and channel, and the two English elms (C142macr and C144macr) on the basis that an agreement had been reached with the Department of Transport (DoT)/Regional Roads Victoria (RRV) for the retention of these locally significant heritage features.

The Minister for Planning authorised the Planning Scheme Amendment C143macr on 4 June 2021 subject to three conditions. Condition 1 of the Authorisation required the removal of the proposed heritage overlay for the two elms (HO352) located in proximity to the intersection from the C143macr Amendment.

Council officers concluded that in order to permanently protect at least the other heritage features in a timely manner, Amendment C143macr had to proceed with the omission of trees 29 and 38.

Subsequently, HO352 was removed from the amendment prior to exhibition.

### Consultation and engagement

C143macr was exhibited from 30 September 2021 to 12 November 2021. The consultation program comprised the following activities:

#### Direct notification

- 71 letters were sent including an explanatory letter, explanatory report and a copy of notice with each letter to explain the changes proposed to:
  - all land owners and occupiers impacted by the changes
  - land owners adjacent or abutting the land impacted by the change
  - relevant government departments and agencies and other stakeholders

#### Advertisements and publicity

- Public notice in the Government Gazette (see Attachment 2)
- Notices in local papers – Midland Express and Star Weekly
- Council's 'Have Your Say' page
- A sign was erected on site providing notice of the amendment

Overall a total of nine submissions were received, refer to Attachment 3. A summary and response to each submission has been undertaken below:

- Eight submissions are in support of the amendment including the Department of Environment, Land, Water and Planning (excluding the Planning group). The Macedon Ranges Residents' Association (MRRA) did query why trees 29 and 38 were removed from the amendment.
- One submission opposes the amendment.

#### Submissions in favour of the amendment:

##### Supported protection of the heritage entrance to Gisborne

- Raised concern that the proposed intersection upgrade is too urban and doesn't reflect town character
- Highlighted that Gisborne has already lost too many heritage assets and that heritage features contribute to attracting tourism to the area
- Opposed the removal of trees
- Submit that bluestone bridge can be made to meet the 1 in 100 year flood requirements and refute Regional Roads Victoria argument that the bridge must be removed
- The bridge must be protected

The Department of Transport (DOT) is the only submission that opposes the amendment, submitting that:

- they have conducted an independent heritage assessment with no items of heritage significance being identified in the area
- the bridge and trees have not been identified in previous Council heritage overlay reviews

The submission from the DoT fails to address the merits of the amendment, in which a local heritage assessment concluded the features warrant protection.

The reasoning as to why officers removed trees 29 and 38 was explained earlier in the report but was essentially due to the Minister's Condition 1 to Authorisation and the urgency to progress the amendment to protect the other heritage assets in a timely manner, due to the cost and additional time to meet Condition 1.

After consideration of each submission, it is recommended that all submissions be referred to an independent planning panel for consideration in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

This will allow submitters with opposing views to be heard at an independent planning panel and for the planning panel to make expert recommendations to Council on how to proceed.

### **Collaboration**

A range of external government and statutory bodies were notified of amendment C143macr including relevant Ministers, referral bodies and other stakeholders in accordance with the *Planning and Environment Act 1987*.

### **Innovation and continuous improvement**

The amendment improves on Council's commitment to protect the character and heritage features of the Gisborne Township.

### **Relevant law**

The amendment complies with the provisions of the *Planning and Environment Act 1987*. This proposal does not have any direct or indirect human rights implications.

### **Relevant regional, state and national plans and policies**

This report relates to the following Policy and Legislation:

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

This legislation identifies Macedon Ranges as a distinctive area and landscape. The legislation requires Responsible Public Entities not act inconsistently with any binding provision of the Macedon Ranges Statement of Planning Policy (SoPP), when performing a function or duty or exercising a power in relation to the declared area.

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

The SoPP has 10 policy domains, each with an objective and a series of strategies to achieve that objective. The officer recommendation is consistent with the 10 policy domains, and their respective objectives and strategies by:

- Objective 1 – To ensure the declared area's natural and cultural landscapes are conserved and enhanced.
  - *The amendment will ensure that the Macedon Ranges Shire heritage features are protected for future generations.*
- Objective 2 – To ensure that the significant biodiversity, ecological and environmental values of the declared are conserved and enhanced.

- *While the amendment seeks to protect the heritage features of Bunjil Creek and a small number of trees which are not native, the protection of these assets contribute to the environmental values of Macedon Ranges Shire.*
- Objective 3 – To prioritise the conservation and use of the declared area’s water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.
  - *The amendment would not impact on the conservation and use of the declared area’s water catchments. The bridge, channel and trees do not considerably impact on improving catchment outcomes.*
- Objective 4 – To recognise, protect, conserve and enhance the declared area’s Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.
  - *The amendment is not considered to result in any adverse impact on any identified Aboriginal cultural and spiritual heritage values. As part of the exhibition of this Amendment, a notice was sent to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. No submission was received regarding this amendment.*
- Objective 5 – To recognise, conserve and enhance the declared area’s significant post-contact cultural heritage values.
  - *The amendment will apply the Heritage Overlay to important local features of the Gisborne Township offering enhanced protection of these features for future generations.*
- Objective 6 – To support and encourage agricultural land uses that strengthen the declared area’s economy and contribute to the rural landscape.
  - *This objective is not applicable to the subject amendment.*
- Objective 7 – To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.
  - *The proposed heritage amendment would support the protection and enhancement of a key Gisborne township entryway and its historical character which in turn helps support the visitor economy.*
- Objective 8 – To plan and manage growth of settlements in the declared area consistent with protection of the area’s significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.
  - *The amendment seeks to ensure the heritage character of Gisborne is enhanced through the application of a Heritage Overlay.*
- Objective 9 – To manage the provision of infrastructure consistent with protection of the area’s significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.
  - *The amendment will help support the consideration and protection of Gisborne’s heritage values in any future infrastructure development at the Melbourne Road - Kilmore Road intersection.*

- Objective 10 – Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.
  - *As this amendment is seeking the protection of heritage values, it would not specifically impact on any climate or natural hazard threats. It would require development to have regard to the heritage values.*

**Relevant Council plans and policies**

Amendment C143macr assists with the achievement of priorities set out in the Council Plan 2021-2031:

*Strategic Objective 1 – Connecting Communities.*

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

The amendment is seeking to ensure the Macedon Ranges Planning Scheme is protecting heritage sites within the Shire that have been identified as having local significance.

**Financial viability**

The proposed changes under the amendment may create a small number of additional planning permit applications than currently experienced. The changes will result in better heritage protection of important early township infrastructure and trees.

**Sustainability implications**

The amendment will not result in any social or environmental risks. It is considered the proposed amendment introduces the requirement to consider heritage values in this area of Gisborne in any future works.

**Officer declaration of conflicts of interest**

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



*Planning and Environment Act 1987*

## MACEDON RANGES PLANNING SCHEME

### AMENDMENT C143macr

#### EXPLANATORY REPORT

##### Who is the planning authority?

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

The amendment has been made at the request of the Macedon Ranges Shire Council.

##### Land affected by the Amendment

The Amendment proposes to apply a Heritage Overlay to the Bunjil Creek bridge and bluestone channel and extend an existing Heritage Overlay 'Memorial Precinct (Howey Reserve)', to include two oaks and an elm, in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne.

##### Bunjil Creek Bridge and Channel (HO351)

Heritage Overlay HO351 applies to the bluestone bridge and channel known as 'Bunjil Creek Bridge and Channel', located on Hamilton Street, Gisborne. Bunjil Creek is crossed by a bluestone bridge at Hamilton Street and is channelled for some of its length south of the crossing.



Figure 1: Bunjil Creek Bridge and Channel

Source: *Macedon Ranges Bunjil Creek Bridge and Channel Gisborne Local-level Heritage Assessment*, April 2020

##### Memorial Precinct (Howey Reserve) (HO289)

The existing Heritage Overlay HO289 'Memorial Precinct (Howey Reserve)' in Hamilton Street, Gisborne is to be extended to include one English elm (*Ulmus procera*) and two English oaks (*Quercus robur*) in the road reserve adjacent to the western side of Bunjil Creek, which have been identified as part of this memorial avenue planting.

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Figure 2: Memorial Precinct (Howey Reserve) – extension marked in blue

Source: *Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road Gisborne Heritage Assessment*, May 2020

### What the Amendment does

The amendment applies the Heritage Overlay to the Bunjil Creek bridge and bluestone channel and extends an existing Heritage Overlay 'Memorial Precinct (Howey Reserve)' in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne.

Specifically, the amendment:

- Amends the Schedule to Clause 43.01 (Heritage Overlay) to include 'Bunjil Creek Bridge and Channel, Hamilton Street, Gisborne' in the Heritage Overlay (HO351).
- Amends the Schedule to Clause 43.01 (Heritage Overlay) to, to include one English elm (*U. procera*) and two English oaks (*Q. robur*) in the 'Memorial Precinct (Howey Reserve)' HO289.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the 'Bunjil Creek Bridge and Channel, Hamilton Street, Gisborne' Statement of Significance.
- Amends the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to replace the 'Memorial Precinct (Howey Reserve)' Statement of Significance with the revised version.
- Amends the Schedule to Clause 72.08 (Background Documents) to insert the *Macedon Ranges Bunjil Creek Bridge and Channel Gisborne Local-level Heritage Assessment*, April 2020 and *Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road Gisborne Heritage Assessment*, May 2020 as Background Documents.
- Amends Planning Scheme Map No. 36HO.

### Strategic assessment of the Amendment

#### Why is the Amendment required?

The amendment applies permanent heritage protection to locally significant places and trees in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne. This includes the Bunjil Creek Bridge and Channel, built of bluestone in 1874, and one English elm (*U. procera*) and two English oaks (*Q. robur*) that are part of the Howey Reserve memorial avenue planting.

This historic entryway to Gisborne was identified as having local significance to the community during public consultation undertaken in 2019 for proposed works on the 'Kilmore Road Intersection Upgrade' project. The Kilmore Road Intersection Upgrade project proposes to impact the bluestone bridge and channel and remove several mature trees in the road reserve. At the May and June 2020 Ordinary Council Meetings, Macedon Ranges Council resolved to seek authorisation of the amendment to permanently protect these heritage places and trees, and adopted the two relevant heritage assessments that recommend the application of the Heritage Overlay controls in the Macedon Ranges Shire Council planning scheme.

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The *Macedon Ranges Bunjil Creek Bridge and Channel Gisborne Local-level Heritage Assessment* (April 2020) identified that the Bunjil Creek bridge and channel has local historical, representative and aesthetic significance to the Shire of Macedon Ranges.

The *Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road Gisborne Heritage Assessment* (May 2020) identified that a number of trees had local historic significance to the Shire of Macedon Ranges, including three trees that are part of the Memorial Precinct (Howey Reserve) planting, identified in the previous heritage assessment implemented through C118macr.

Council sought to apply two interim Heritage Overlays to the Bunjil Creek bridge and bluestone channel (Amendment C142macr) in May 2020 and to mature English elms (*U. procera*) at the Hamilton Street, Melbourne Road and Kilmore Road intersection (Amendment C144macr) in June 2020. The Minister advised that the interim Heritage Overlays were not considered necessary, given the agreement that had been reached between Macedon Ranges Shire Council and Regional Roads Victoria regarding the preferred layout of the intersection, and the request was declined in May 2021.

The Heritage Overlay is the appropriate planning mechanism to protect the heritage values of this historic entryway to Gisborne. The application of the Heritage Overlay means the potential impact of buildings and works on the significance of a heritage place can be assessed and permitted through the planning process.

#### **How does the Amendment implement the objectives of planning in Victoria?**

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

- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

The inclusion of these heritage places and trees in the Heritage Overlay will ensure that their historic, representative, and aesthetic significance will be considered in an integrated way against all other relevant provisions of the Macedon Ranges Planning Scheme and the Act.

#### **How does the Amendment address any environmental, social and economic effects?**

The positive long-term contribution made by heritage places and trees to present and future generations is supported by and recognised in the Act and State and Local Planning Policy.

Macedon Ranges Shire Council recognises the contribution heritage places and trees make to the amenity and character of the municipality as well as their direct economic contribution through tourism opportunities. Respect for our cultural heritage involves retaining and managing places that have importance to us as a community. The inclusion of new places in the Heritage Overlay ensures that the history of the Shire of Macedon Ranges is preserved for visitors, residents and future generations. The amendment is expected to have a positive social, economic and environmental effect by retaining, protecting and promoting places and trees of cultural heritage significance in the municipality.

This amendment may result in some additional economic costs to government authorities and owners in applying for planning permit applications, engaging heritage consultants and funding the cost of maintenance and renovation of heritage places.

#### **Does the Amendment address relevant bushfire risk?**

The heritage places and trees are not affected by the Bushfire Management Overlay but the majority of the land affected by the amendment is within a designated Bushfire Prone Area, except the western section of the bluestone channel.

The amendment has been considered against and is consistent with the objectives of Bushfire Planning at Clause 13.02-1S, Local Policy Bushfire at Clause 21.06-3 and the Macedon Ranges Municipal Fire Management Plan. Consideration has also been given to Planning Practice Note 64

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Local Planning for Bush Fire Protection (September 2015), which prioritises the protection of human life over all other policy considerations.

The application of a Heritage Overlay does not adversely impact the ability of these heritage places and trees to be kept or made compliant with bushfire protection requirements, or the ability of government authorities and owners to undertake bushfire prevention and preparedness steps.

The amendment is not expected to increase the risk of bushfire to lives, property or community infrastructure and no local policy for bushfire risk management is required to support the amendment.

The Country Fire Authority (CFA) will be notified as part of the amendment.

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

The amendment complies with the requirements of Ministerial Direction - *The Form and Content of Planning Schemes* (Section 7(5) of the Act).

The amendment also addresses the requirements of Ministerial Direction No 11 *Strategic Assessments of Amendments* and the Planning Practice Note 46 *Strategic Assessment Guidelines* (August 2018).

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

The amendment supports and gives effect to the following relevant Planning Policy Framework objectives and strategies:

Clause 11.01-1S *Settlement* which promotes the sustainable growth and development of Victoria through the consideration of eight regional growth plans and the Metropolitan Planning Strategy. *The Loddon Mallee South Regional Growth Plan* (2014) recognises that 'heritage assets generate social benefits, such as a sense of identity, direct user benefits through tourism and the benefits stemming from the intrinsic value of preserving these assets for future generations to appreciate and enjoy'.

Clause 15.01-5S *Neighbourhood Character* which supports the role of heritage values and built forms that reflect community identity.

Clause 15 *Built Environment and Heritage* and sub-clause 15.03-1S *Heritage Conservation* which requires the identification and conservation of places of heritage significance. The amendment implements the following strategies located at Clause 15.03-1S:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme;
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Retain those elements that contribute to the importance of the heritage place.

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

Objective 5 - *To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values; and*

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Strategy 2- *Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure; and*

Objective 9 - *To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.*

The amendment supports the provision of infrastructure that is cognisant of the local landscape values of Gisborne.

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

The amendment implements the following areas of the Local Planning Policy Framework:

Clause 21.01 *Municipal Profile* and Clause 21.02 *Key Issues and Influences* both identify and acknowledge that heritage assets are a significant and highly valued characteristic of the townships such as Gisborne, in Macedon Ranges Shire (Built Environment and Heritage, Clause 21.02-4). This amendment seeks to preserve these heritage places and trees that distinguish this key historic entryway into Gisborne, which contribute to the amenity and character of the township (Environment and Landscape Values, Clause 21.02-2). This amendment also recognises that the municipality's heritage contributes to the economic development and employment opportunities of Macedon Ranges by attracting tourists to the shire (Economic Development, Clause 21.02-6).

The Strategic Framework for Macedon Ranges outlines the key role heritage places and trees play in the Council's Municipal Vision: 'we aspire to provide leadership in this inspiring region by providing the opportunity for all to live a fulfilling life, while continuing to protect our heritage, environment and sense of community through our shared commitment to a sustainable Macedon Ranges' (Clause 21.03-1).

This amendment will particularly support the implementation of the following Clause 21.08 *Built Environment and Heritage* which states the 'regulation and protection of the heritage features and values is critical in achieving sustainable development outcomes and decision making'. The relevant objectives are:

Objective 1 - *To protect and enhance important heritage features and values for residents, visitors and future generations*' through the specific implementation of 'applying the Heritage Overlay to sites and places of heritage significance' (Heritage Conservation, Clause 21.08-1), and

Objective 2 - *To protect and enhance the existing character and form of the Shire's towns* (Built Environment, Clause 21.08-3).

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The Heritage Overlay is the most appropriate mechanism for identifying and managing places and trees of cultural heritage significance. As outlined in Planning Practice Note 1 *Applying the Heritage Overlay* (August 2018), places and trees that should be included in the Heritage Overlay are 'Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay'.

**How does the Amendment address the views of any relevant agency?**

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

Council has liaised with Regional Roads Victoria's during the consultation process in 2019 for the proposed 'Kilmore Road Intersection Upgrade' project. There have been ongoing discussions with RRV from late 2019 to date, to negotiate the detrimental impacts of the proposed works, and achieve a development outcome that will allow for some protection and retention of the heritage places and trees.

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

The amendment is not expected to have a significant impact on the transport system or the objectives or decision-making principles of the Victorian *Transport Integration Act 2010*.

Macedon Ranges Shire Council agrees and supports the principle that the Kilmore Road Intersection Upgrade will have a positive impact on the Gisborne transport network and will improve its safety and efficiency.

Macedon Ranges Shire Council considers that a safe, efficient and integrated transport network outcome can be achieved, whilst retaining, conserving and / or managing the detrimental impacts to the locally significant heritage places and trees during the Kilmore Road Intersection Upgrade project.

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

The amendment introduces a new Heritage Overlay and extends an existing Heritage Overlay. This will not have a significant impact on the resource and administrative costs of the responsible authority.

**Where you may inspect this Amendment**

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

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

Macedon Ranges Shire Council Offices and Service Centres at:

- Gisborne Council Office, 40 Robertson Street, Gisborne
- Kyneton Council Office, 129 Mollison Street, Kyneton
- Romsey Library, 96-100 Main Street, Romsey; and
- Woodend Library, Cnr Forest and High Streets, Woodend.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Friday 12 November 2021**.

A submission must be sent to:

Macedon Ranges Shire Council  
PO Box 151  
Kyneton VIC 3444

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

Or, can be sent via email to Macedon Ranges Shire Council at [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au).

**Panel hearing dates**

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

- Directions hearing: to commence in the week beginning Monday 25 April 2022.
- Panel hearing: to commence in the week beginning Monday 6 June 2022.

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**Planning and Environment Act 1987****DAREBIN PLANNING SCHEME****Notice of the Preparation of an Amendment  
Amendment C186dare**

The Darebin City Council has prepared Amendment C186dare to the Darebin Planning Scheme.

The land affected by the Amendment is all land in the municipality.

The Amendment proposes to increase the public open space contribution rate for all subdivisions, by amending the schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) and amending the Municipal Strategic Statement (MSS).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, during office hours, at the office of the planning authority, Darebin City Council (Planning Counter), Level 1, 274 Gower Street, Preston, and at the Darebin City Council website, [www.darebin.vic.gov.au/C186dare](http://www.darebin.vic.gov.au/C186dare) and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council Meetings and any public hearing held to consider submissions. The closing date for submissions is 31 October 2021. A submission must be sent to the Coordinator Strategic Planning via online submission at [www.darebin.vic.gov.au/C186dare](http://www.darebin.vic.gov.au/C186dare) or via direct email: [planningservices@darebin.vic.gov.au](mailto:planningservices@darebin.vic.gov.au), by post: Darebin City Council, PO Box 91, Preston, Victoria 3072. The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

SUE WILKINSON  
Chief Executive Officer  
Darebin City Council

**Planning and Environment Act 1987****MACEDON RANGES  
PLANNING SCHEME****Notice of the Preparation of an Amendment  
Amendment C143macr**

The Macedon Ranges Shire Council has prepared Amendment C143macr to the Macedon Ranges Planning Scheme.

The land affected by the Amendment is the heritage places and trees in the vicinity of the Hamilton Street, Kilmore and Melbourne Roads intersection, Gisborne.

The Amendment proposes to apply a Heritage Overlay to the Bunjil Creek bridge and bluestone channel (HO351) and extend an existing Heritage Overlay 'Memorial Precinct (Howey Reserve)' (HO289) to include three trees, in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne. This will implement the recommendations of the Macedon Ranges Bunjil Creek Bridge and Channel, Gisborne Local-level Heritage Assessment, April 2020 (adopted 27 May 2020) and the Macedon Ranges Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road, Gisborne Heritage Assessment, May 2020 (adopted 24 June 2020) to these locally significant heritage features in the vicinity of the Hamilton Street, Kilmore and Melbourne Roads intersection, Gisborne.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: the Macedon Ranges Shire Council website at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>; during office hours, at Macedon Ranges Shire Council offices and Service Centres at: Gisborne Council Office, 40 Robertson Street, Gisborne; Kyneton Council Office, 129 Mollison Street, Kyneton; Romsey Library, 96-100 Main Street, Romsey; and Woodend Library, corner Forest and High Streets, Woodend; at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly



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stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council Meetings and any public hearing held to consider submissions. The closing date for submissions is Friday 12 November 2021. A submission must be sent to the Macedon Ranges Shire Council, PO Box 151, Kyneton, Victoria 3444; or, can be made via the Macedon Ranges Shire Council's 'Have your say' webpage at <https://www.mrsc.vic.gov.au/About-Council/News/Have-Your-Say>; or sent via email to [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

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

BERNIE O'SULLIVAN  
Chief Executive Officer  
Macedon Ranges Shire Council

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 2 December 2021, after which date State Trustees Limited may convey or distribute the assets, having regard only to the claims of which State Trustees Limited then has notice.

BALLANTINE, Michael, late of Unit 2, 1 Gladstone Grove, South Melbourne, Victoria 3205, deceased, who died on 27 November 2020.

KIRSCH, Leon Clive, late of TLC Homestead Estate, 2/18 Homestead Avenue, Wallington, Victoria 3222, deceased, who died on 12 June 2021.

MILLAR, Mathew, also known as Matthew Millar, late of Unit 62, 25 King Street, Prahran, Victoria 3181, deceased, who died on 16 April 2021.

PANKHURST, William George, late of 83 Bladin Street, Laverton, Victoria 3028, pensioner, deceased, who died on 12 April 2021. Date of Grant 21 September 2021.

PITFIELD, Mark Anthony, also known as Markie, late of 76-88 Cants Road, Colac, Victoria 3250, deceased, who died on 9 June 2021.

VITKOVSKY, Friedrich, also known as Fritz Vitkovsky, late of Unit 14, 39-45 Somerset Street, Richmond, Victoria 3121, retired, deceased, who died on 13 July 2021.

Dated 23 September 2021

### **Cemeteries and Crematoria Act 2003**

#### SECTION 41(1)

#### Notice of Approval of Cemetery Trust Fees and Charges

I, Bryan Crampton as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scales of fees and charges fixed by the following cemetery trust.

The approved scale of fees and charges will take effect from the date of publication of this notice in the Victoria Government Gazette.

The fees will be published on the internet at <http://www.health.vic.gov.au/cemeteries> and will also be published on the cemetery trust website at <http://www.smct.org.au>

The Southern Metropolitan Cemeteries Trust

Dated 21 September 2021

BRYAN CRAMPTON

Manager

Cemetery Sector Governance Support

### **Associations Incorporation Reform Act 2012**

#### SECTION 135

On 2 September 2021 I issued a notice under section 135(2) of the **Associations Incorporation Reform Act 2012** (the Act) to the incorporated associations listed below, requesting them to show cause as to why their incorporation should not be cancelled.

I am now satisfied that the incorporation of the below listed incorporated associations should be and are hereby cancelled in accordance with section 135(3) of the Act.

'For the Good of Devenish' Inc.; Al-Mustakbal Inc.; Alwaseela Radio Inc.; Armed & Dangerous: Arts Media Projects Inc.; Arthouse Collective Inc.; Association of Building Sustainability Assessors Victoria Inc.; Auschina

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Victoria Government Gazette

National Education, Culture & Arts Council Inc.; Aus-Dragon International Commerce Association; Australia Auto Camping Association Inc.; Australia Shandong Chinese Hometown Society Inc.; Australian Academy of Rebirthing/Breathwork (Vic.) Inc.; Australian Anglo-Indian Relief Fund Inc.; Australian Association of Professional Kinesiology Inc.; Australian Bulb Association Inc.; Australian Friends of Hefei Association Inc.; Australian Institute of Professional Investigators Inc.; Australian Lotto Players Association Inc.; Autonomous Arts Developments Inc.; Be Perfect in Unity Church Inc.; Bendigo Horse Industry Board Inc.; Boroondara Shanghai Lianyi Association Inc.; Building Engineering Development Society Inc.; Bullens Lane Association Inc.; Care Africa International Inc.; Casey Sudanese Women and Youth Group Inc.; Casino.Org.Au-Australian Gaming Community Inc.; Central Victorian Model Power Boat Association Inc.; China Business Migrant Committee Inc.; City by City Leadership Inc.; Clan Macleod Pipe Band and Society of Australasia Bendigo Inc.; Cobram And District Junior Football Association Inc.; Committee for Wellington Inc.; Community of St Damien of Molokai Inc.; Comorian Community of Victoria Inc.; Congo Appeal Inc.; Craigieburn Eagles Rugby Football Club Inc.; Devenish Memorial Sports Club Inc.; Devenish Tennis Club Inc.; Dromana Sportsman's Association Inc.; Drouin Warragul and Districts Apex Club Inc.; Eat Your Campus Inc.; Eelamurasu Australia Inc.; Eliza Village Squash Club Inc.; Emergency Assessment and Fire Competency Inc.; Ezderi Community Inc.; Farmdogz Rescue Inc.; Ferguson Watch Inc.; Festivals Creswick Inc.; First Samoan Full Gospel Pentecostal Church Mill Park Melbourne Australia Inc.; Forgotten Australians Victorian Action Group Inc.; Gherang Community & Environment Group Inc.; Global Harmony Foundation Inc.; Grampians Four Wheel Drive Club Inc.; Hampton Park Table Tennis Club Inc.; Hellenic Association of New Migrants (Victoria) Inc.; High Rainfall Sheep Management Group Inc.; Homebrew Cultural Association Inc.; Hope Mission Australia Inc.; International Commercial Chamber of Strategic Asset Allocation Inc.; Ivanhoe Junior Cricket Club Inc.; Jubbah Valley Somali Community of Victoria Inc.; Juorkoch Community Association of Australia Inc.; Kensington Village Network Inc.; Khmer Association of Geelong Inc.; King Valley Kennel Club Inc.; Kinglake Ranges Film Society Inc.; Landsborough Sports Association Inc.;

Leopold Memorial Skatepark Inc.; Marsdrive Australia Inc.; Melbourne Aikijujutsu Club Inc.; Melbourne Gospel Radio Inc.; Melbourne Jazz Dance Association Inc.; Melbourne Men's Support Network Inc.; Melbourne Multi-Culture Communication and Research Institute Inc.; Melbourne Sri Lankan Sports Club Inc.; Mission Possible Youth Centre Inc.; Moorabbin Rams Netball Club Inc.; Moorabool Valley Little League Inc.; Mt Clear Tennis Club Inc.; Mums and Bubs Club Inc.; Murrabit Cricket Club Inc.; Nagambie Community Centre Inc.; Nagambie Junior Netball Club Inc.; Nathalia & District Garden Lovers Inc.; New Music Australia Inc.; New Zealand Maori Club Taku Mana Cultural Group of Victoria Inc.; Noojee Progress Association Incorporated; North East Refugee Organisation Inc.; Northern Saints Social Club Inc.; Nyirol Community Foundation (NCF) Inc.; Pakenham Business Group Inc.; Pan-Messinian Federation of Australia and New Zealand Inc.; Pop Culture Theatre Inc.; Pro Stock Owners Association Inc.; Quadrille Australia Inc.; Ramakrishna Vedanta Society of Victoria (Australia) Inc.; Raw & Rugged Inc.; Red Dragon Martial Artz Inc.; Redesdale & District Tennis Association Inc.; Responsible Gaming Association Inc.; Save Our Schools Inc.; Seahorses Waterpolo Club Inc.; Sharks Indoor Sports Inc.; Sherbrooke Foothills Historical Society Inc.; Shree Maatha – the Pathway to Spirituality Inc.; Sirilak Media Foundation Inc.; Somali Solidarity Community Association Inc.; South-East Network Group Inc.; Sunbury Social Club for Single People Inc.; Sunraysia Adhd Support Group Inc.; Sunraysia Harvest Christian Fellowship Inc.; Sunraysia Youth Performing Arts Company Inc.; Swayamvar Marriage Bureau Inc.; Tang Tang Water Inc.; The Friends of The Victorian College of the Arts Inc.; The Lost Tribes Ministry Inc.; Tongan Kalapu Mangafa Association Inc.; Ultima Golf Club Inc.; Unpol (Vic.) Club (Inc.); Victorian Billy Cart Championships Inc.; Victorian House Truckers Association Inc.; Victorian Institute of Professional Practitioners of Vocational Education and Training Inc.; Vietnamese-Chinese Elderly Association in the West Inc.; Werribee Singles Inc.; Wings Foundation Inc.; Y Art (Youth Art) Inc.; Youthworks Victoria Inc.

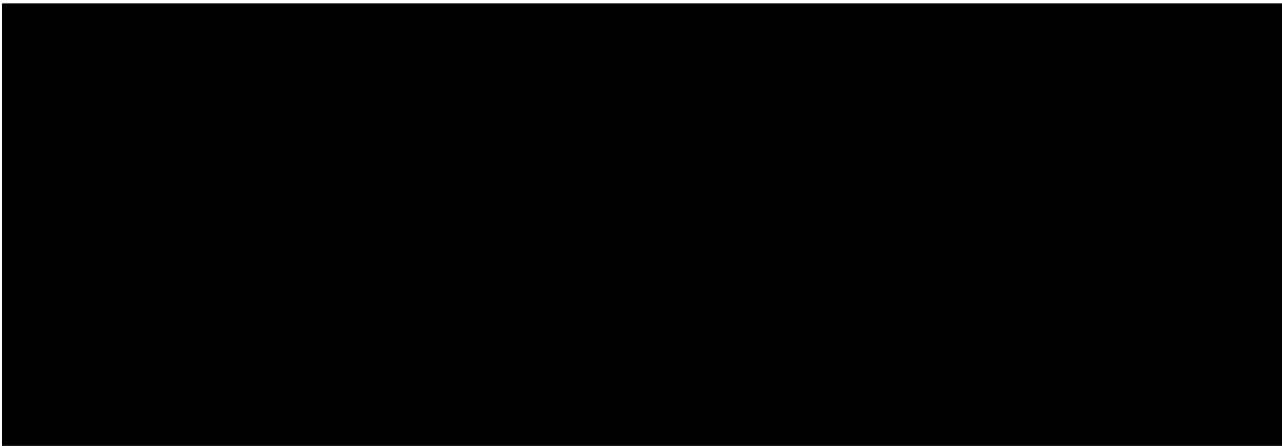
Dated 30 September 2021

DAVID JOYNER

Deputy Registrar of Incorporated Associations

GPO Box 4567

Melbourne, Victoria 3001



**From:** Macedon Ranges Shire Council - do not reply <noreply@openforms.com>  
**Sent:** Tuesday, 28 September 2021 1:26 PM  
**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
**Subject:** Amendment C143 submission



### Amendment C143 submission

Have your say	
Please share your feedback on Amendment C143:	My name is [REDACTED], I am a long term resident of Gisborne and I support the application to add these significant trees and bridge to the historic registry for immediate and urgent protection. Gisborne has most may of its historic buildings, trees and infrastructure. The trees and bridge relevant to the amendment must be protected to presence the character of the town.
If you would prefer, you can also upload a written submission here	
Tell us about you	
First name	[REDACTED]
Last name	[REDACTED]
Address	[REDACTED]
Town	[REDACTED]
Postcode	[REDACTED]

Phone	
Email address	
How did you find out about this?	



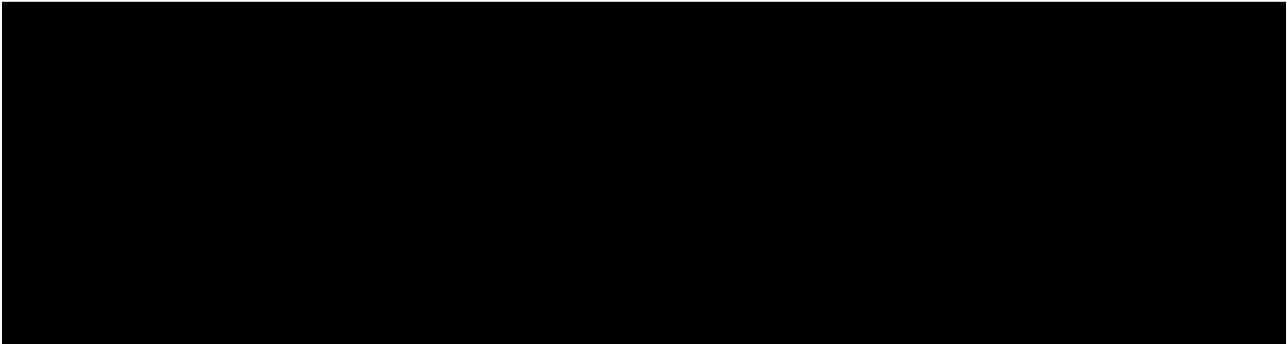
As a resident

We must do whatever we can to save this bridge and preserve the heritage of our town.

Things like this are what makes Gisborne a tourist town. They attract visitors from all around to see the heritage of our town.

Thanks





**From:** Macedon Ranges Shire Council - do not reply <noreply@openforms.com>  
**Sent:** Sunday, 10 October 2021 4:55 PM  
**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
**Subject:** Amendment C143 submission



### Amendment C143 submission

Have your say	
Please share your feedback on Amendment C143:	<p>I want to endorse and encourage council to fight Vic Roads and Mary Anne Thomas' plan to destroy the heritage features of the entrance to Gisborne.</p> <p>If they have their way Gisborne will have an entrance similar to the inappropriate, urban like entrance that is being done for New Gisborne. Bitumen, concrete and too many signs have sadly replaced the rural, historic entranceway that was there. The removal of 16 trees, mostly 100 year old elms and oaks was environmental and heritage vandalism. Don't let this be replicated in Gisborne.</p>
If you would prefer, you can also upload a written submission here	
Tell us about you	
First name	
Last name	
Address	
Town	
Postcode	

Phone	
Email address	
How did you find out about this?	



## Department of Transport

Loddon Mallee Region  
53-61 Lansell Street  
BENDIGO VIC 3550  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)

Bernie O'Sullivan  
Chief Executive Officer  
Macedon Ranges Shire Council  
PO Box 151  
KYNETON VIC 3444

Dear Bernie

**MACEDON RANGES PLANNING SCHEME  
AMENDMENT C143macr – INTRODUCTION OF HERITAGE OVERLAY**

This submission is made by the Department of Transport (**The Department**) in its capacity as the Head, Transport for Victoria (**Head, TFV**) to Macedon Ranges Shire Council in relation to Amendment C143 Macedon Ranges Planning Scheme (C143macr).

The Amendment proposes to apply a Heritage Overlay to the Bunjil Creek bridge and bluestone channel (HO351) and extend an existing Heritage Overlay 'Memorial Precinct (Howey Reserve)' (HO289) to include three trees, in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road intersection, Gisborne.

The Department is required to ensure the operation and safety of the State Transport System which will be beneficial to the current and future users of the road network within this precinct and the broader transport network.

As Council is aware this intersection is currently under construction for upgrade to improve the safety and operation of the subject intersection for all transport users.

The Department has reviewed the Amendment documentation and objects to the Amendment. The Department has undertaken its own due diligence, including an independent heritage assessment as part of the above state funded safety project and no items of heritage significance were identified. It is also noted that in the two past reviews of the heritage overlay in the Macedon Ranges Planning Scheme this bridge and trees have not been identified for any specific protection.

If you require any further information, please contact Michael Bismire, Senior Transport Planner on 0448 046 105 or [Michael.Bismire@transport.vic.gov.au](mailto:Michael.Bismire@transport.vic.gov.au).

Yours sincerely

**Sandra Wilson**  
Manager Transport Integration  
Loddon Mallee Region

19/10/2021/







Department of Environment,  
Land, Water & Planning

7 Taylor Street  
Box 3100, Bendigo DC 3554  
Telephone 5430 4444  
DX 214506

Ms Leanne Khan  
Coordinator Strategic Planning – Strategic Planning and  
Environment  
Macedon Ranges Shire Council  
PO Box 151  
Kyneton Vic 3444

Ref: SP#477700 (20211004 hf)

Dear Ms Khan

**PLANNING SCHEME - AMENDMENT C143  
ADDITION OF HERITAGE OVERLAY TO BUNJIL CREEK AND EXTENSION OF HERITAGE  
OVERLAY OVER MEMORIAL PRECINCT (HOWEY RESERVE)**

Thank you for your letter dated 28 September 2021 regarding the above planning scheme amendment.

The amendment is to place a Heritage Overlay on Bunjil Creek bridge and channel and to extend the Memorial Park (Howey Reserve) to include three additional trees.

I provide this response under delegation from the Minister of Energy Environment and Climate Change.

The following comments from the Department of Environment, Land, Water and Planning (DELWP) comprise the consolidated views of DELWP (excluding the Planning group), and Parks Victoria. The Planning group will provide separate input at the appropriate time.

The Department of Environment, Land, Water and Planning wishes to advise that it supports the proposed amendment.

If you have any questions regarding this matter please contact Hayley Featonby at [hayley@featonby@delwp.vic.gov.au](mailto:hayley@featonby@delwp.vic.gov.au)

Yours sincerely

**Jeff White**  
Planning and Approvals Program Officer  
Planning and Approvals

6 October 2021

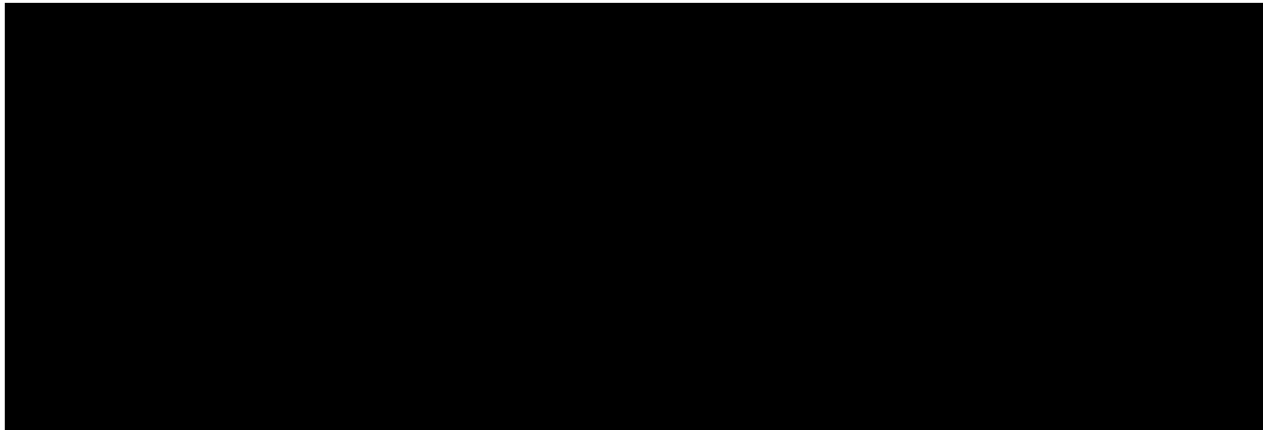
cc: [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au)

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OFFICIAL



**From:** Macedon Ranges Shire Council - do not reply <noreply@openforms.com>  
**Sent:** Tuesday, 19 October 2021 3:29 PM  
**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
**Subject:** Amendment C143 submission



### Amendment C143 submission

Have your say	
Please share your feedback on Amendment C143:	I congratulate the council in seeking this amendment to protect one of Gisborne's heritage icons. This bluestone culvert is an exceptional piece of engineering built in 1874 by a local stonemason who has a number of heritage listed sites. This bluestone culvert is still fully functional as well as accessible to the public. The Statement of Planning Policy is supposed to secure township character and history, I am pleased that council is upholding this. The culvert is much more impressive than others with full heritage protection. I believe this is vital for all residents of Gisborne to have our heritage and character protected for perpetuity.
If you would prefer, you can also upload a written submission here	
Tell us about you	
First name	[REDACTED]
Last name	[REDACTED]

Phone	
Email address	
How did you find out about this?	

**Society's Response to Amendment C143macr****RE: Macedon Ranges Planning Scheme Amendment C143macr: Notice of Preparation and Public Exhibition**

The Gisborne & Mount Macedon Districts Historical Society (Society) support Macedon Ranges Shire in relation to the above Planning Scheme amendment.

Our Comments are as follows.

We advise that we endorse the Amendment to apply a Heritage Overlay to the Bunjil Creek bridge and the bluestone channel and extend an existing Heritage Overlay "Memorial Precinct (Howey Reserve)" to include two oaks and an elm, in the vicinity of the Hamilton Street, Kilmore Road and Melbourne Road Intersection.

We understand what the Amendment means and why it is required.

The Society's comments relate in the main to the Bunjil Creek, Bridge and Channel. The Bluestone Bridge was built in 1874 and has since that time has remained the main entrance from Melbourne into the township.

This Bluestone Bridge is a major part of the heritage of Gisborne and should be retained.

In September 2019 Society members attended a meeting at which Regional Roads (RR) outlined their proposal for the Melbourne Road and Kilmore Road, Gisborne Intersection upgrade. At the meeting RR advised that the Bridge was built in 1939, apparently, they had not carried out due diligence at that stage.

At no stage prior to submitting their design did RR approach the Gisborne & Mount Macedon Districts Historical Society to seek our comments.

We asked RR if they conducted any alternative designs to their proposal, and they responded that they only do one design. We advised them that we were aware that VicRoads always do more than one option for their design proposals, to which we did not receive a response from RR.

This Bluestone Bridge has significant Heritage significance for Gisborne and the Macedon Ranges Shire.

We recently were provided with a copy of a RR email dated 7<sup>th</sup> September 2021 which states the following:

*"The footprint of the roundabout and trees to be removed has not changed and are not impacted by the type of crossing of Bunjil Creek.*

*Our concept remains a large oak to feature in the centre of the roundabout. Two elm trees will need to be removed to allow for the intersection upgrade. Both trees have been assessed by the arborist as being in fair health and poor structure. We have also taken cuttings from the Elm trees which will be replanted by Council when they are at a suitable size.*

*A new single span concrete bridge with independent foundations was investigated at the request of MRSC to preserve the bluestone foundations in place. The concrete bridge was required to be longer with greater structural depth to span across the existing abutments.*

### Society's Response to Amendment C143macr

*Flood modelling showed the proposed bridge would increase the flooding risk to the nearby properties and the crossing design was not approved by Melbourne Water.*

*Flood modelling shows reverting to the precast culvert option reduces the flood risk to nearby properties compared to existing conditions.*

*Our team has explored all options to retain the existing bridge. After extensive investigation we now know that it is not possible."*

After having received the above email, we have conducted more investigations on why the 174-year-old bluestone bridge could and should be retained.

In our opinion the main thrust of RR's email is that the bluestone bridge would not be capable of meeting the 100year flood requirements. We then set out what would be required to enable the bluestone bridge to meet these requirements. To this end we reviewed the Flood Study of 2006 and carried out site inspection of the creek from Howey Street and downstream from Hamilton Street. We refer you to our comments and questions below:

- With reference you to page 71 Para 7.3 Howey Creek which states.

The retarding basin tested for Howey Creek (located on the west branch upstream of Fersfield Road) offered negligible attenuation to flood flows. Accordingly, there is no discernible relief provided by construction of the basin for those properties affected by flooding along Howey Creek. A combination of this retarding basin along with other large storages in both branches upstream of Fersfield Road would be required to reduce flood levels in the system.

The Howey Creek crossing at Howey Street significantly influences flood behaviour downstream. The culverts beneath the road have limited capacity, which corresponds to that of the bluestone channel passing under Melbourne Road. Accordingly, limited flooding in the downstream areas of Howey Creek occurs for the 100-year design event. However, flood levels upstream of Howey Street are very high (up to 6m water depth), causing flood inundation. Moreover, the volume of water trapped behind Howey Street is a significant concern, as it is unlikely the road was constructed as a dam wall. The road embankment may not have been designed and constructed to act in this manner and, as such, there is potential that during a large flood event, flood waters could build up behind Howey Street crossing and that the road embankment may fail. As there is virtually no flood warning time, failure of Howey Street Road embankment could have devastating consequences downstream.

This is considered a significant threat that could result in the loss of life. The Study Team strongly recommend that Council and Melbourne Water initiate investigations to assess the actual level of risk of failure and determine appropriate action. The Study Team's interpretation of the flood behaviour in Howey Creek indicated that:

- **Increasing the culvert capacity underneath the Howey Street crossing would likely result in increased flooding downstream, and is therefore an unsatisfactory solution**
- **Additional storage is only available in areas upstream of Fersfield Road, and that future development of these areas should incorporate storage in addition to that required to deal with development runoff, to reduce overall flood flows within the catchment.**

### **Society's Response to Amendment C143macr**

- **Reinforcement of Howey Street crossing may also be considered appropriate, to facilitate its safe function as a retarding basin.**

During the study, concerns over the safety aspects of Howey Street crossing were raised with the steering committee. The Study Team recommends that Macedon Ranges Shire Council and Melbourne Water partner to investigate this safety concern and seek advice to determine the actual risk.

#### **Questions**

- **First dot point is noted and accepted.**
- **Second dot point, we believed that this was conducted. Is it possible to increase the capacity of these areas?**
- **Third dot point, has this been considered and if so, what was the result. If not, can it be done?**

- Reference you to para 7.4 Water Maintenance

Flood behaviour in Jackson Creek and Howey Creek is significantly influenced by the amount of vegetation and debris in the creeks. Vegetation and debris are recognized to provide valuable habitat and resources for fauna but can also lead to significant choking of waterways and reducing the efficiency of culverts and bridges. An appropriate balance between the floodplain function of habitat and flood conveyances needs to be attained.

Key areas where vegetation/debris can significantly limit flood conveyance in increased flooding areas:

- Howey Creek – between Howey Creek and Melbourne Road. The capacity of the bluestone channel and the Melbourne Road bridge can be significantly reduced by debris buildup. Note that there are numerous obstacles across the bluestone channel in the vicinity of Melbourne Road (typically pipes supporting infrastructure and services) onto which debris can accumulate. This would significantly reduce the channel capacity flooding the surrounding properties.

#### **Recommendations**

- **Cleaning up of all debris upstream of Howey Street from Melbourne Road to Howey Creek be conducted and maintained on a regular basis.**
- **Any obstructions / obstacles in the vicinity of the bridge be relocated during the bridge rework.**
- **Downstream from Melbourne Road Howey Creek to Jackson Creek needs to be widened and cleared of all debris and maintained on a regular basis.**

### Society's Response to Amendment C143macr

We have conducted a review of the Howey (Bunjil) Creek from Howey Street down to Jackson Creek and have taken a series of Photos which we attach. Our comments following this review are:

- It appears that since the abovementioned Flood Study was completed there has been minimal, or no maintenance of the creek and the bluestone channel conducted.
- There are several obstructions within the bluestone channel which require relocation.
- The Bluestones walls as they approach the bridge need to be checked for stability. This is required as the growth of some of the trees on the east side of the channel are forcing / could force the bluestones loose and fall into the channel.
- The height of the bluestone channel walls on they approach the bridge needs to be checked for height, as the need to be the same height as underside of the bluestone bridge.

We believe that it could or would be possible to raise the underside of the existing Bluestone Bridge. However, in doing so it may mean that the height of the road over the bridge would be marginally higher than that of existing road level. This could be accommodated with the roundabout design.

The following actions will need to be reviewed to ensure that the Bluestone Bridge can meet the 100year flood requirements.

- The creek crossing at Howey Street. Was the road at this point constructed as a dam wall, if not can it now be designed and constructed? If not, what are our options?
- The waterways including channel section from Howey Street down to the Bridge must be cleared of all debris.
- The obstructions across the channel must be removed and relocated.
- Any trees that may cause the channel wall to be at risk must be removed.
- Height of channel walls to be raised to same level as the underside of raised height of the bluestone bridge
- The creek downstream of Hamilton Street must be cleared of debris, fallen trees and widened to allow increased flow due to 100year flood. With this work carried out there would not be any backup of flood water to the bridge.

We believe that if the above actions are taken then the Bluestone Bridge would be capable of meeting the 100year flood requirements and eliminate the flooding risk to the residences adjacent to the creek, thus we believe the bridge could be saved. We are prepared to meet with MRSC to discuss our submission at your earliest convenience.

Submission 8



**From:** Macedon Ranges Shire Council - do not reply <noreply@openforms.com>  
**Sent:** Tuesday, 9 November 2021 7:32 PM  
**To:** Strategic Planning <strategicplanning@mrsc.vic.gov.au>  
**Subject:** Amendment C143 submission



### Amendment C143 submission

Have your say	
Please share your feedback on Amendment C143:	I have lived in the Gisborne/Macedon Ranges Shire for nearly FIFTY years. Gisborne is a growing part of Victoria. Rich in history and was once on the original Cobb and Co coach route, to the Bendigo Goldfields, via Blackwood and Malmsbury. LONG before the railway and I would think the Bunjil Creek bridge and Bluestone works date back to these original times. It would be pure VANDALISM to damage these important heritage works, it is a DISGRACE for the uninformed designers to EVEN suggest that this relic should be destroyed. Macedon Ranges Council must PROTECT this artifact, it is as important as as many others from the past in the SHIRE, just because it is an early european work, it is IMPORTANT, FACT
If you would prefer, you can also upload a written submission here	
Tell us about you	
First name	[REDACTED]
Last name	[REDACTED]



Phone	
Email address	
How did you find out about this?	

***MRRA*** Established 1995. Included in the National Library of Australia and State Library of Victoria archives in 2009.  
***Macedon Ranges Residents' Association Inc.*** Regn. No. A0034439T

**Postal:** P.O. Box 183, Gisborne, 3437.  
**Email:** [mrra.sec999@gmail.com](mailto:mrra.sec999@gmail.com)

**Web:** [www.mrra.asn.au](http://www.mrra.asn.au)

**Reg. Address:** 2 Dalrymple Road, Gisborne, 3437.  
**Telephone:** (03) 5428 3197 (Pres), (03) 5427 1481 (Sec)

To: Macedon Ranges Shire Council ([strategicplanning@mrrc.vic.gov.au](mailto:strategicplanning@mrrc.vic.gov.au))

Submission  
 11 November, 2021

**Amendment C143macr – Heritage Overlays, Kilmore-Melbourne Road, Gisborne**

**1. Association Support for Amendment C143macr**

The amendment:

- a) Applies a new heritage overlay to the Bunjil Creek Bridge and Channel (HO 351), and
- b) Extends an existing overlay (HO 289 – Memorial Precinct – Howey Reserve) to include additional heritage trees at this significant entrance to Gisborne.

From the various reports and assessments provided in support of the amendment, this gateway has features on public land that have substantial heritage values (the memorial reserve is of aesthetic, architectural and historical significance) plus additional heritage trees that are examples of very early street avenue plantings in Gisborne (some now up to 160 years old).

***The Association supports the application/expansion of heritage overlays as proposed in Amendment C143macr, and commends Macedon Ranges Shire Council for taking this initiative.***

**2. Concerns About Recommendation For HO Application Not Addressed in C143macr**

Additional to extending existing HO 289 to protect additional heritage trees in the Memorial Reserve, the report “Heritage Assessment: Trees at intersection of Bunjil Creek, Kilmore Road and Melbourne Road, Gisborne”, (Plan Heritage, May 2020) also recommends heritage overlay protection (page 20) for two *Ulmus procera* English Elms (trees 38 and 29 as shown at pages 11 and 12):

☑ ***“Apply Individual Heritage Overlay to Trees 38 and 29 (English Elms) as shown in Figure 21 below.”***



“Figure 21 - proposed curtilage for Heritage Overlay (blue shading)”

***Macedon Ranges: an ENDANGERED environment***

Phone	
Email address	
How did you find out about this?	

<b>PE.4</b>	<b>MANAGEMENT OF STANLEY PARK, MOUNT MACEDON</b>
<b>Officer:</b>	<b>Rob Ball, Manager Strategic Planning and Environment</b>
<b>Council Plan relationship:</b>	<b>1. Connecting communities</b> <b>2. Healthy environment, healthy people</b> <b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Survey data summary</b> <a href="#">↓</a>

### Summary

This report seeks a Council decision about the future management of Stanley Park in Mount Macedon. Council has consulted with the community on five options for the future management arrangements of Stanley Park. With community consultation now complete, it is proposed that Council make a decision based on the outcomes of the consultation and an analysis of the each of the options.

### Recommendation

#### That Council:

1. **Notes the outcomes of the community consultation.**
2. **Requests that the Chief Executive Officer works with the community to establish a Friends of Stanley Park group.**
3. **Notes that resolution 2 will result in the cessation of the Memorandum of Understanding between Council and the members of the former Stanley Park Committee of Management.**

---

### Background

#### Overview of the reserve

Stanley Park is a public bushland reserve of approximately 6.5 hectares located at 15 Salisbury Road, Mount Macedon. The site contains a unique and ecologically significant grassland and good quality riparian and woodland native vegetation. Visitors are attracted to the reserve to view the site's waterfall, bushwalk through the site's natural landscape or picnic at the existing BBQ facilities or utilise the playground.

A Public Conservation and Resource Zone (PCRZ) has recently been applied to Stanley Park, in alignment with the conservation status of the site. However, this does not determine or limit the current recreational component of the park, noting that Council is the public land manager for the park. Council's Open Space Strategy and the Stanley Park Environmental Management Plan guide the role, function and use of Stanley Park as a public open space reserve servicing the needs of the community.

The reserve's infrastructure is in moderate condition with some items needing attention to ensure visitor safety, protect the site's natural values and enhance the presentation of the reserve. This includes the waterfall viewing areas, the stairs and walking tracks and the site's interpretive signage. Rationalising the site's walking paths and car parking areas would also help reduce visitor impacts. Funds were allocated in the 2021/22 Council budget to review these items collectively as a part of preparation of an infrastructure master plan for the site. The progression of this work will depend on the outcome of this governance review.

### Governance history

Until 1 September 2020, there was a committee of management for Stanley Park, which was made up of members of the community. This committee conducted weed control and revegetation at the site in consultation with Council.

The Stanley Park Committee of Management was previously a 'Special Committee' under section 86 of the *Local Government Act 1989* (LGA 1989). However, the introduction of the new *Local Government Act 2020* (LGA 2020) resulted in such committees no longer existing from 1 September 2020.

In light of the legislative change, Local Government Victoria encouraged councils to undertake reviews of committees that existed under section 86 of the LGA 1989, rather than automatically rolling those committees into community asset committees.

### Current management

Since 1 October 2020, the reserve has been managed under a Memorandum of Understanding between Council and the members of the former Committee of Management (for convenience referred to as the Interim Committee). This was put in place as an interim arrangement, pending Council making a decision on the future management of Stanley Park. Council's Coordinator Property and Valuations currently is the primary liaison between the Interim Committee and Council. Working with the members of the Interim Committee constitutes approximately four hours of work per week for the Coordinator Property and Valuations, in relation to issues such as:

- The Council website promoting visiting by tourists
- Access to the park by Council staff for the removal of dangerous branches and trees
- Mowing of the grounds
- Burning off of native grasses
- Purchase orders to buy trees
- Delivery arrangements for trees
- Petty cash claims and reimbursements
- Application and interpretation of the works plan and Environmental Management Plan
- The use of a Melbourne Water grant noting concerns regarding tree types and fencing
- BBQ not working
- Dogs off leash
- Unclear signage
- Closing the park during lockdown
- Toilet cleaning
- Addressing other ad hoc concerns raised by the Interim Committee

Once a decision has been made about the future management of Stanley Park, the role of liaising with the group will revert to staff in Council's Environment unit. On-site work is undertaken by Council's Bushland Reserve officer, with ongoing site management including:

- Tree safety works

- Fuel management
- Ecological management including weed control, revegetation and planned burning
- Maintenance of walking paths and trails
- Maintenance of the BBQ, toilet and picnic facilities
- Preparation and review of plans and strategies as required
- Community engagement, both proactive and reactive

Most of the above functions are currently overseen by Council’s Environment unit in consultation and collaboration with the Interim Committee, through Council’s Coordinator Property and Valuations. Council’s Open Space unit and Council’s Facilities unit currently oversee mowing and maintenance of the BBQ, toilet, playground and picnic facilities.

Previous report to Council

Council received a report at its Scheduled Council Meeting on 28 July 2021 which detailed the history of Stanley Park and its management. At this meeting, Council endorsed the undertaking of community consultation on five options for the management of Stanley Park, and resolved that the matter would return to Council at its September meeting to report on the outcomes of community consultation and provide a recommended option for ongoing management (with draft documents required to give effect to the recommended option). Further time was required to complete the community consultation, but the matter is now coming to Council for decision.

The five options under consideration for the future management of Stanley Park are as follows:

	<b>Option</b>	<b>Description</b>
1	Community Asset Committee	<p>Community asset committees are formal committees formed under the <i>Local Government Act 2020</i>. They have independent decision-making powers in relation to a particular community asset. These committees are made up of dedicated community members who manage recreation facilities and parks on behalf of Council. This type of committee is required to abide by legal obligations in the LGA 2020. Powers, duties and functions can be delegated to these committees by the Chief Executive Officer.</p> <p>The roles and responsibilities of a community asset committee could include:</p> <ul style="list-style-type: none"> <li>• Managing finances allocated from Council rates</li> <li>• Park maintenance, including of toilets, picnic facilities, walking tracks and car parks</li> <li>• Fire risk management</li> <li>• Tree safety works</li> <li>• Park security</li> <li>• Booking of park facilities</li> <li>• Development of relevant policies, park strategies, park plans and procedures</li> </ul>

	Option	Description
		<ul style="list-style-type: none"> <li>• Community engagement and responding to community enquiries</li> <li>• Environmental works</li> <li>• Implementation of the Environmental Management Plan</li> </ul> <p>Roles and responsibilities of Council:</p> <ul style="list-style-type: none"> <li>• Carrying out any roles and responsibilities that are not delegated to the community asset committee</li> </ul>
2	Advisory Committee	<p>The role of an advisory committee is to provide advice to Council on matters relevant to the committee’s Terms of Reference. They don’t have the power to act in place of the Council.</p> <p>The roles and responsibilities of an advisory committee could include:</p> <ul style="list-style-type: none"> <li>• Offering specialised advice and assistance to Council</li> <li>• Making recommendations to Council</li> </ul> <p>Roles and responsibilities of Council:</p> <ul style="list-style-type: none"> <li>• Managing finances allocated from Council rates</li> <li>• Park maintenance including of toilets, picnic facilities, walking tracks and car parks</li> <li>• Fire risk management</li> <li>• Tree safety works</li> <li>• Park security</li> <li>• Booking of park facilities</li> <li>• Implementation of the Environmental Management Plan (which could occur in collaboration with the committee)</li> <li>• Development of relevant policies, park strategies, park plans and procedures with input from the committee</li> <li>• Community engagement in collaboration with the committee</li> <li>• Responding to community enquiries</li> </ul>
3	“Friends of” group	<p>A “Friends of” group is established by the community and is run on a voluntary basis.</p> <p>“Friends of” groups are usually made up of members who choose to volunteer their time to assist in the maintenance and improvement of a particular area, such as a park, reserve or garden.</p> <p>“Friends of” groups are usually incorporated entities with the ability to apply for funding and establish their own constitution and governance rules. While Council can assist with formation of “Friends of” groups, they are established and administered by the community. The overall management of the group is the</p>

	Option	Description
		<p>responsibility of the members in the group and it does not have any legal obligations under the LGA 2020.</p> <p>Roles of a “Friends of” group could include:</p> <ul style="list-style-type: none"> <li>• Environmental works in collaboration with Council</li> <li>• Grant applications</li> <li>• Presenting identified issues and risks to Council</li> <li>• Community talks and other volunteer programs</li> </ul> <p>Roles and responsibilities of Council:</p> <ul style="list-style-type: none"> <li>• Financial allocation</li> <li>• Park maintenance including of toilets, picnic facilities, walking tracks and car parks</li> <li>• Fire risk management</li> <li>• Tree safety works</li> <li>• Park security</li> <li>• Booking of park facilities</li> <li>• Implementation of the Environmental Management Plan in collaboration with the “Friends of” group</li> <li>• Development of relevant policies, park plans, park strategies and procedures with input from the “Friends of” group</li> <li>• Community engagement in collaboration with the “Friends of” group</li> <li>• Responding to community enquiries</li> </ul>
4	Council managed park – no formal community involvement	Should the Council choose not to establish any of the other options, the reserve would default to being managed by Council. Council would engage with the community on an individual basis, in response to community enquiries. All of the roles and responsibilities set out for the other options would be roles and responsibilities of Council.
5	Delegated Committee	A delegated committee is a type of committee formed by Council under the LGA 2020. It must include at least two councillors and can include any other people appointed to it. A delegated committee can be given very broad legal powers, duties and functions. Its decisions have the same effect as Council decisions. Council decides on the nature and extent of the powers, duties and functions which are delegated to the committee. They could include the same roles and responsibilities as those for a community asset committee, but could be much broader. However, there are some decisions that a delegated committee cannot make, such as changes to the Council Plan and Vision.



## Discussion

### Community consultation

Community consultation was undertaken in accordance with Council's Community Engagement Policy. It included:

- A media release with the item covered in newspapers The Local (Daylesford) (short note) and the Midland Express (short note and an opinion piece by a member of the Interim Committee)
- Social media posts referring the community to Council's webpage
- Council's 'Have Your Say' webpage, including a survey
- A letter to the Interim Committee
- Letters to households surrounding the reserve
- Signs at the park
- Council's website

The community was given various options to provide its feedback including via the survey, by email, post and telephone.

Key outcomes of community consultation are as follows:

- Council received 125 responses to the survey on its website. Participants were asked to rank the five options from their most preferred to their least preferred. The results showed the following percentages for the most preferred option. The survey tool used also uses the preference data to allocate each option a score. The score for each option represents whether it is the most or least acceptable option taking into account all preferences. The methodology for weighting is set out in the attachment.

Option	Preference					Weighted score
	1	2	3	4	5	
Community asset committee	45.05%	7.21%	12.61%	14.41%	20.72%	3.41
Advisory group	14.68%	31.19%	40.37%	11.01%	2.75%	3.44
"Friends of" group	15.45%	21.82%	18.18%	14.55%	30.00%	2.78
Council management	26.79%	12.50%	8.93%	28.57%	23.21%	2.91
Delegated committee	0.92%	27.52%	20.18%	30.28%	21.10%	2.57

In addition to the survey responses, Council received 15 written responses. Not all of those people set out a preferred option, but of those that did, four preferred Council management and seven preferred a Community Asset Committee.

Key messages in the community feedback:

- There are a range of views about the best use of the reserve. Some community members are focused on conservation whereas others want a space for picnics and physical recreation

- There are concerns about a lack of accountability for the reserve in terms of who is responsible for vegetation management and similar matters
- There is concern that a “Friends of” group would not have authority to implement its decisions and would not be of interest to members of the Interim Committee
- Concern that in the past the Interim Committee has been a minority group deciding matters that impact all residents, such as the best use of the site
- Members of the Interim Committee have expertise, have worked hard and have successfully obtained significant grants for projects at the park
- Concern about the Interim Committee’s approach to engaging with visitors and their management of the reserve, such as asking visitors to leave the site. Officers are aware that strong concerns about such matters have previously been expressed on social media

Concerns about consultation

The members of the Interim Committee raised concerns about the community consultation undertaken by Council. A summary of key concerns and officer responses (which were provided by letter to the Interim Committee on 5 October 2021) is set out in the table below.

<b>Concern</b>	<b>Officer response</b>
The Interim Committee were not informed that consultation had commenced prior to it being made public.	A letter was sent to the Interim Committee on the same day that community consultation commenced but prior to media coverage, social media posts, signs and letters to the surrounding properties.
Lack of information about method of consultation and input into consultation documents.	It would not have been appropriate for Council to engage with any group on the wording of the community consultation documents.
A community asset committee should not be expected to undertake many of the possible responsibilities set out in the consultation communications. Council including these responsibilities will cause the public to think that a community asset committee is too burdensome, too labour intensive and beyond what a volunteer should be expected to do.	The responsibilities listed are ones that could exist. If a community asset committee is the selected option, work will need to be undertaken to determine the delegations and terms of reference for the committee.
The Interim Committee expressed the view that the documents deliberately downgraded the option of a community asset committee, that it was irresponsible for Council to have released the consultation documents as they were and that Council has a bias against the Interim Committee. The Interim Committee called for the consultation documents to be withdrawn	Officers don’t believe that the methods of consultation or the content of consultation are inaccurate or in any way dishonest. Accordingly, community consultation continued as planned.

and more a more honest document be produced for community consultation.	
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A meeting was held with representatives of the Interim Committee on 7 October 2021 and their concerns were discussed.

### Analysis of options

#### *Community Asset Committee:*

A community asset committee has the advantage of empowering committee members to make decisions about the relevant asset. It is the preferred option of the Interim Committee, who have indicated that they would like the authority to make decisions about the reserve and that a community asset committee “seems to represent the closest” to the section 86 committee of management. The Interim Committee members are passionate about Stanley Park, have a lot of highly detailed knowledge about the site and have devoted a lot of time to the reserve over many years.

The Interim Committee has indicated that some of the possible roles and responsibilities of a community asset committee, such as managing finances from Council rates and tree safety works, are not ones that a community asset committee should be required to perform. Legally, the Chief Executive Officer can delegate any of the powers of the Chief Executive Officer to a community asset committee and the committee could be allocated Council funds for the purpose of carrying out various responsibilities. That said, the Chief Executive Officer is not required to delegate any particular powers and a delegation could be carefully crafted to best meet the purpose and objectives of a community asset committee. Council officers, under the direction of the Chief Executive Officer, would exercise any powers not delegated to the committee.

There are, however, some disadvantages to forming a community asset committee. A key disadvantage is that, depending on the committee’s delegation, it may place important policy decisions with a committee that is not elected by the community, notwithstanding that its members are appointed by Council. Some community members expressed concern that this approach may result in decisions to limit community access to the site, which is a decision more appropriately made by the elected Council or, if preferred, Council officers who are directly accountable to Council.

There are some further disadvantages, such as:

- Since these committees are legally constituted under the LGA 2020, Council oversight is required to ensure that they comply with their obligations. In a Council review in June 2020, some governance issues were identified in relation to the then Stanley Park Committee of Management. The committee was involved in the review. The review identified a number of compliance issues including: a lack of evidence of an annual general meeting being held and made open to the public; the committee entering into agreements with inappropriate terms, such as those indemnifying other government agencies; and difficulties in relation to financial reporting. Council would need to work closely with any community asset committee on these matters and this would probably require additional resourcing. However, it is noted that the Interim Committee currently has three meetings per year plus an annual general meeting, so the governance requirements in relation to meetings may not be overly onerous.

- Community asset committees would not ordinarily be eligible to apply for grants which are usually available to incorporated community groups
- There could be significant burdens on members and the benefits are highly dependent on their skills, experience and views
- There could be unclear lines of authority if only some powers are delegated to the committee and others reside with Council

*Advisory Committee:*

An advisory committee has a range of benefits in that it facilitates a direct and formalised avenue for the members of the community to advise Council in relation to a matter. This can allow Council to receive advice from community members who may have highly detailed and specialised knowledge about a matter and who take a particular interest in it. Council is not required to take the advice of the committee so the decisions about the park would ultimately sit with Council, although many would fall within operational matters to be decided by the Chief Executive Officer and staff under direction from the Chief Executive Officer.

A key point for consideration is the likelihood of this option working in practice. It would be important for members of the committee to accept that their role would be advisory only and that they would not have any power to make any decisions about the reserve. If there was any misunderstanding of that position, it could become an ongoing source of disagreement that could hinder ongoing successful management of the site. It would also be important for the community to understand that Council is responsible for the decisions about the reserve and for determining the purpose and membership of the committee.

It should be noted that further resources may be required to facilitate ongoing work with this kind of committee.

*Friends of Stanley Park group:*

There are very different perspectives on “Friends of” groups. The Interim Committee and its members made it very clear that this option is not acceptable to them. Members stated that they do not like the model and indicated concerns about being disempowered. One community member also stated that “Friends of” group would lose the time and support of experts in particular fields of conservation. This theme of disempowerment appeared to be shadowed by concerns that other forms of management would result in uses of the reserve which the Interim Committee views as being highly inappropriate.

Officers have a different perspective on “Friends of” groups as a result of seeing them operate very successfully and effectively throughout the shire. There are currently five “friends of” groups active in conservation reserves in the shire as well as approximately 12 Landcare groups who collaborate with Council to oversee management of Council managed conservation sites. As such, formation of a “Friends of” group would be consistent with the approach to most other conservation reserves, parks and gardens in the shire.

The key functions that the Interim Committee has indicated that they would like to undertake are already being successfully undertaken in relation to other sites by other “Friends of” groups in the shire. This option reduces the burden on volunteers to be responsible for the site’s safety, security and general presentation, while enabling them to be involved in the activities community members generally enjoy, such as weed control, revegetation, monitoring and community engagement. “Friends of”

groups are autonomous groups who determine their own membership, purpose and terms of reference.

Some successful “Friends of” groups in the shire include the Friends of Black Hill Reserve, the Friends of Bald Hill Reserve, the Friends of Mount Gisborne and the Friends of Daly Nature Reserve. All of these groups conduct a range of on-ground activities such as weed control, revegetation and track maintenance as well as hosting, monitoring and community engagement events such as wildflower walks, flora monitoring, nest box surveys, spotlight nights and remote camera surveys. These groups have also been successful in receiving external grants and advocating for increased Council funding for infrastructure upgrades and environmental improvements. As these groups are self-governing, they set their own agendas and rules and are able to advocate independently to Council for initiatives they are keen to pursue. The collaborative relationship established between these groups and Council has resulted in significant infrastructure and environmental improvements at the reserves.

Other benefits include the ability to join the relevant regional Landcare network and access to additional grants which are available to incorporated community groups. The group would be autonomous, with the ability to manage its own resources and advocate as an independent organisation to Council. It also seems most appropriate for all such groups in the shire to be under the same model.

#### *Delegated Committee:*

Forming a delegated committee to manage a Council asset could be unusual, given that community asset committees were specifically created by the LGA 2020 for the purpose of managing community assets, if a committee was the option favoured by a Council. Some matters to consider are:

- The members would be empowered to make decisions about the site with the extent of those powers determined by the delegation from Council
- Council oversight would be required to ensure the committee complies with the LGA 2020 and to provide administrative support, potentially requiring additional resources
- Councillor involvement is required
- Meetings are required to be conducted in accordance with Council’s Governance Rules, so are very formal
- Such a committee would be ineligible for grants which are available to incorporated community groups
- The formality of the committee could slow down works due to the lead times required for reporting and decision making.

#### *Council managed park – no formal community involvement*

This would be the default outcome if Council resolves not to establish a community asset committee, advisory committee or delegated committee, and the community decides not to establish a “Friends of” group. This would involve management of the park as a Council asset which would include all of the roles and responsibilities set out in the table above for this option. The disadvantage of this option – if the community did not establish a “Friends of” group – is that there would not be a single group to liaise with Council in relation to the park and to provide important community input

about its operations. The advantage of this option is that there are clear lines of accountability in relation to decisions made and actions taken in relation to the park.

#### Officer recommendation

Taking into account the benefits and disadvantages of the options available, officers recommend encouraging the community to establish a “Friends of Stanley Park” group, rather than adopting the other options. The key reasons for this recommendation are as follows:

- There are differing opinions in the community about the use and management of Stanley Park and elected representatives (or those accountable to them) should make any strategic decisions about the reserve
- “Friends of” groups have operated very successfully in the shire and a “Friends of” group would be able to undertake the functions that the Interim Committee has expressed an interest in undertaking.
- A “Friends of” group would ensure that all of the community groups working with Council have the same status and align with the management of Council’s other bushland and conservation reserves

#### **Consultation and engagement**

See above

In addition to community consultation, consultation took place across Council’s Governance, Strategic Planning and Environment and Property teams.

#### **Collaboration**

Collaboration was not required for the preparation of this report.

#### **Innovation and continuous improvement**

Council is considering a wide range of options for the management of Stanley Park.

#### **Relevant law**

The legal framework for each of the five options is summarised above.

The Stanley Park Reserve is zoned Public Conservation and Resource (PCRZ). The purpose of this zone is to “*protect and conserve the natural environment*”, “*provide facilities which assist in public education and interpretation of the natural environment*” and “*to provide for appropriate resource based uses*”. Under the PCRZ, a planning permit is required for any activity which is not undertaken by or on behalf of the public land manager.

The following environmental overlays apply to the reserve: Environmental Significance Overlay – Schedule 5 (ESO5) pertaining to water supply catchments, Significant Landscape Overlay – Schedule 1 (SLO1) pertaining to mountain ranges and a Bushfire Management Overlay (BMO).

#### **Relevant regional, state and national plans and policies**

There are no regional, state or national plans or policies relevant to this report.

#### **Relevant Council plans and policies**

Relevant Council plans and policies include:

- *Biodiversity Strategy 2018*

- *Stanley Park Reserve Environmental Management Plan 2014*

**Financial viability**

The options have varying levels of resourcing required, as described above.

**Sustainability implications**

No differences in sustainability implications have been identified, regardless of the option selected.

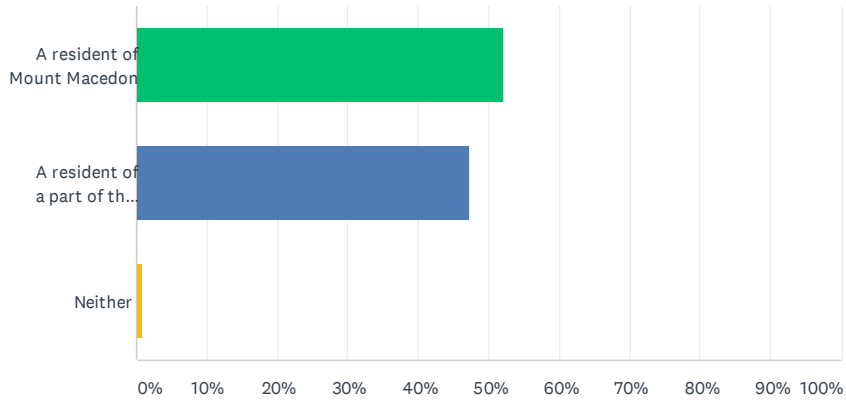
**Officer declaration of conflicts of interest**

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.

Stanley Park: future management model survey

Q1 Are you:

Answered: 125 Skipped: 0



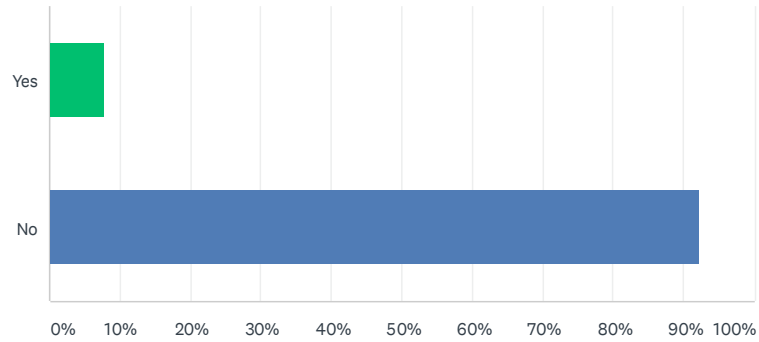
ANSWER CHOICES	RESPONSES	
A resident of Mount Macedon	52.00%	65
A resident of a part of the shire other than Mount Macedon	47.20%	59
Neither	0.80%	1
TOTAL		125



Stanley Park: future management model survey

Q2 Were you a member of the Stanley Park Committee of Management on 31 August 2020?

Answered: 65 Skipped: 60



ANSWER CHOICES	RESPONSES	
Yes	7.69%	5
No	92.31%	60
TOTAL		65

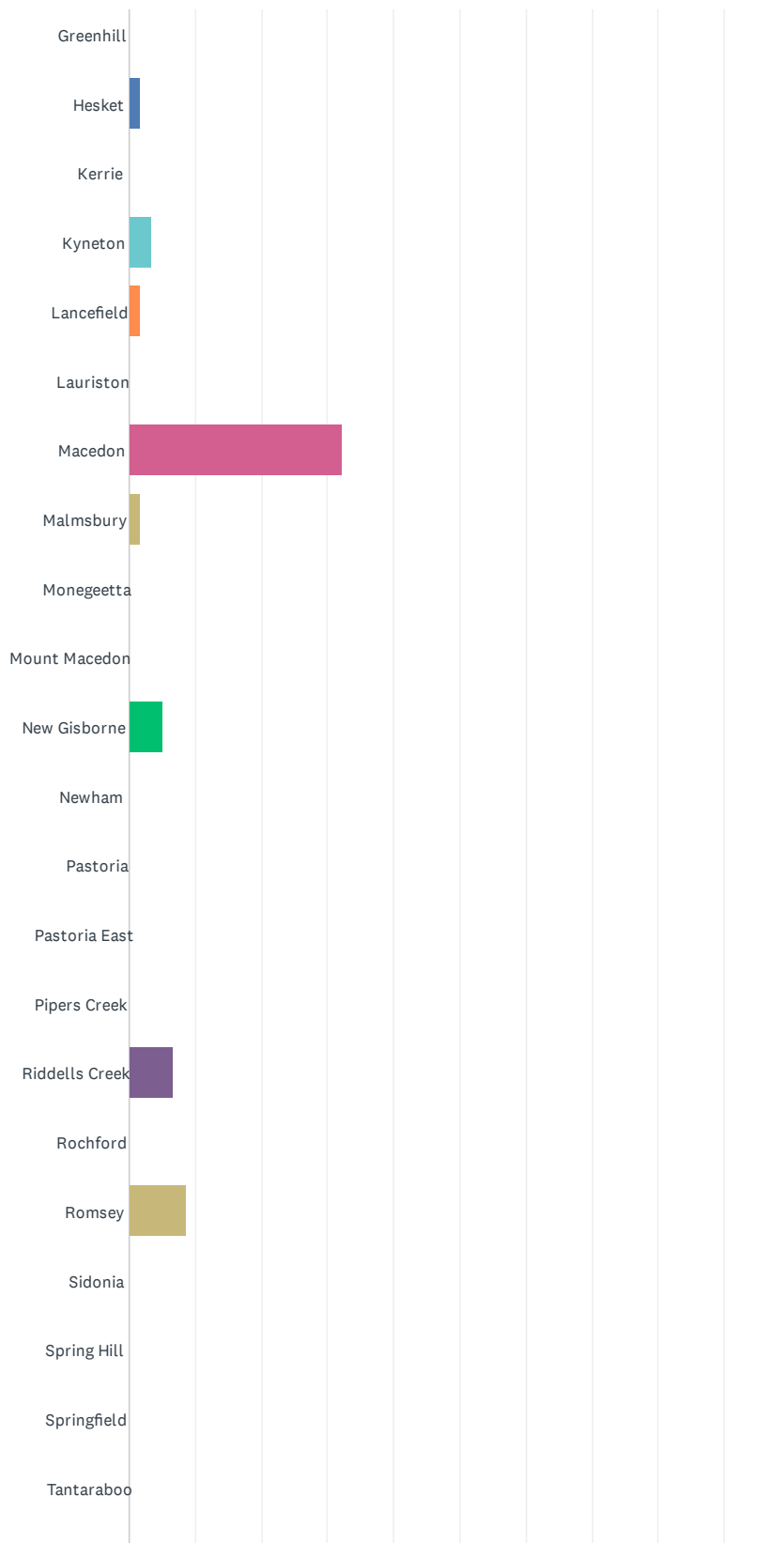
Stanley Park: future management model survey

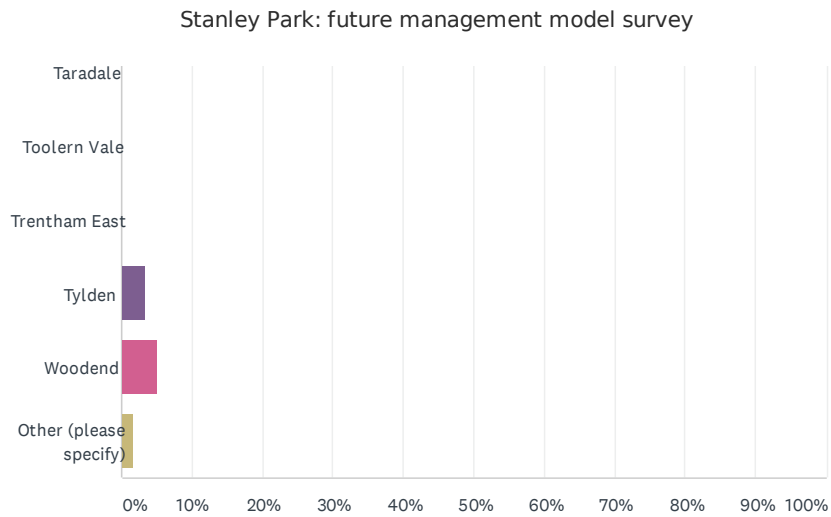
Q3 Where do you live?

Answered: 59 Skipped: 66



Stanley Park: future management model survey





## Stanley Park: future management model survey

ANSWER CHOICES	RESPONSES	
Ashbourne	1.69%	1
Baynton	0.00%	0
Baynton East	0.00%	0
Benloch	0.00%	0
Bolinda	0.00%	0
Bullengarook	0.00%	0
Bylands	0.00%	0
Cadello	0.00%	0
Carlsruhe	0.00%	0
Cherokee	0.00%	0
Chintin	0.00%	0
Clarkefield	0.00%	0
Cobaw	0.00%	0
Darraweit Guim	0.00%	0
Denver	0.00%	0
Edgecombe	0.00%	0
Fern Hill	0.00%	0
Gisborne	18.64%	11
Gisborne South	8.47%	5
Goldie	0.00%	0
Greenhill	0.00%	0
Hesket	1.69%	1
Kerrie	0.00%	0
Kyneton	3.39%	2
Lancefield	1.69%	1
Lauriston	0.00%	0
Macedon	32.20%	19
Malmsbury	1.69%	1
Monegetta	0.00%	0
Mount Macedon	0.00%	0
New Gisborne	5.08%	3
Newham	0.00%	0
Pastoria	0.00%	0
Pastoria East	0.00%	0
Pipers Creek	0.00%	0

Stanley Park: future management model survey

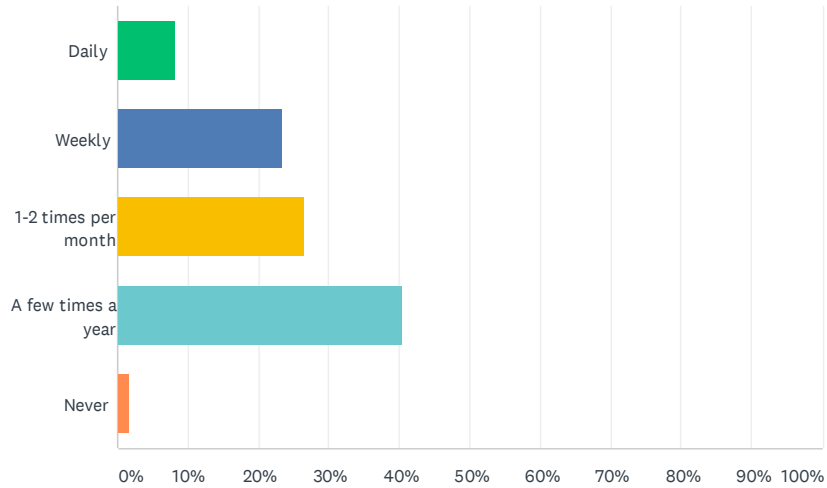
Riddells Creek	6.78%	4
Rochford	0.00%	0
Romsey	8.47%	5
Sidonia	0.00%	0
Spring Hill	0.00%	0
Springfield	0.00%	0
Tantaraboo	0.00%	0
Taradale	0.00%	0
Toolern Vale	0.00%	0
Trentham East	0.00%	0
Tylden	3.39%	2
Woodend	5.08%	3
Other (please specify)	1.69%	1
<b>TOTAL</b>		<b>59</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	Taylors Lakes	9/20/2021 1:20 PM

Stanley Park: future management model survey

Q4 Do you visit Stanley Park:

Answered: 124 Skipped: 1

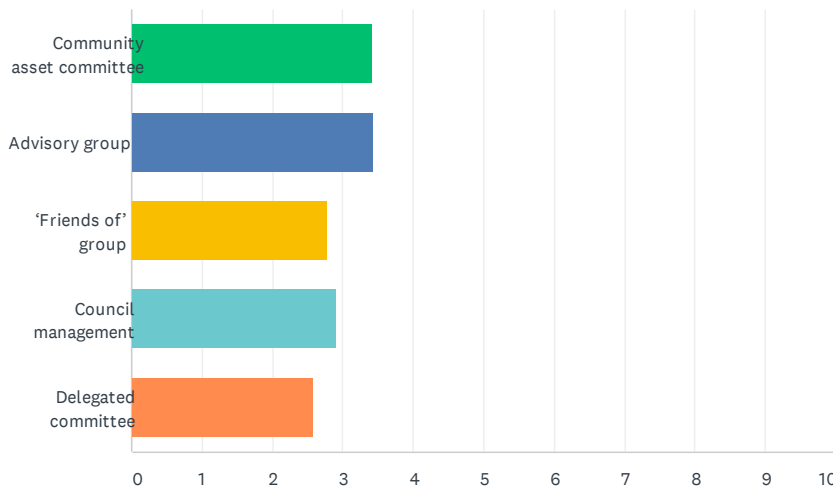


ANSWER CHOICES	RESPONSES
Daily	8.06% 10
Weekly	23.39% 29
1-2 times per month	26.61% 33
A few times a year	40.32% 50
Never	1.61% 2
<b>TOTAL</b>	<b>124</b>

Stanley Park: future management model survey

Q5 There are five proposed options for the ongoing management of Stanley Park. Please rank each of the following options with #1 being your most preferred and #5 is least preferred.

Answered: 114 Skipped: 11



	1	2	3	4	5	TOTAL	SCORE
Community asset committee	45.05% 50	7.21% 8	12.61% 14	14.41% 16	20.72% 23	111	3.41
Advisory group	14.68% 16	31.19% 34	40.37% 44	11.01% 12	2.75% 3	109	3.44
'Friends of' group	15.45% 17	21.82% 24	18.18% 20	14.55% 16	30.00% 33	110	2.78
Council management	26.79% 30	12.50% 14	8.93% 10	28.57% 32	23.21% 26	112	2.91
Delegated committee	0.92% 1	27.52% 30	20.18% 22	30.28% 33	21.10% 23	109	2.57



<b>PE.5</b>	<b>SMALL PROJECT GRANTS - CONSIDERATION OF APPLICATION</b>
<b>Officer:</b>	<b>Leanne Carlon, Coordinator Community Development</b>
<b>Council Plan relationship:</b>	<b>1. Connecting communities 2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

The Small Project Grants program supports projects and initiatives that:

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

Council's Small Project Grants budget for 2021/22 is \$30,000 and not-for-profit groups can apply for a maximum of \$1,500 per application.

Applications are assessed against set criteria outlined in the Small Project Grants guidelines. Funding recommendations are presented monthly at a Scheduled Council meeting for review and/or approval.

This report details the process of evaluation and lists recent applications received.

One application has been received, seeking a total of \$1,500 in funding. The application has been evaluated against the eligibility criteria and is deemed to be eligible.

### Recommendation

**That Council awards a grant of \$1,500 to Macedon Ranges Halls Inc. for a garden for Lauriston Hall.**

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### Background

The Small Projects Grants program (previously known as the Community Grants program) has been operating since 2018. Unlike other funding schemes, the program is open for applications year round, except during the caretaker period leading up to a Council election.

### Eligibility criteria

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

The Small Project Grants guidelines available on Council's website, outline the eligibility requirements of applicants and the assessment methodology. The document also provides guidance on the projects or activities that will/will not be funded through the program.

### Assessment process

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

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

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

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

Application summaries and funding recommendations are presented to Council at a Scheduled Meeting.

**Discussion**

One application has been received, seeking a total of \$1,500 in funding. The application has been evaluated against eligibility criteria and is deemed to be eligible.

<b>Applicant</b>	<b>Project description</b>	<b>Amount requested</b>	<b>Recommendation</b>
Macedon Ranges Halls Inc. Trading as Lauriston Hall	Planting of a hedge and grassed area at Lauriston Hall.	\$1,500	Yes

**Consultation and engagement**

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

**Collaboration**

Council has not undertaken collaboration with other councils, governments and/or statutory bodies in relation to this application.

**Innovation and continuous improvement**

Council is committed to innovation and continuous improvement in relation to the Small Project Grants. We regularly review the promotion of the program and seek out new ways to encourage more community groups to access this small grants program.

**Relevant law**

Not applicable.

**Relevant regional, state and national plans and policies**

Not applicable.

**Relevant Council plans and policies**

The Small Project Grants program supports Council's priorities of Connecting Communities and Healthy Environment, Healthy People.

**Financial viability**

Council's Small Project Grants budget for 2021/22 is \$30,000. Grants of up to \$1,500 are available for eligible projects. As at the preparation of this report, \$5,410 has been committed to the Small Project Grants in 2021/22. This leaves \$24,590 unspent in 2021/22 financial year, prior to the review of applications contained within this report.

**Sustainability implications**

Not applicable.

**Officer declaration of conflicts of interest**

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

<b>PE.6</b>	<b>PLN/2021/100 - DEVELOPMENT OF SIX (6) DWELLINGS 35 CALTHORPE STREET GISBORNE</b>
<b>Officer:</b>	<b>Alexia Paterson, Senior Statutory Planning Officer</b>
<b>Council Plan relationship:</b>	<b>1. Connecting communities</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Development Plans (under separate cover)</b> ⇨</li> <li>2. <b>Arboricultural Report</b> ↓</li> <li>3. <b>Swept Path Analysis (under separate cover)</b> ⇨</li> <li>4. <b>Planning Report (under separate cover)</b> ⇨</li> <li>5. <b>Statement of Planning Policy</b> ↓</li> </ol>
<b>Applicant:</b>	<b>Beveridge Williams</b>
<b>Date of receipt of application:</b>	<b>03 March 2021</b>
<b>Trigger for report to Council</b>	<b>Councillor Call in</b>

### Summary

- The subject site is situated centrally within the Gisborne Township, approximately 400 metres south-east of the main commercial centre, and is commonly known as 35 Calthorpe Street, Gisborne. It comprises an elongated, generally rectangular, allotment with a total lot yield 2047 square metres.
- The proposal involves the construction of six dwellings configured in a linear alignment through the length of the site, with the retainment of three prominent canopy trees, including Tree # 2 – English Oak in the site frontage; Tree # 10 – Mexican Oak on the north boundary and Tree # 20 – Black Peppermint in the north-east corner.
- The proposal achieves a high level of compliance with the General Residential Zone (Schedule 1) including maximum building height and garden area provisions, as well as the quantifiable standards of Clause 55 (ResCode).
- The proposal is consistent with Planning and Local Planning Policy Framework objectives seeking intensification of residential development and housing diversity in well-serviced locations within township boundaries. The site is within an established residential area in the preferred location for medium density housing development as nominated by Clause 21.13-1 – Gisborne and New Gisborne of the planning scheme. The proposal will offer alternate, consolidated housing options complementing the predominant single dwelling allotments, assisting to meet both sustainability objectives and anticipated housing demand having regard to forecast population growth of the township.
- The application was advertised and attracted seven objections. Concerns primarily related to overdevelopment, visual bulk, incongruence with neighbourhood character, general amenity (overshadowing, overlooking, noise) traffic/street car parking and loss of view/outlook.
- Overall, the proposal is considered to present a suitable design response having regard to the strategic and physical context of the site and provisions of the Macedon

Ranges Planning Scheme as detailed. It is therefore recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

### Recommendation

**That Council issue a Notice of Decision to Grant a Permit for Development of Six (6) Dwellings on the land at LOT 1 LP 33302 P/Gisborne (TP 198783R) 35 Calthorpe Street GISBORNE VIC 3437 subject to the following conditions:**

1. **Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:**
  - a) **Modifications to Dwelling 6 to reduce overshadowing to 6/14-16 Rodney Street such that the proposal does not result in any increase in shade to secluded open space of this dwelling between the hours of 9am – 3pm pursuant to Standard B21 – Overshadowing of Clause 55 of the Macedon Ranges Planning Scheme, with no reduced northern side setbacks;**
  - b) **Reduction to the size of the external deck areas and/or relocation of site services to enable the provision of a single, small canopy tree with a mature height of at least 6 metres and planting area of 7.5sqm in the secluded space of each dwelling. Where planting opportunity is limited due to the proximity of a retained tree (i.e. Tree # 10) provide large shrubs as an alternative. The tree for Dwelling 6 should be provided to the rear of the visitor car space;**
  - c) **Introduction of a lighter colour palette to the upper levels to reduce the visual impression of this level;**
  - d) **Include a notation, on all relevant plans, that deck areas will be ‘permeable’;**
  - e) **Include a notation, on all relevant plans, that Dwellings 1, 2, 3 and 6 will be constructed utilising root sensitive footings that eliminate trenching and all associated decking, paths etc. will be constructed above NGL on stumps.**
  - f) **A Landscape Plan in accordance with Condition 8.**
  - g) **A Tree Management Plan (TMP) in accordance with AS-4970 with particular regard to retained Trees #2, #6, #10 and #20.**

When approved, these plans will be endorsed and will form part of this permit.

2. **The development shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.**
4. **All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
5. **The development must be provided with external lighting capable of illuminating access to garage and rear areas for dwelling. Lighting must be located, directed**

and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.

6. Prior to the occupation of dwelling/s, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner only and carried out to the satisfaction of the Responsible Authority.
7. The endorsed Tree Management Plan (TMP) must be implemented prior to any demolition and during construction to protect retained trees.
8. Prior to commencement of works, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The revised landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) All retained vegetation including their tree protection zones (TPZ areas);
  - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - c) At least one planting of a small sized canopy tree (capable of achieving minimum of 6 metres in height) within the Secluded Private Open Space area of each dwelling (except where encumbered by retention of a tree) with a planting area of 7.5sqm;
  - d) Additional understorey planting in the site frontage;
  - e) Provision of screen planting along boundaries (where practical) of a suitable height to provide soften the development in terms of views from neighbouring properties;
  - f) Planting along the driveway of a variety of species;
  - g) The use of drought tolerant species; and
  - h) Appropriate irrigation systems.
9. Prior to commencement of works, the following must be undertaken:
  - a) The owner/s 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:
    - (i) No buildings and works, including all earthworks (including for the provision of service infrastructure unless provided by boring beneath root zones of retained trees or alternative means of construction to the satisfaction of the Responsible Authority), and material and equipment storage during building construction works, are permitted to be constructed or undertaken within the Tree Protection Zone shown on the endorsed plans forming part of Planning Permit PLN/2020/100, unless with the prior written consent of the Responsible Authority.
    - (ii) No tree within the Tree Protection Zone as shown on the endorsed plans forming part of Planning Permit PLN/2020/100 shall be removed, destroyed, or lopped, unless with the written consent of the Responsible Authority.

- (iii) The retained trees with the Tree Protection Zones are to be maintained in good condition as much as practical unless with the written consent of the Responsible Authority
  - b) Application must be made to the Register of Title to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.
  - c) The owner/s must pay all cost (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
10. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

#### Engineering conditions

11. Prior to commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
- a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - b) Occupying a road for works.
  - c) Connecting any land to a stormwater drain.
  - d) Opening, altering or repairing a road.
  - e) Opening, altering or repairing a drain.
  - f) Accessing a building site from a point other than a crossover.
  - g) Construct/repair/widen/remove any crossover.
12. 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.
13. Prior to the occupation of approved building/s, an existing crossover must be upgraded in sealed condition within the Calthorpe Street for the development to the satisfaction of the Responsible Authority.
14. Prior to the occupation of approved building/s, the driveway (accessway) must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
- a) The driveway, including any waterway crossing, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
  - b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
  - c) Curves must have a minimum inner radius of 10 metres.

- d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
  - e) Dips must have no more than a 1 in 8 entry and exit angle
15. Prior to commencement of works, a drainage design and system plan must be submitted to and approved by the Responsible Authority with the plan including:
- a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.
  - b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
  - c) All stormwater drains required to the legal point of discharge and which pass through lands other than those within the boundaries of the development are constructed at no cost to the Responsible Authority.
  - d) Details of stormwater detention system to ensure 10 year ARI post-development flows are restricted to pre-development level.

Or

Upgrade of the council stormwater pipe running parallel to the property to the satisfaction of the responsibility Authority.

- e) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied. Alternatively, payment of the stormwater quality offset contribution to the Responsible Authority.
16. Prior to commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
  - b) Dust control;
  - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
  - d) Where access to the site for construction vehicle traffic 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.

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

17. Prior to occupation of the approved building/s, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;



- c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
- d) Drained and maintained;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority

18. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).

#### Permit Expiry

19. This permit will expire if one of the following circumstances applies:
  - a) The development does not start within two (2) years of the date of issue of this permit.
  - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

#### Permit Notes:

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Future owners of the land must be made aware of the existence of this permit.

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#### Existing conditions and relevant history

##### Subject land

The subject site comprises a single allotment commonly known as 35 Calthorpe Street. It is generally rectangular in shape as detailed with a frontage width of 20.12 metres and a depth of 100.6 metres giving an overall lot yield of 2047sqm. The land is generally flat with a downward fall of 4 metres running east to west from the dwelling to the road culvert. It is occupied by a single, weatherboard dwelling and associated detached garage on the southern boundary accessed from an existing single vehicle crossing and concrete driveway off Calthorpe Street.

The site contains some well-established canopy trees including a large English Oak in the site frontage; a Mexican Oak mid-way on the north boundary and a Black Peppermint on the rear boundary. Both the English Oak and Mexican Oak have been assessed as high

amenity trees in the submitted arborist assessment and Black Peppermint is of a medium amenity value. There are numerous other small-medium trees across the site (14 in total) including various exotics and natives, however all have been assessed as low amenity value trees.

The site is located within the established boundaries of the Gisborne township, at a radius of approximately 400 metres from the existing and growing Gisborne commercial area.

The subject site is not affected by any registered restrictions on title such as covenants or S173 Agreements and there are no easements registered on title. An easement is proposed on the south boundary.



(figure 1 – subject site aerial)

Surrounds

The surrounding area is an established residential neighbourhood heavily serviced by the various commercial facilities within Gisborne Town Centre and proximate to several schools (including primary and secondary); public open space and health, community and recreational facilities. Housing in the area historically comprised single storey, detached dwellings setback considerably from road frontages within expansive garden areas containing numerous canopy trees both native and exotic in species. The wide and informal road reserves; open site frontages; vegetation cover and modest scale of the built form gave the area an informal, semi-rural character despite the close proximity to the main township.

Notwithstanding, the area has evolved significantly over the past 10 years with road and infrastructure upgrades and the introduction of numerous unit development both single and two storey in height with similar sized allotments on both Calthorpe and Rodney Street (east) now supporting up to six (6) dwellings. Both historic and more recent development generally exhibit traditional design features such as hip and gable roof profiles and brick or weatherboard materials together with tiles or metal at roof level.

The following table provides a summary of the nearby multi-unit development, many of which are demonstrated on the aerial image above.

Address	Development Description / Details
33 Calthorpe Street	Six (6) single storey dwellings constructed in 2016. Immediately north of subject site. Vehicle access abuts the common boundary.
27 Calthorpe Street	Twelve (12) double storey dwellings constructed in 2019. Double width allotment. Approved by VCAT (Calthorpe Oaks Pty Ltd v Macedon Ranges SC (Corrected) [2018] VCAT 522).
14 – 16 Rodney Street	Twelve (12) single and double storey dwellings constructed in 2009/2010. Two (2) allotments. Immediately east of the subject site. Unit 6/14-16 Rodney Street in the rear curtilage is approximately 2 metres from the common boundary with a small area of secluded space in the south setback of the dwelling also abutting the common boundary.
6 – 8 Rodney Street	Twelve (12) single and double storey dwellings constructed in 2003. Two (2) allotments.
10 Rodney Street	Six (6) single storey dwellings constructed in 2006

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

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

#### Previous planning permit history

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

Permit No.	Description
PLN/2013/272	Four (4) additional dwellings (3 townhouses and 1 single storey unit)
PLN/2014/111	Subdivision of land (5 lot subdivision)
PLN/2017/321	Construction of multi-dwellings in addition to existing dwelling

#### **Proposal**

The proposal is for the development of six (6) dwellings detailed as follows:

- Removal of the existing dwelling (no permit required).

- Construction of six (6), double storey dwellings in a central, linear formation with no walls on boundary.
- A partially detached ground level footprint with separation provided between Dwellings
- A maximum building height of 8.69 metres.
- Minimum front boundary setback of 10.5 metres; side boundary setbacks of 3 metres – 7.1 metres (north) and minimum 5 metres (south) with a rear setback of between 2.8 metres – 4.01 metres.
- Internal configurations comprising open plan living facilities; master bedroom the ground floor level (except Dwelling 5 which will have a small study and utilities at ground level together with 2 bedrooms; bathroom and rumpus area at first floor level)
- An attached double garage for each dwelling (or single garage in the case of Dwelling 5) accessed from a common driveway on the south side of the site and a visitor car space at the culmination of common drive.
- Vehicle access via a new single vehicle crossing positioned further south of the existing crossing (to be reinstated as kerb and channel) on the southern side of the site;
- A moderate contemporary style incorporating a mix of pitched roof profiles with strong gable elements the front of each dwelling with some flat roof elements; materials comprising facebrick, render and a mix of axon and timber cladding for external walls. Roof material has not been nominated. Colour tones are a mix of brown, greys and neutrals.
- Areas of secluded space primarily in the north setback of the dwellings measuring between 42 square metres and 75 square metres with total private open space areas of between 57 square metres and 116 square metres.
- Retention of three (3) large canopy trees including Tree # 2 – English Oak in the site frontage and Tree # 10 – Mexican Oak and Tree # 12 – Peppermint in areas of secluded space. Removal of all other site vegetation.
- No front fencing

**Relevant Macedon Ranges Planning Scheme controls**

Planning Policy Framework

Clause no.	Clause name
11	Settlement
15.01-1S	Urban Design
15.01-2S	Building Design
15.01-5S	Neighbourhood Character
16.01-1S	Housing Supply
16.01-2S	Housing Affordability

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement
21.04	Settlement

21.08	Built Environment and Heritage
21.09	Housing
21.13	Gisborne Township

Zoning

Clause no.	Clause name
32.08	General Residential Zone - Schedule 1

Overlay

Clause no.	Clause name
43.02	Design and Development Overlay – Schedule 17
45.06	Development Contribution Overlay – Schedule 2

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
52.06	Car Parking
53.18	Stormwater Management in Urban Design
55	Two or more Dwellings on a lot and Residential Buildings
71.02-3	Integrated Decision Making

General provisions

Clause no.	Clause name
65	Decision Guidelines

**Cultural Heritage Management Plan assessment**

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

Based on the above assessment, a cultural heritage management plan is required in accordance with Part 2 Division 1 of *Aboriginal Heritage Regulations 2018*.

Cultural Management Plan is supplied.

### The process to date

#### Referral

Authority (Section 55)	Response
Nil Required	No

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

#### Advertising

The application was advertised by displaying a sign on site and by letter as registered post to surrounding land owners and occupiers. Seven (7) objections has been received expressing a range of concerns largely surrounding overdevelopment, neighbourhood character and amenity. For more detail on objections, see 'Response to Objections' heading of this report.

### Officer assessment

#### PLANNING POLICY FRAMEWORK

Clause 11.03-3S – Peri-Urban Areas of the PPF specifically seeks to manage “growth in peri-urban areas to protect and enhance their identified valued attributes”. This includes the provision of development in established settlements that have capacity for growth having regard to complex ecosystems and landscapes of attractiveness. The policy identifies Gisborne as a peri-urban town that has potential for growth and encourages such development to occur within designated areas to avoid urban sprawl, and ensure the character, identity and attractiveness of the town is maintained. This designation is supported by Council’s Strategic Framework Plan at Clause 21.03 of the planning scheme which forecasts Gisborne to become a regional centre by 2036 thus strategically placing the town to absorb residential growth in a planned manner.

Clause 15.01-1S – Urban Design broadly emphasises the importance of creating quality environments that contribute positively to the local urban character and sense of place, and reflect particular characteristics, aspirations and cultural identity of the community. The objective of Clause 15.01-5S - Neighbourhood Character is “to recognise and protect cultural identity, neighbourhood character and sense of place.” This policy seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development

Clause 15.01-3S aims “to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.” This policy requires (future) development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscaping and climate; and requires development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.

Clause 16.01-1S – Housing Supply promotes a housing market that meets community needs. The objective of Clause 16.01-2S – Housing Affordability is to locate new housing in designated locations that offer good access to jobs, services and transport and provide a range of housing types that meet the diverse and changing needs of the community.

The proposed multi-unit development is considered to meet the above objectives as it will increase housing stock and improve housing diversity within the defined township boundary in an established residential area and in one of the more flexible residential zones clearly supportive of increased residential development (GRZ1). The site is within close proximity of the Gisborne township (approximately 400 metres) and bus services on Aitken Street (200 metres) which connect to the Gisborne train station. The site has excellent access to all services including shopping facilities, education and community facilities and public open space all within walking distance. It is also close to road connections to the Calder Freeway.

For the reasons detailed, the proposal achieves broad strategic support for multi-unit development. It will provide both additional housing supply and further diversity in housing stock on a site close to commercial amenities and public reserves thus delivering positive sustainable consolidated development outcomes. Notably, the principle of a medium density development at the site has been considered under previous proposals, including the former VCAT decision, and found to be sound.

Furthermore, the design and layout of the development generally meets the objectives in responding to the site context and protecting neighbourhood character and sense of place. Design and neighbourhood character is more specifically captured under the DDO requirements and amenity considerations under ResCode both of which are discussed in more detail in the report below.

#### **LOCAL PLANNING POLICY FRAMEWORK (LPPF)**

The LPPF reiterates and reinforces many of the housing and built form related objectives identified in the PPF as detailed above generally strengthening arguments for a medium density development at the site.

The Municipal Strategic Statement (MSS Clause 21.04) aims to achieve various outcomes including:

- *Providing for a population increase across the Shire of 16,000 residents by 2036, with the majority of this growth within the larger settlements.*
- *Providing for development and growth within existing settlement boundaries and where adequate services are available.*
- *Ensuring that development is sustainable and respects character of towns and settlements.*
- *Growing Gisborne from a large district town (10,000+) to a regional centre of (10,000+) by 2036.*

Clause 21.05-2 – Significant Environments and Landscapes identifies the various valued landscapes within the Shire and contains numerous objectives which seek their protection, one of which is “to preserve significant exotic and native vegetation as a fundamental component of the Shire’s character and landscape”. The strategy to support this objective is to “encourage the retention and enhancement of all remnant vegetation and exotic vegetation which contributes to the landscape quality or character of the area”.

Clause 21.08-3 - Built Environment seeks ‘to protect and enhance the existing character and form of the Shire’s towns’. This is done by ensuring that subdivision/development patterns and preferred neighbourhood character are respected, and that higher density development is directed as per town centre structure plans.

Clause 21.09-1 – Housing in Towns has various objectives including the provision of diverse and affordable housing that can accommodate all age groups; provision of housing development that is considerate of the environment and local servicing capacities; and environmental sustainability.

Clause 21.13-1 is a specific policy relating to Gisborne and New Gisborne identifying that the population of the town is expected to increase to approximately 12,000 becoming a major urban centre at the southern end of the Shire by 2036. It contains various objectives and strategies, the most relevant are as follows:

#### *Settlement and Housing*

##### *Objectives*

- *To reinforce the key urban functions and role of Gisborne and New Gisborne as the major urban centre in the southern end of the Shire.*
- *To manage urban growth and development in Gisborne in a co-ordinated and environmentally sustainable manner that ensures Gisborne remains a semi-rural township that respects the established village character, natural setting, topography and view lines of the area.*
- *To maintain and improve key urban and landscape elements, and cultural heritage assets that contribute to the established semi-rural township and village character of Gisborne and New Gisborne.*

##### *Strategies*

- *Contain urban development within the defined township boundary as indicated on the Gisborne / New Gisborne Framework Plan included in this sub-clause.*
- *Encourage medium density housing within a 400 metres walking distance of the Gisborne town centre as designated on Gisborne / New Gisborne Framework Plan. Appropriate locations are those areas where slope and access to services are favourable for medium density development and where such development is compatible with established landscape and township character, and places of heritage significance.*

#### *Heritage, Landscape and Township Character*

##### *Objectives*

- *To maintain and improve key urban and landscape elements, and cultural heritage assets that contribute to the established semi-rural township and village character of Gisborne and New Gisborne.*
- *To ensure that changes in built form within established township areas are sympathetic with any heritage significance or the valued character of the area.*

##### *Strategies*

- *Ensure that new development responds to key features of existing streetscapes including building materials, colours, height, setbacks, bulk, articulation, significant vegetation, site coverage and density, particularly within established township areas and areas of landscape sensitivity.*
- *Ensure new urban development is of a low profile and compatible with the landscape qualities of the area.*

The associated Gisborne Structure Plan identifies the site and all neighbouring lots within the same block including Rodney Street to the east as a preferred area for medium density development.

In response to these policies, the development of six (6) dwellings will enhance the range of housing options within the township and the proposed net dwelling increase is aligned with the projected population growth of the township. Notably, there are few areas in the broader



municipality attributed with such clear policy support for medium density development and where the physical characteristics of the site and surrounds present few impediments. It is imperative that these sites absorb a significant portion of new housing to accommodate the projected population growth and reduce pressure on more remote areas with less access to services and where built form impacts to rural character are likely to be more pronounced. It is observed that many of the nearby allotments now support medium density housing development of a comparable scale to the proposal (6 dwellings on a similar sized lots) as detailed in the ‘Subject Site and Surrounds’ section of the report above and the proposal is consistent with this emerging built form character.

The proposal also seeks to retain three (3) significant trees which remains a positive design response having regard to the directions of Clause 21.05-2 and the proposal presents an opportunity to secure the retention and protection of these trees which are otherwise afforded no statutory protection.

Overall, the proposed increase to built form density within close proximity to the town centre on land specifically designated for medium density housing and in an area comprising similar development presents an acceptable strategic planning outcome and meets sustainable development principles.

**GENERAL RESIDENTIAL ZONE**

The General Residential Zone seeks to encourage housing diversity and housing growth in appropriate locations and encourage development that respects neighbourhood character.

The net addition of five (5) dwellings assists to meet future housing growth objectives as well housing diversity in response to the changing demographics of the local population. To this end, the inclusion of all living facilities at ground level including a bedroom and bathroom provides a flexible design response where the dwelling is capable of accommodating those with limited mobility. Neighbourhood character is responded to in detail in relation to the DDO objectives.

Pursuant to mandatory Zone requirements provisions the proposal achieves the minimum requirements as follows;

Maximum building height	Required: 11.0 metres and 3 storeys maximum above Natural Ground Level  Proposed: 8.6 metres	Complies
Garden Area	Required: 35%  Proposed: 36%, 737.7 sqm	Complies

The requisite assessment against the provisions of Clause 55 is included in the report below.

**DESIGN AND DEVELOPMENT OVERLAY- SCHEDULE 17 (GISBORNE TOWN CENTRE RESIDENTIAL AREA)**

The DDO17 relates specifically to the Gisborne Town Centre Residential Area and provides a suite of specific design and built form guidelines to assist in achieving a certain design outcome for this area. A response to the relevant design objectives (that have not otherwise been discussed above) is provided below.

To implement design and development controls for the land in accordance with the Gisborne / New Gisborne Outline Development Plan, Revised Final Report, September 2009.

To protect and enhance the established semi-rural and village character of the residential area surrounding the Gisborne town centre.

This objective essentially seeks to create points of difference between a multi-dwelling development in Gisborne and what would typically be acceptable in an inner urban area of Melbourne. To this end, the proposal incorporates the following features:

- A greater front setback (10.5 metres) than what is required by ResCode (9 metres);
- No walls on boundaries and side and rear setbacks that comfortably meet ResCode requirements;
- Areas of secluded space (42sqm +) exceeding minimum requirements (25sqm);
- Some spacing between dwellings at ground level and good separation (2.02m – 9.1m,) between all upper levels which have smaller, subordinate footplates in comparison to their associated ground levels; and
- A maximum building height (8.69 metres) well below the maximum permissible height in the GRZ1 (11 metres) and comparable to other two storey dwellings in the area;
- Retention of significant vegetation including a large English Oak in the site frontage that contributes significantly to street character and the broader rural feel of the area that is not otherwise afforded any statutory protection.
- Ultimately, the proposal achieves a reasonable balance between meeting urban consolidation objectives and maintaining a sense of the semi-rural and village character.

**To ensure that new development has proper regard for established streetscape and development patterns in terms of building design, height, form, scale, siting and fencing styles.**

- The established streetscape includes a mix of detached, single dwelling housing and similar multi-unit development. Both typologies generally maintain a sense of spaciousness with front dwellings generously setback from the street with good opportunity for vegetation and maintenance of view lines.
- The maximum building height of 8.69 metres may be higher than neighbouring single storey buildings, however it is noted uncommon for infill developments to adopt building heights of 7.5-9.0 metres. A double storey building height is suitable and widely acceptable for any General Residential Zone areas.
- The proposal double storey scale is offset by a generous street setback (10.5 metres + broad road reserve width) maintaining the spacious streetscape setting along Calthorpe Road.
- The development offers reasonable side and rear setbacks to the north and east neighbouring properties (generally 3m +) however it is recognised that the deck areas and location of services inhibit planting, particularly along the north side boundary, to provide screening and softening of the development. Provision of additional landscaping is discussed below.
- Whilst Dwellings 1 and 2 and Dwellings 4 and 5 retain an attached typology at ground level which is in-keeping with urban residential/rural characteristic of the Gisborne residential area, there are breaks of 1 metre – 3.7 metres between all other dwellings alleviating the horizontal massing of the development, albeit not wide enough to provide vegetation in these breaks.

- The siting and massing of the development is cognisant with the emerging pattern of development that has occurred in the immediate and wider area as detailed.
- The development presents a reasonable response to the topography of the land noting whilst the development will be raised in relation to street level, the land does not continue to rise and Dwellings 2 – 6 will largely be silhouetted behind Dwelling 1 in terms of the street perspective. Floor levels are not raised significantly in relation to NGL.
- Garages are positioned behind Dwelling 1 and concealed from view from the street and the proposal relies on a single common access repositioned to the south boundary where it will have the least impact and maximise planting opportunity in the site frontage.
- The absence of a front fences is in-keeping with majority of other properties along the street maintaining the spacious and informal street character.

**To provide for a diversity of housing types, including catering for the needs of elderly persons and sole person households, within proximity of town services and public transport.**

- As detailed, the proposal includes all living facilities including a bedroom and bathroom at ground level and stepless entries and could be further retro-fitted to accommodate people with limited mobility or the elderly.

**To ensure existing significant vegetation is protected and to encourage the provision of a high quality landscaped setting for all new developments.**

- As detailed, three (3) significant canopy trees are proposed to be retained including Tree # 1- English Oak in the site frontage; Tree # 10 – Mexican Oak on the north boundary in the secluded space of Dwelling 3 and Tree # 20 in the north-east setback in the secluded space of Dwelling 6. The development has generally been sited to minimise encroachment into the TPZ of these trees and the submitted arborist assessment prepared by John Patrick Landscape Architects dated 1 July 2021 advises the trees will likely remain viable subject to the following:
- To retain Trees #2, #10 and #20 in their present condition Dwellings 1, 2, 3 and 6 must be constructed utilising root sensitive footings that eliminate trenching and all associated decking, paths etc. must be constructed above NGL on stumps.
- If trenching is required within the TPZ of the retained trees, an NDRI must be undertaken to determine whether the tree can remain viable.
- Based on the findings of the arborist report, it is considered the trees can be maintained and protected through permit conditions. Given the absence of other tree controls and the fact that tree retention is considered fundamental to securing officer support of the proposal, it is considered the applicant should be required to enter a section 173 Agreement protecting the vegetation to give further security the trees will retained and protected following likely subdivision and on-selling.
- Whilst the retention of the three (3) trees is a positive design response, there is limited space for any additional planting. It is noted that Clause 55.03-8 – Landscaping (ResCode) requires development to provide for the replacement of any significant tree that has been removed in the 12 months and there is an argument that the development should accommodate adequate space for a replacement tree in lieu of the Pin Oak (formerly Tree # 5) recently removed. The provision of landscaping in general, is also fundamental to the rural character of the area and provision of suitable landscaping around dwellings would not only improve amenity within the development

and assist to screen the proposal from neighbouring property, but also assist maintain the valued rural character.

- For the reasons detailed above, it is considered permit conditions should seek (at minimum) a single small canopy tree in each of secluded space, particularly Dwellings 4 and 5. Each tree should have a mature height of 6 metres with a planting area of 7.5qm free of obstruction. This may require modification / minimisation of the deck areas and relocation of some services, noting that the provision of storage within an overhang within garages is an acceptable solution in this regard. An additional small – medium tree should also be provided within the secluded space of Dwelling 6 (east of the visitor car space) which will provide greenery at the culmination of the drive. A plan notation should be included to the effect that deck areas will be permeable.
- A detailed landscape plan should be sought by condition that shows both retained vegetation; required additional trees and a depth of shrub and low-scale planting both within the site frontage, along the driveway and around the dwellings.

**To encourage innovative, high quality architecture and urban design that incorporates environmental sustainable development principles.**

- The moderate contemporary built form is consistent with the emerging character of the area, and offers a well-resolved architectural theme which will contribute positively to the built form character of the area. The design references some of the key traditional built form characteristics including the front gable element and partially pitched roof form and facebrick materials for lower levels. The introduction of a flat roof element reduces visual bulk such that Dwellings 2 – 6 will not be prominent behind Dwelling 1.
- A reasonable level of articulation is achieved to all elevations through the incorporation of recession to upper level components; stepped wall alignments; a mix of materials and window punctuation including metal shroud frames to some windows giving a contemporary flavour. Turning to the colour palette, whilst the various shades meet policy expectation of being muted and suitable within the rural setting, it is considered that lighter / softer tones should be incorporated to the upper levels to avoid a ‘top heavy’ appearance which can be managed by condition.
- Having regard to environmental sustainable design, all dwellings are provided with a rainwater tank in areas of secluded space that will be connected to toilet flushing and irrigation; all dwellings are provided with north facing living room windows reducing electricity consumption and the proposal incorporates tree retention and landscaping.

**DEVELOPMENT CONTRIBUTION PLAN – SCHEDULE 2**

The subject site is covered by Development Contribution Overlay Schedule 2 (DCPO2) Gisborne and New Gisborne. The DCPO2 compartmentalises the area into 15 catchments, with an associated contribution fee schedule. The subject site is located in the Area 8 catchment. The Schedule references contribution based on ‘residential lot’. Given the application is for development only and does not create any additional allotments, it is considered appropriate to defer the contribution requirement and apply it through the subdivision approval process. There has been no indication the dwellings will not be subdivided into six (6) lots post development and it is considered appropriate to set aside the contribution requirement until this time.

**CLAUSE 51.07 - MACEDON RANGES STATEMENT OF PLANNING POLICY**

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, especially objectives which referring sustainable development within designated areas of existing urban township.

**CLAUSE 52.06 - CAR PARKING REQUIREMENT**

The proposal provides car parking as set out in the table below:

	Requires	Provides
5 x 3 bedroom dwellings	10	10
1 X 2 bedroom dwelling	1	1
Visitor car space	1	1
Total	12	12

MRSC Engineering has reviewed the parking provision and access arrangement and advised that it is satisfactory. It is derived from this advice that the design of car spaces and accessways complies with the requirements of Clause 52.06-9 of Macedon Ranges Planning Scheme. Recommended permit conditions regarding the vehicle crossing and vehicle access as per the referral advice are to be included on any permit issued.

**CLAUSE 53.18 - STORMWATER MANAGEMENT IN URBAN DESIGN**

This clause applies to an application under a provision of a zone to subdivide land, construct a building or carry out works except in certain circumstances. The construction of 2 or more dwellings in the GRZ does not meet the list of exemptions.

The stormwater management objectives for buildings and works include the following:

- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Limited detail of stormwater management has been submitted with the application (i.e. STORM Report). Council’s Engineering advice indicates the development will significantly increase the impervious areas on the site and that detailed drainage plans should be sought by condition. This should include a STORM report that demonstrates compliance with minimum requirements (100% required) and suitable stormwater mitigation measures such as rainwater tanks to each dwelling (including details of their connections and end use).

**CLAUSE 55 – TWO OR MORE DWELLINGS ON A LOT**

The proposal is considered to generally comply with the provision of Clause 55 as set out in the assessment table in Appendix A. The following points of non-compliance are assessed below:

Standard	Officer Response
Clause 55-03-8 Landscaping objectives (Standard B13)	This clause seeks to retain mature vegetation and provide appropriate landscaping. Permit conditions including a s. 1783 Agreement are required to ensure the retention of significant vegetation proposed to be retained. Modifications to areas of secluded space to enable the provision of a small canopy tree in each space is also required as detailed. A detailed landscape plan is to be sought by condition.

<p>Clause 55.04-5 Overshadowing objective (Standard B21)</p>	<p>The shadow cast by the development is generally contained within the site and existing fence shade as demonstrated on the submitted Shadow Diagrams. There will be a marginal shade impacts beyond the fence shade to the four (4) adjoining properties to the south fronting Howey Street at 9am however all properties contain generous areas of secluded space and the Standard is comfortably met.</p> <p>Of concern is the increase in shade to 6/14-16 Rodney Street at 3pm. This dwelling has a small area of secluded space primarily in the south setback which, given its size and location, is likely to receive less sunlight than the minimum requirement of the Standard (40sqm or 75% of space for 5 hours between 9am and 3pm). The applicable measure is therefore “sunlight should not be further reduced”. Whilst the 3pm shadow encroaches only marginally beyond the fence shade, it is considered modifications should be undertaken to Dwelling 6 to reduce shade impacts in line with the Standard, noting that increased shade to this property has been raised in the letter of objection. To achieve compliance will be managed by a permit condition.</p>
<p>Clause 55.06-1 Detailed Design objective Standard B31</p>	<p>A revised colour palette should be sought by condition that introduces lighter/softer tones to the upper level to reduce the impression of this level, particularly from the street, and a ‘top heavy’ appearance.</p>

**INTEGRATED DECISION MAKING**

Further, the proposal complies with the provisions of Clause 71.02-3 (Integrated Decision Making). As discussed throughout this report, the proposal assesses aspects of economic, environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

**RESPONSE TO OBJECTION**

Objection	Officer Response
<p>Overdevelopment</p>	<p>The proposal is consistent with the emerging scale and built form character of the area and achieves high compliance with standards and objectives of Clause 55 Macedon Ranges Planning Scheme, particularly in relation to site coverage; site permeability; building height and building setbacks; provision of open space and landscaping. For these reasons, it is considered that the proposal does not constitute an overdevelopment of land.</p>
<p>Double storey form out of character</p>	<p>Double storey built form topography is well represented with Calthorpe Street and surrounds streetscapes</p>
<p>General out of character and visual bulk concerns</p>	<p>Neighbourhood character and visual amenity has been discussed in detail in relation to the Design and Development Overlay objectives in the report above. The proposal is considered to achieve a balanced outcome when considered</p>

	competing objectives related to increased housing provision and retention of rural character.
Overshadowing	<p>Overshadowing has been discussed in the report above. Modifications will be sought by permit condition to reduce shade impacts to 6/14-16 Rodney Street in accordance with the requirements of the applicable ResCode standard such that there is no increase in shade to the secluded space when measured at the September equinox.</p> <p>The proposal achieves compliance with the overshadowing provisions in relation to all other neighbouring properties.</p>
Overlooking/privacy	All upper level windows have been treated in accordance with the overlooking requirement of ResCode (Standard B22 – Overlooking) including the application of obscure glazing to upper level windows to a height of 1.7 metres above floor level. Standard boundary fencing is sufficient to prevent views at ground level. Council has no recourse to require any further measures as the requirements of the relevant provision have been met.
Inadequate area to retain tree in north-East corner of site (tree #20)	The submitted arborist assessment advises that Tree #20 – Black Peppermint will likely remain viable subject to permit conditions as detailed earlier in the report. The ongoing protection of this tree will also be secured through a legal agreement.
Traffic/ street parking (currently very bad)	<p>The application was reviewed Council engineers who raised no concerns.</p> <p>The development meets car parking provisions as outlined in the schemes.</p> <p>Objectors are encouraged to engage Councils engineering department on current matters.</p>
Noise impacts	The application is for the residential buildings and use with a residential area. Noise omitted would be of residential nature.
Removal of trees, removes bird life	<p>There is no planning permission to remove existing trees on site.</p> <p>The application seeks to retain 3 Canopy trees, as would S173 agreement imposed. The recommended landscaping conditions are to include additional canopy trees to be planted to contribute in net increase more trees to overall landscape.</p>
Devaluation of property	This is not a planning consideration

**Officer declaration of conflicts of interest**

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

**Conclusion**

The application has been assessed as compliant with the relevant provisions of the PPF, LPPF, General Residential Zone (GRZ1) and the Design and Development Overlay (DDO17), as well as the relevant Particular and General Provisions of the Macedon Ranges

Planning Scheme. The permit history of the site is acknowledged and to this end, the proposal is generally consistent with the findings of the previous Tribunal decision except in relation to retention of the Pin Oak (which was removed lawfully). It does represent a slightly more intense built form given that the former application ultimately only allowed four (4) dwellings on the site (including the existing dwelling), however the decision to remove the existing dwelling achieves an improved planning outcome in terms of making efficient use of the land in an appropriate location and also achieves a more cohesive built form.

The proposal is reasonably consistent with policies seeking to retain a rural character having regard to the generous spacing at the front of the site; retention of key vegetation; moderate overall height and detailed design and, indeed, is entirely consistent with the emerging built form context of the area. The proposal ultimately achieves a reasonable balance between increasing housing provision and diversity close to the Gisborne township whilst maintaining a reasonable semblance of the desired rural character. For the reasons given, it is considered that the proposal should be supported, subject to conditions.

The application has been assessed against the relevant provisions of the PPF, LPPF, as well as the zone and overlay requirements and the relevant particular and general provisions of the Macedon Ranges Planning Scheme. For the reasons given above, it is considered that the proposal should be supported, subject to conditions.



**APPENDIX A - Clause 55 of the Macedon Ranges Planning Scheme**

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the General Residential Zone).

Where there is non-compliance, see main report.

<b>Title and Objective</b>	<b>Complies with Standard</b>	<b>Complies with Objective</b>
B1 - Neighbourhood Character	✓	✓
B 2 - Residential Policy	✓	✓
B 3 - Dwelling Diversity	N/A	N/A
B 4 - Infrastructure Objectives	✓	✓
B 5- Integration with the Street Objective	✓	✓
B6 - Street Setback Objective	✓	✓
B7 - Building Height Objective	✓	✓
B8- Site Coverage Objective.	✓	✓
B9- Permeability Objectives	✓	✓
B10 - Energy Efficiency Objectives	✓	✓
B 11 - Open Space Objective	N/A	N/A
B 12- Safety Objective	✓	✓
B 13 - Landscaping Objectives	✓ subject to condition	✓ subject to condition
B 14 - Access Objectives	✓	✓
B 15 - Parking Location Objectives	✓	✓
B16 – Parking Provision	Deleted from Clause 55 on 5 June 2012 (VC90).	
B 17 - Side and Rear Setbacks Objective	✓	✓
B 18 - Walls on Boundaries Objective	✓	✓
B 19 - Daylight to Existing Windows Objective.	✓	✓
B 20 - North-facing Windows Objective	✓	✓
B 21 - Overshadowing Open Space Objective	✓ subject to condition	✓ subject to condition
B 22 - Overlooking Objective	✓	✓
B 23 - Internal Views Objective	✓	✓
B 24 - Noise Impacts Objectives	✓	✓
B 25 - Accessibility Objective	✓	✓
B 26 - Dwelling Entry Objective	✓	✓
B 27 - Daylight to New Windows Objective	✓	✓
B 28 - Private Open Space Objective	✓	✓
B 29 - Solar Access to Open Space Objective	✓	✓
B 30 - Storage Objective	✓	✓

B 31 - Design detail objective	✓ subject to condition	✓ subject to condition
B 32 - Front Fences Objective	✓	✓
B 33 - Common Property Objectives	✓	✓
B 34 - Site Services Objectives	✓ subject to condition	✓ subject to condition

**Advertised**

# ARBORICULTURAL REPORT

35 CALTHORPE STREET, GISBORNE.

23 FEBRUARY 2021.

**AMENDED:** 01 JULY 2021.

**PREPARED BY:**

**MICHAEL ROGERS**  
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Assoc. Dip. App. Sc. (Arb)



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35 CALTHORPE ST, GISBORNE.

ARBORICULTURAL REPORT

01/07/2021

**Advertised**

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## 1 INTRODUCTION

**Advertised**

- 1.1 John Patrick, consulting arborists have been engaged by Bivcorp to prepare this Arboricultural Report.
- 1.2 They are proposing to redevelop the subject site known as 35 Calthorpe St, Gisborne and construct 6 townhouses with a shared driveway along the southern boundary, (Point Architects, Job No. 1060, 18/02/2021).
- 1.3 This Arboricultural report was amended on the 01/07/2021 in response to the latest amended plans, (Point Architects, Job No. 1060, Rev – c, 28/05/2021).
- 1.4 The Arboricultural Report is to accompany the planning application.

## 2 OBJECTIVES

- 2.1 The intent of this report is to.
  - I. Assess the condition of trees within the subject site and those neighbouring that may be impacted by the proposed development of the site.
  - II. Identify any trees worthy of retention and provide arboricultural advice to assist in their protection and healthy retention.
- 2.2 The report will include the following.
  - Tree Numbering
  - Botanic / Common names
  - Origin
  - Tree Size (Height & Width)
  - DBH (Trunk Diameter)
  - Tree Health & Structural Condition
  - ULE (Useful Life Expectancy)
  - TPZ (Tree Protection Zones)
  - Arboricultural Value
  - Other tree characteristics of consideration.

## 3 METHODOLOGY

- 3.1 On Monday 9 November 2020 I visited the site and undertook a visual assessment of the trees within the subject site and those immediately neighbouring that maybe impacted by the proposed development.
  - The DBH of trees, was estimated in accordance with AS-4970.
  - Where direct access was not available to trees DBHs were estimated.
  - Heights of trees were measured using a laser range finder.
  - Widths were calculating by stepping out.
  - Tree Protection Zones (TPZ's) were calculated in accordance with AS-4970.
  - TPZ encroachments were calculated utilising Computer Added Design (CAD) software.

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- 3.2 The tree assessment was undertaken from the ground by a suitably qualified and experienced arborist, with minimum AQF 5 qualification or equivalent. **Advertised**
- 3.3 No aerial or diagnostic testing was undertaken of the trees or the soil in which they were growing.
- 3.4 Each tree was assigned an identification number for reference purposes, denoted in the Tree Data and on the Impact Assessment Plan, which is based on the Feature Survey, (Nacha Moore, Ref No. 13098, September 2017). Where trees were not located on the survey these were estimated using the latest Nearmap aerial November 2020.

#### 4 OBSERVATION

- 4.1 The site is approximately 2,050m<sup>2</sup> located on the eastern side of Calthorpe St facing west. It slopes up from the road to the rear of the dwelling, which is a mid-20 century single storey weatherboard. The rear of the site is level with a detached tin garaged on the southeast corner of the dwelling.
- 4.2 A large deciduous oak tree dominates the front of the property. The formal rear yard that has garden beds is separated from the rear yard by deciduous trees. Beyond this scattered trees exist in open grass areas. A large tree is growing on both north and south boundaries in the neighbours.



*Image 1: Site Aerial (Nearmap February 2021).*

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Tree Data

Tree No.	Botanic Name	Common Name	Origin	Size (m)	DBH (cm)	TPZ (m)	Age	Health	Structure	ULE (Yrs.)	Arb. Value	Comments
1	<i>Eucalyptus nicholii</i>	Black Peppermint	Aust. Native	15 x 9	73	8.8	Over mature	Poor	Poor	0-5	Low	In advanced decline. Suspected from redevelopment of the site.
2	<i>Quercus robur</i>	English Oak	Exotic	15 x 22	98	11.8	Mature	Good	Good	20+	High	Dominates front of site and street.
3	<i>Quercus robur</i>	English Oak	Exotic	2 x 3	8	1.0	Semi mature	Good	Poor	0	Low	Suckers from Tree 2.
4	<i>Prunus cerasifera</i>	Cherry Plum	Exotic	6 x 4	Multi 5	2.4	Mature	Good	Poor	0	Low	Self-germinated weed.
5	<i>Robinia pseudoacacia 'Frisia'</i>	Golden Robinia	Exotic	4 x 4	8/8	2.0	Semi mature	Good	Poor	5-10	Low	
6	<i>Cupressus torulosa</i>	Himalayan Cypress	Exotic	14 x 9	55	6.6	Mature	Good	Good	20+	High	On Boundary in neighbours at 24 Howey St.
7	<i>Callistemon citrinus</i>	Bottlebrush	Vic. Native	6 x 5	10/6/6/6	2.0	Mature	Poor	Poor	0-5	Low	
8	<i>Quercus palustris</i>	Pin Oak	Exotic	13 x 14	49	5.9	Mature	Good	Fair	20+	High	REMOVED DEC 2020.
9	<i>Fraxinus excelsior 'Aurea'</i>	Golden Ash	Exotic	12 x 9	34	4.1	Mature	Fair	Fair	20+	Low	Supressed by Tree 8 and 10
10	<i>Quercus castanea</i>	Mexican Oak	Exotic	12 x 17	60	7.2	Mature	Good	Good	20+	High	Growing on boundary abutting new driveway of townhouses at 33 Calthorpe.
11	<i>Quercus robur</i>	English Oak	Exotic	6 x 6	10	1.2	Semi mature	Good	Fair	20+	Low	
12	<i>Pittosporum tenuifolium</i>	Small Leaf Pittosporum	Exotic	4 x 8	15	1.8	Mature	Fair	Fair	5-10	Low	Informal hedge
13	<i>Fraxinus sp.</i>	European Ash	Exotic	7 x 5	20	2.4	Semi mature	Good	Fair	10-20	Low	Growing on boundary in 22 Howey St
14	<i>Fraxinus sp.</i>	European Ash	Exotic	6 x 5	15	1.8	Semi mature	Good	Fair	10-20	Low	Growing on boundary in 22 Howey St
15	<i>Ceanothus arboreous</i>	Felt Leaf Ceanothus	Exotic	3 x 4	10	1.2	Mature	Fair	Fair	5-10	Low	Growing on boundary in 22 Howey St
16	<i>Melaleuca styphelioides</i>	Prickly Leaf Paperbark	Aust. Native	6 x 6	10/10/10/5	2.4	Semi mature	Fair	Poor	5-10	Low	
17	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	14 x 13	48/30/40/35	9.5	Mature	Fair	Poor	5-10	Low	Potential to reach 20 x 25
18	<i>Grevillea robusta</i>	Silky Oak	Aust. Native	10 x 8	25/25/15	4.5	Mature	Fair	Poor	0-5	Low	
19	<i>Eucalyptus leucoxylon</i>	Yellow gum	Vic. Native	8 x 6	25	3.0	Semi mature	Fair	Poor	5-10	Low	Overextended lanky branches
20	<i>Eucalyptus nicholii</i>	Black Peppermint	Aust. Native	10 x 7	40	4.8	Mature	Fair	Fair	20+	Medium	Overextended lanky branches
21	<i>Eucalyptus leucoxylon</i>	Yellow gum	Vic. Native	8 x 10	25/24/23	5.0	Mature	Good	Poor	0-5	Low	
22	<i>Melaleuca linarifolia</i>	Flax leaf Paperbark	Aust. Native	5 x 6	15/10/20	3.2	Mature	Fair	Poor	0	Low	Falling apart

**Note:** Trees in neighbouring properties must be protected in accordance with AS-4970, and their TPZs not encroached greater than 10%, unless a non-destructive root investigation (NDRI) proves that greater encroachment will not detrimentally impact on their healthy retention.

Site Photos



Image 2: 35 Calthorpe St frontage, Trees 1 and 2.



Image 3: Front of dwelling, Trees, 3, 4 and 5.



Image 4: Tree 6.

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Image 5: Tree 7.



Image 6 Looking west at Trees 8, 9 & 10.



Trees 7: Looking south west at Trees 11, 12 & 6.



Image 8: Trees 6, 13 & 14.

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Image 19: Tree 15, 16 and 17.



Image 20: looking east at Trees 18, 19 & 21.



Image 21: Tree 20.



Image 22: Tree 22.

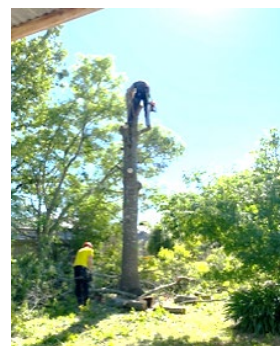


Image 23 & 24: Tree 8 being removed and remaining stump.



**Advertised**

### Vegetation Controls

- 4.3 A search of the Vic Plan website identified a 'No' Planning Overlays protecting vegetation on the site.
- 4.4 A search of the Macedon Shire Council website identified 'No' Local Laws protecting vegetation on the site.
- 4.5 Neighbouring trees must be protected in accordance with AS-4970 'Protection of Trees on Development Sites' and their TPZs as defined in Table 1 cannot be encroached greater than 10% unless further non-destructive root investigation (NDRI) ascertains greater encroachment can occur without detrimentally impacting on their healthy retention.

**\*Note:** Tree removal requirements should be confirmed in writing from the Responsible Authority before any removals occur.

## 5 DISCUSSION

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- 5.1 Tree 1 in the neighbours is in advanced decline with substantial deadwood presumed from damage associated with the redevelopment of the site. Its ULE is only 5 years but should be removed earlier for risk of large falling branches. It is not encroached by the proposed development.
- 5.2 Tree 2 dominates the street and is of High Arboricultural Value and worthy of retention and proposed to be retained. It is imperative that it is isolated by temporary tree protection fencing to the edge of its canopy during demolition and construction to prevent soil disturbance and potential root damage.
- 5.3 Townhouse 1 encroaches into the TPZ of Tree 2 by 8% under the 10% allowed in accordance with AS-4970. Townhouse 1 is to sit approximately 600mm above NGL and therefore root sensitive footings can be utilised that minimise excavation and the potential for root damage. e.g., pier and beam with the edge beam above NGL to avoid trenching. Excavation of the footing of Townhouse 1 within the TPZ of Tree 2 should be monitored by an arborist and any roots, under 50mm in diameter, cut cleanly with a sharp implement and not indiscriminately ripped out by machinery. Roots 50+mm in diameter must be retained.
- 5.4 A deck, paving and stairs encroach into the TPZ of Tree 2 a further 2.5%. However, these are not expected to impact on the tree because these can be constructed above NGL and deck footings on individual stumps, located to avoid roots 50+mm in diameter.
- 5.5 Tree 3 is a sucker from Tree 2 which needs to be cut to ground level. It cannot be poisoned with Glyphosate because this has the potential to detrimentally impact on Tree 3.
- 5.6 Trees 4, 5 and 7 are insignificant and not worthy of retention and proposed to be removed.
- 5.7 Tree 6 on the boundary in the neighbours at 24 Howey St is of High Arboricultural Value and proposed to be retained. Its TPZ is encroached 21% by the proposed shared driveway. However, there is already a concrete driveway and concrete floor garage abutting the tree. The proposed new driveway is to be constructed at NGL and in affect the present driveway is to be replaced with a new driveway that is not expected to require excavation that could damage roots. The driveway adjacent to Tree 6 should be permeable to allow rainfall water to permeate to any roots that may be covered by the driveway.
- 5.8 Tree 8 was removed in December 2020. No permit was required.
- 5.9 Tree 9 is of fair condition but is suppressed by Trees 8 and 10 and for this reason only has a Low Arboricultural Value. It is proposed to be removed for the construction of Townhouse 2 and 3.

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- 5.10 Tree 10 is growing on the fence line with 33 Calthorpe and therefore is expected to be owned by both property owners. It is of High Arboricultural Value and worthy of retention and proposed to be retained. The area outside the footprint of Townhouse 2 and 3 must be protected during demolition and construction with temporary tree protection fencing. **Advertised**
- 5.11 Next to Tree 10, in the neighbours at 33 Calthorpe a driveway has been constructed within its SRZ for the unit development. Its TPZ is encroached 13.4% by the buildings of Townhouse 2 and 3 which are 4.0m from the tree and sit approximately 400mm below the existing NGL. It is recommended these two townhouses be raised to allow for root sensitive footings that prevent open trenching and therefore minimise the potential for root damage and thus will also allow the decks to be constructed above NGL on individual stumps.
- 5.12 Decks of Townhouse 1 and 2 adjacent to Tree 10 encroach a further 20.4%. These must be installed above NGL on individual stumps to minimise excavation.
- 5.13 Trees 11, 12, 16 and 21 in the rear yard are of Low Arboricultural Value and not worthy of retention. They are proposed to be removed.
- 5.14 Tree 13 and 14 in the neighbours at 22 Howey St are encroached 9.4% and 2% respectively, under the 10% allowed in accordance with AS-4970. While Tree 14 is unlikely to be impacted Tree 13 will require excavation for the driveway within its TPZ. Excavations must be kept to a minimum within its TPZ and any excavation monitored by an arborist and any roots located cut cleanly, preferably during the trees dormancy April – October.
- 5.15 Tree 17 is cypress tree of poor structure and therefore Low Arboricultural Value and has the potential to reach 20m x 20m and subsequently inappropriate to be retained in a residential development. It is proposed to be removed to accommodate the driveway and garages of Townhouse 5 and 6.
- 5.16 Tree 18 is of poor structure and Low Arboricultural Value and not worthy of retention. It is proposed to be removed for the construction Townhouse 6.
- 5.17 Trees 19 and 22 are gum trees of poor structure with over extended branches carrying excessive weight that have a high potential for failure as they increase in size and weight. They are not worthy of retention and proposed to be removed for the construction of Townhouse 6.
- 5.18 Tree 20 is a gum of Medium Arboricultural Value growing in the northeast corner of the site that is encroached 8.3% by Townhouse 6 which is approximately 2.5m from the tree. The tree is encroached a further 7.5% by a deck. It appears the FFL of Townhouse 6 is estimated to be at approximately NGL. Due to the close proximity of the tree, it is recommended that root sensitive footings be utilised that do not require trenching and subsequently minimise the potential for root damage. The deck must be constructed above NGL on individual stumps to minimise root damage. Failure to avoid open trench and stumps within its TPZ is likely to result in substantial root damage preventing the long-term retention of the tree.
- 5.19 If trench footings must be used it is recommended further non-destructive root investigation (NDRI) be undertaken to determine if the retention of the tree is viable
- 5.20 Refer to Tree Impact Assessment Plan for encroachments.

**Advertised**

## 6 CONCLUSION

- 6.1 On Monday 9 November 2020 I visited the site and undertook a visual assessment of the trees within the subject site and those immediately neighbouring that maybe impacted by the proposed development.
- 6.2 Tree 1 is in the neighbours and is in advanced decline but will not be impacted by the proposed development.
- 6.3 Tree 2 a dominate oak tree in the front yard of High Arboricultural Value is proposed to be retained. To retain the tree in its present condition Townhouse 1 must utilise root sensitive footings that eliminate trenching and all associated decking, paths etc must be constructed above NGL.
- 6.4 Trees 3, 4, 5, 7, 9, 11, 12, 16, 17, 18, 19, 21 and 22 are all of Low Arboricultural Value and not worthy of retention and are proposed to be removed. No permit is required.
- 6.5 Trees 10 is of High Arboricultural Value and proposed to be retained. Townhouses 2 and 3 are to sit approximately 400mm below NGL and thus would be expected to cause significant root damage. It is recommended Townhouses 2 and 3 be raised to allow for root sensitive footings that avoid open trenching and also allow for the decks to be constructed above NGL on stumps to minimise root damage.
- 6.6 Neighbouring Trees 6, 13 and 14 are encroached by the proposed driveway. Tree 16 is unlikely to be impacted because the proposed driveway is basically replacing the existing driveway at the same level.
- 6.7 Tree 13 is encroached 9.4% and has excavation within its TPZ. This is under the 10% allowed in accordance with AS-4970 and if any roots are cut cleanly during excavation, the tree should be able to be retained in its present condition.
- 6.8 Tree 14 is not anticipated to be impacted as it is only encroached 2%.
- 6.9 Tree 20 requires root sensitive footings that prevent open trenching to preserve roots and allow Tree 20 to be retained. The deck area must be above NGL on stumps. If trenching within its TPZ is required, it is recommended that an NDRI be undertaken to determine if Tree 20 can remain viable to be retained.
- 6.10 It is essential that a Tree Management Plan (TMP) endorsed by the Responsible Authority and prepared in accordance with AS-4970 be implemented prior to any demolition and during construction to protect retained trees, especially Tree 2, 6, 10 and 20.

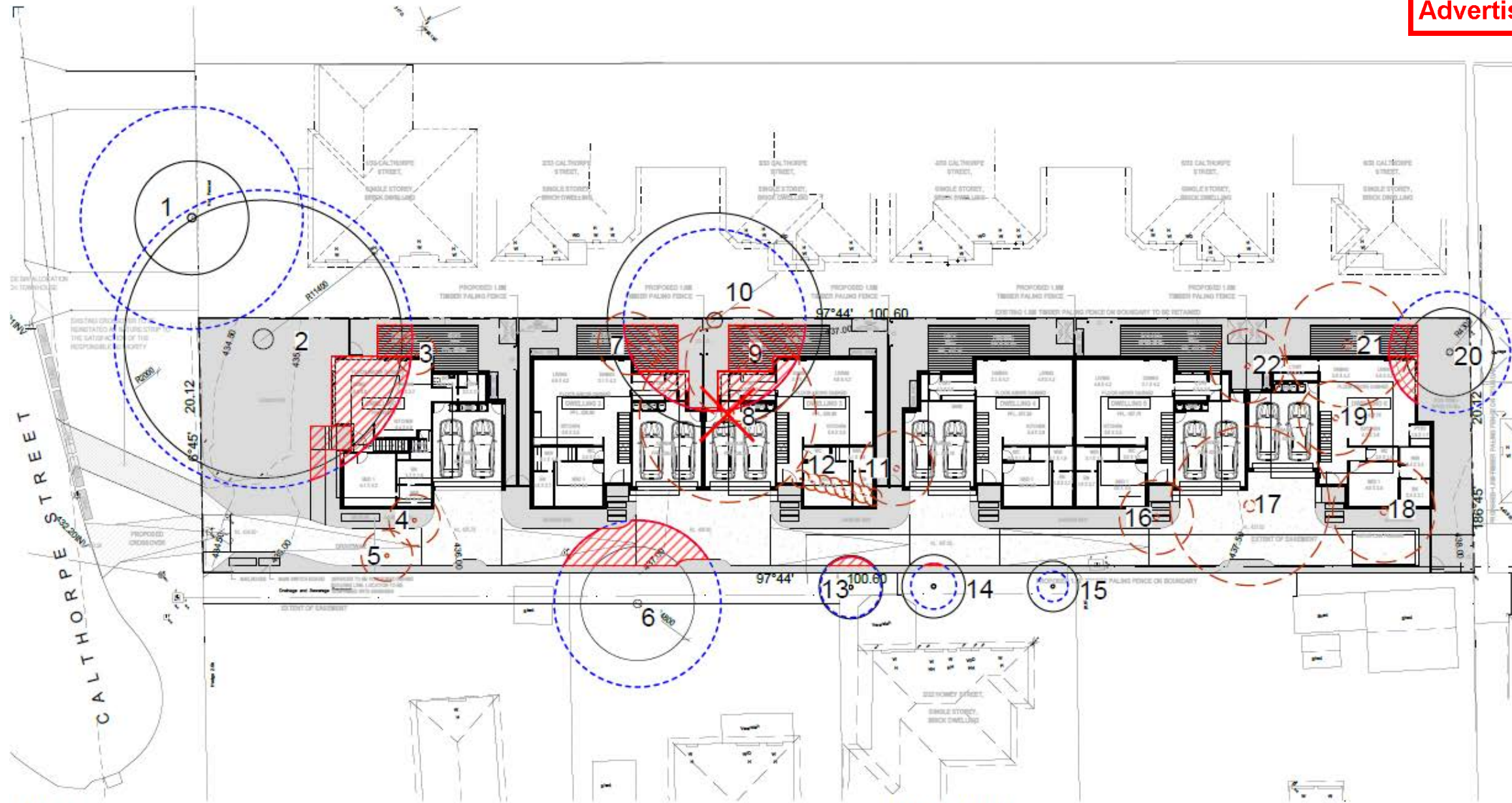
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7 TREE IMPACT ASSESSEMENT PLAN

Advertised



LEGEND



TPZ ENCROACHMENTS

- Tree 2: 11.5% Encroachment (8% by building, 1.6% by decking, 1.9% by stairs & path)
- Tree 8: 21% Encroachment (21% by driveway)
- Tree 10: 33.8% Encroachment (13.4% on building, 20.4% by decking)
- Tree 13: 9.4% Encroachment (9.4% by driveway)
- Tree 14: 2% Encroachment (2% by driveway)
- Tree 20: 15.8% Encroachment (8.3% by building, 7.5% by decking)

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CLIENT  
**VINCE COLEIRO**

DRAWING  
 Impact Assessment Plan

PROJECT  
 35 Calthorpe Street, Gisborne

SCALE	NTS
DATE	JUL 2021
DRAWN	SGFW
CHECKED	MR
JOB NO	20-546
DWG NO	T8-02



**APPENDIX 1: DESCRIPTORS****Advertised****Tree Number:**

Refers to the identification number for reference purposes, denoted on the Tree Data and Tree Survey Plan.

**Botanical Name:**

Botanical name of species based on nomenclature and spelling used by Spencer in *Horticultural Flora of South Eastern Australia* (vols 1-5). Where *Eucalyptus spp.* are not found in this source, nomenclature is based on *Euclid: Eucalypts of Australia* (2006). Eucalypt subspecies information is also based on this source.

While accurate tree identification is attempted, and uncertainties are indicated, some inaccuracies in tree identification may still be present – especially in certain, difficult to determine, genera (e.g. *Cotoneaster* and *Ulmus*) and with cultivars which can have similar characteristics.

Where a doubt as to exact species is indicated, the common name and origin are based on the listed species and would change if the species were found to be incorrect.

From time to time taxonomists revise plant classification, and name changes are assigned. If it is known names have been revised post the publication of the relevant above listed source, the new nomenclature has been used.

**Common Name:**

Common names are based primarily on names and spelling used by Spencer in *Horticultural Flora of South Eastern Australia* (vols 1-5). The source of common names is taken in the following order:

- Single name supplied in *Horticultural Flora of South Eastern Australia*;
- First in list of names supplied in *Horticultural Flora of South Eastern Australia*, unless another name in the list is deemed more appropriate;
- As per name supplied in *Trees of Victoria and Adjoining Areas*;
- Then by best known common name if not available in either source.
- Common names are provided for thoroughness; the botanical name should be used when referring to the tree taxon.

**Origin:**

**Exotic:** Tree origin is from outside the Australian mainland, Tasmania or near islands.

**Australian Native:** Origin is from within the Australian mainland or near islands, but outside Victoria.

**Melbourne:** Origin is from within Melbourne, as defined by plants listed in the *Flora of Melbourne*. This includes trees also found outside Melbourne, and those only within the area at the far extent of their range.

**Indigenous:** Tree's range includes the local area.

**Type:**

**Deciduous:** Tree seasonally loses its leaves in Victoria.

**Evergreen:** Tree maintains its leaves throughout the year.

**Semi-deciduous:** Tree may or may not lose its leaves or may only partially lose them.

**Palm:** Tree is a monocotyledon Palm (that is *Arecaceae*).

**Palm Like:** Tree is a monocotyledon but is not a palm (that is not *Arecaceae*).

**Weed Potential:** Trees known to show tendencies to weediness within Victoria.; refer to the Department of Primary Industries website for further information.

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**Age:****Advertised**

**Juvenile:** Tree has recently been planted and is still in its establishment phase. Tree currently makes little contribution to the amenity of the landscape. Trees of this age are possible candidates for relocation during development.

**Semi-mature:** Tree has established. It still has not developed its mature habit. It is starting to contribute to the landscape. The size of the tree would still be expected to increase considerably given no significant changes to the current situation.

**Maturing:** Tree has developed its mature structural habit but still has substantial potential to increase in size.

**Mature:** Tree has or is close to reaching its full potential and expected size. Growth has slowed, and the size of Tree is not exhibiting any major signs of health or structural weakness because of age.

**Over mature:** Tree is no longer actively putting out extension growth and is starting to show signs of decline in health because of age. Canopy is thinning and signs of die back in the canopy may be present.

**Height:** The tree's height in metres

**Width:** The trees average canopy width in meters. There may be widths of the canopy that are shorter or longer depending the dissection of the canopy.

**DBH:**

The tree's trunk Diameter at Breast Height (1.4m above ground) In accordance with AS-4970, unless specified as having been taken lower. This can be either estimated or measured as specified in the report.

Stems of multi-stemmed trees may be listed individually, or a measurement given at a lower point where the tree still has one stem. In some cases, especially where trees are not considered worthy of retention or stems are too numerous the DBH may simply be listed as 'multi-stemmed'.

**Health:**

**Good:** Tree is not stressed and shows no obvious signs of pest or disease. It is free of wounding. Annual growth rate is what would be expected of a healthy specimen in the area. There are no signs of die back and canopy is dense. Tree maybe partially suppressed by neighbouring trees.

**Fair:** Tree is showing signs of reduced health. It maybe drought stressed or show partial signs of pest or disease. Foliage density is less than ideal and may have minor die back. Tree is typical of its species. Remedial works could improve its health.

**Poor:** Tree is showing signs of stress. Has sparse canopy and possibly stunted growth. Large number of dead branches present or dieback. Likely to have pests or disease. Tree often in decline. Remedial works not expected to improve long-term health.

**Dead:** Tree shows no signs of life and is not growing.

**Note on Deciduous Species:**

Assessment of deciduous species can be problematic, and results may vary depending on the time of year of assessment. Descriptor comments in relation to foliage density do not apply to deciduous trees assessed when dormant or entering or exiting dormancy. Time of leaf drop, or bud burst, and extent of bud swell may be considered in the health rating of these trees.

The ratings indicate that certain characteristics listed have or have not been observed. Inspections do not assess the whole tree in detail for each characteristic. The comments category should be referred to for further information.

**Structure:**



As a rule, the structure rating is based on identified faults in the tree habit that reduce trees structural integrity and may lead to part / all of the tree failing.

However, it must be noted that this is not a full hazard or failure assessment of the tree.

**Good:** Tree appears to have no obvious structural defects that would diminish the trees structural integrity.

**Fair:** The tree has at least one or more obvious structural defects. E.g. dead branches, bifurcation. However, defects are unlikely to prevent the retention of the tree. Judicious remedial intervention could remove structural defects and improve rating.

**Poor:** Tree has at least one or more structural defects that remedial intervention cannot rectify without significantly reducing the retention value of the tree. These defects reduce the useful life expectancy of the tree.

**Hazardous:** The tree shows one or more structural faults that are prone to failure and present an immediate safety concern. Judicious intervention to remove structural faults and reduce safety risk would leave a tree not worthy of retention. These trees should be removed as a high priority.

**Arboricultural Value:**

There Arboricultural Values shown in the table below have been calculated on the ULE of the tree which considers the tree’s structure and health rating and its significance in the landscape.

The retention value assists in determining the positioning of structures and infrastructure outside the tree’s identified TPZ.

ULE	Arboricultural Value			
	High	Medium	Low	Very Low
20+ yrs.	High Retention	Medium Retention	Low	Very Low
10-20 yrs.	Medium Retention			
5-10 yrs.				
0-5 yrs.	Low Retention			Very Low
0 yrs.	Remove			

**ULE:**

The Safe, Useful, Life Expectancy of the tree from a health, structure, amenity and weediness viewpoint given no significant changes to the current situation. This category is difficult to determine, and should be taken as an estimate only, in addition to this, factors not observed at the time of inspection can lead to tree decline.

- **0 yrs.:** Tree should be removed due advanced decline/ dead or hazardous.
- **0-5 yrs.** Tree is in decline and has poor health or structural that intervention cannot resolve. Often over-mature
- **5-10yrs.** Tree of fair health or structure
- **10-20.** Semi-mature, mature tree of fair health and structure
- **20+ yrs.** Juvenile, semi-mature tree or long-lived species of good health and structure.

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**TPZ: Tree Protection Zone.**

The Tree Protection Zone of the tree measured as a radial distance in metres from the centre of the trunk. The TPZ is calculated using the method specified in *Australian Standard AS4970-2009 Protection of trees on development sites*.  $12 \times \text{DBH} = \text{TPZ}$

**Advertised****Recommendation:**

i.e. Further exploratory root investigation, alterations to plan to retain trees successfully.

**Comments:**

Any additional comments specific to individual tree specimens.

**AS-4970:**

The recognised Australian Standard for the 'Protection of Trees on Development Sites'. It provides guidelines of how to protect trees and provides formulas for calculating Tree Protection Zones (TPZ's), Structural Root Zones (SRZ's) and the Diameter at Breast Height (DBH).

**AS-4373:**

The recognised Australian Standard for the 'Pruning of Amenity Trees'. It provides guidelines on how to prune a tree to encourage good health and structure.

**EVC: Ecological Vegetation Class:**

A type of native vegetation classification that is described through a combination of its floristics, life form and ecological characteristics, and through an inferred fidelity to environment attributes. Each EVC includes a collection of floristic communities (i.e. lower level in the classification that is based solely on groups in the same species) that occur across a biogeographic range, and although differing in species, have similar habitat and ecological processes operating.

**NGL: Natural Ground Level.**

Existing levels before any excavation or fill is undertaken.

**NDRI: Non-Destructive Root Investigation.**

The excavation of a trench by non-destructive method e.g. hand, air knife, hydro-vac, to remove soil while leaving roots in situ, for an arborist to determine what impact severing any located roots will have on the healthy retention of the tree. Trench alignment is usually along the footprint of a basement building.

**TPP: Tree Protection Plan**

A plan showing the Tree protection fencing and ground Protection.



**Consistency of the proposal with the Statement of Planning Policy: 35 Calthorpe Street Gisborne, Gisborne**

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.		✓			
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.	✓			The proposed development would resemble a two storey building height and would not disrupt public long ranges views to Macedon Ranges; a declared significant landscape.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.			N/A	
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.			N/A	
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.	✓			Public realm conditions on the permit will improve the public infrastructure surrounding the subject site, including changes the crossover.
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced				N/A	
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.				
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.				
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.				
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.				
3.	<b>To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.</b>		✓			The development would be able to have all dwellings connected to public drainage and sewerage.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.	✓			
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.	✓			
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.	✓			
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.	✓			
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.	✓			
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	<b>To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.</b>				N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.				
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.				
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.				
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.				
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.				N/A	
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.				
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).				
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.				
		Manage the effects of rural land use and development on important environmental and cultural values.				
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.				
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.				
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.				
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.				N/A	
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.				
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.				
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.				
		Protect the unique rural character of towns in the declared area.				
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental		✓			

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	values, and consistent with the unique character, role and function of each settlement.					
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			The development is within township boundaries and is an example of sustainable medium density infill development within proximity of the township's core commercial and essential services offerings, including public recreational areas. The development contributes to varied housing options within a location identified for growth.
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).			N/A	
		Encourage infill development that respects the townships' character.			N/A	
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.	✓			The development is within township boundaries
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.			N/A	
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.			N/A	
		Encourage the use of voluntary Cultural Heritage Management Plans.			N/A	
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.		✓			
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			Conditions on permit impose infrastructure provisions to be completed prior to the use commencing. This will ensure the

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
						infrastructure work is done to prior to community need.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.			N/A	
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.				The development is within proximity to Gisborne's main commercial offerings reducing car dependences for daily essentials
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.	✓			The subject site is located off the main aerial roads leading into Gisborne Township. The application does not disrupt any transport routes.
		Ensure equitable access to community infrastructure.	✓			Access to all dwellings is a pedestrian level, with bedroom at ground level.  Access to community infrastructure is at a high standard due to subject site location within walking distance of the townships commercial core offerings.
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.	✓			Subject site is walking/ cycling routes and Gisborne community location based activities
<b>10.</b>	<b>Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.</b>				N/A	
		Support community and government planning for disaster preparedness and climate resilience.				
		Manage bushfire risks while also retaining valued biodiversity and landscape character.				
		Plan for more renewable energy generation and distribution.				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.				
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.				

<b>PE.7</b>	<b>PLN/2016/524/B - DEVELOPMENT OF THE LAND FOR A DWELLING (AMENDMENT SOUGHT TO CONVERT OLD (REPLACED) DWELLING TO A BED AND BREAKFAST) 600 COUANGALT ROAD GISBORNE</b>
<b>Officer:</b>	<b>Alexia Paterson, Senior Statutory Planning Officer</b>
<b>Council Plan relationship:</b>	<b>3. Business and tourism</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Effluent Plan (under separate cover) <a href="#">⇒</a></li> <li>2. Amended Planning Permit <a href="#">↓</a></li> <li>3. Advertised plans (under separate cover) <a href="#">⇒</a></li> <li>4. Statement of Planning Policy <a href="#">↓</a></li> </ol>
<b>Applicant:</b>	<b>N J Hannett</b>
<b>Date of receipt of application:</b>	<b>28-Dec-2020</b>
<b>Trigger for report to Council</b>	<b>Called-in</b>

### Summary

- The application seeks an amendment to the original building and works approval for a replacement dwelling and outbuilding, converting the outbuilding into a habitable structure used for a bed and breakfast ancillary to the dwelling. Bed and Breakfast comprise presumed maximum occupancies of four persons, with two bedrooms, two living areas and a bathroom. Serviced by two car parking on-site spaces.
- The application presents a contribution to the Shire's visitor tourism economy in a location already comprising a number of other tourism attractions. Advantages to co-location of the same or similar tourism attractions builds economic sustainability and resilience.
- The application received one objection, raising amenity concerns of traffic, noise and light pollution.
- The nexus between resident dwelling vs bed and breakfast land use is explored using the several VCAT cases that are well circuited and followed by practitioners, whereby in satisfies this proposed building and works would not constitute a separate dwelling and use/building can be physically separated from the dwelling on site.
- Overall, the proposal aptly responds to the Shire's strategic tourism economy direction and Municipal profile, as well as the physical site context and Macedon Ranges Planning Scheme provisions as detailed in the report. It is therefore recommended that a Notice of Decision to Grant an Amendment Permit be issued subject to alteration to conditions as specified.



**Recommendation**

That Council issue a Notice of Decision to Grant an amendment to Planning Permit PLN/2016/524/A follows:

**A. Preamble is altered to read**

*Development of the land for a dwelling (replacement dwelling) and associated bed and breakfast*

**B. Modification to conditions****Insert Condition 1**

*Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the advertised plans but modified to show:*

- a) *The removal of the lounge room associated with the bed and breakfast.*

*When approved, these plans will be endorsed and will form part of this permit.*

**Delete condition 4**

*All plumbing fixtures within the kitchen and bathroom of the existing dwelling must be decommissioned prior to the occupation of the replacement dwelling to the satisfaction of the responsible authority.*

**Delete condition 5**

*The internal works to the existing dwelling kitchen, bathroom, internal walls and doors, as per the endorsed plans must be inspected by Council Officers prior to the occupation of the replacement dwelling to the satisfaction of the Responsible Authority.*

**MRSC Health****Insert new Condition to read:**

*Prior to the change of use of the outbuilding, the septic tank system must be altered/replaced to the satisfaction of the Environmental Health Officer.*

**Insert new Condition to read:**

*A separate permit is required to be obtained from Council's Environmental Health Department prior to the commencement of works.*

**Greater Western Water****Alter prefix Condition 16**

ending line to be ... *"with Greater Western Water and the Council agreeing that":*

Alter Condition 16f) to reference *condition 16c)*

Alter Condition 16i) to reference *condition 16c)*

**Add additional notes s173 notes:**

*The obligations under this agreement shall run with the land.*

*The applicant shall pay the Council's reasonable costs associated with the registration and enforcement of the Section 173 Agreement.*

## Existing conditions and relevant history

### Subject land

The subject site is located on the north side of Couangalt Road within the Rural Conservation Zone. The site is rectangular in shape, flat in topography and approximately 9800m<sup>2</sup> in size. There is an existing dwelling located centrally on the site and this was approved under the original permit. Towards the street frontage along south-west corner of the lot is an existing outbuilding (previous existing dwelling). It is this building that is subject of the amendment application.

Vegetation is limited to a few canopy trees dotted around the outbuilding and lining the internal accessway. A small amount of domestic gardening surrounds the dwelling and subject building.

### Surrounds

The surrounding area is also zoned Rural Conservation largely used as residential area with lots having small to large scaled dwellings and associated outbuildings. Lots varies in size, however they are all larger than the subject site. Notably, large mature domestic gardens with wind breaker arrangements dominate the vegetation character. All residual land can be classified as grassed land and is unused. No forestry, continuous or large clusters of native vegetation are evident across the immediate area. The closest dwelling to the subject building is approximately 60 metres to the south located at 593 Couangalt Road, Gisborne. Further afield, aside from sparse residential and light hobby farming, the area comprises of well established tourism attractions, for example the signfiance landscape Lerderderg State Park and public accessed wineries and enteries, such as Gisborne Peak, Bindi and Mt Gisborne Wines.



Figure 1 (looking south west - May 2021)



Figure 2 (looking south east - May 2021)



Figure 3 (looking west – May 2021)

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

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

Previous planning permit history

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

Permit No.	Description
PLN/2016/524	Development of the land for a dwelling
PLN/2016/524/A	Development of the land for a dwelling Altered preamble and remove condition 6 and 10 (see attached permit )

**Proposal**

The proposal is to amend the endorsed plans to include the following:

- Building and works to convert the existing outbuilding (old dwelling) to be used as a Bed and Breakfast (section 1 use).
- Building layout to comprise (2) bedrooms, two (2) sitting areas, kitchen sink/bench, bathroom and wrap around verandah.
- Total building area is 150sqm
- Include two (2) car parking spaces dedicated to this building’s use.
- Constructed in weatherboard cladding for exterior and colorbond sheeting
- On-site waste–water system to be connected to the approved system operating the approved dwelling.

**Relevant Macedon Ranges Planning Scheme controls**Planning Policy Framework

Clause no.	Clause name
11	Settlement
12	Environmental and Landscape Values
15	Built Environment and Heritage
17	Economic Development

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement
21.02	Key issues
21.05	Environment and Landscape Values
21.08	Built Environment and Heritage
21.10	Economic Development and Tourism
21.13-1	Local Areas and Small Settlements – Gisborne

Zoning

Clause no.	Clause name
33.03	Rural Conservation Zone - Schedule 3

Overlay

Clause no.	Clause name
45.06	Environment Significance Overlay – Schedule 5

Particular provisions

Clause no.	Clause name
51.07	Macedon Ranges Statement of Planning Policy
71.02-3	Integrated Decision Making

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

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

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

### The process to date

#### Referral

Authority (Section 55)	Response
Greater Western Water	No objections, subject some changes to conditions as specified in recommendations
Southern Rural Water	Southern Rural Water

Authority (Section 52)	Response
Engineering	No objection. No alteration to conditions.
Health	No objection, subject to additional conditions as specified above.

#### 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/adjointing land and by requiring a notice to be erected on the land for a period of 14 days. One (1) objection received to date.

### Officer assessment

#### PLANNING AND LOCAL POLICY FRAMEWORK

The planning policy framework is focussed on the management of growth within Melbourne's Hinterland area, which includes providing for development in settlements having regard to the ecosystems, landscapes, agricultural and recreational activities in the area, maintaining the attractiveness and amenity of towns, preventing dispersed settlement and siting and designing new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as flooding.

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

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

- Health, wellbeing and safety

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

Clause 12- Environmental and Landscape Values and Clause 21.05 - Environment and Landscape Values, seeks to protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values.

Clause 15 - Built Environment and Heritage and Clause 21.08 - Built Environment and Heritage emphasises the importance of creating quality environments that contribute positively to the local urban character and sense of place, and reflect the particular characteristics, aspirations and cultural identity of the community. Clause 21.08-3 (Built environment) states the high landscape qualities of the Shire and the built form of its towns must be appropriately controlled to ensure development is sustainable and respects character. A relevant objective of Clause 21.08-3 (Built environment) is “promote development that respects the rural character and high landscape values of the municipality”

Clause 17- Economic Development and Clause 21.10 - Economic Development and Tourism aims to promote rural business and tourism development with key objectives to strengthen and diversify the economy. It also outlines the need for planning to contribute to the economic wellbeing of communities and the State as a whole by supporting economic growth and development.

Clause 21 - Municipal Strategic Statement and Clause 21.02 - Key issues

The Municipal Strategic Statement (MSS) recognises the importance of tourism as a growth industry in the Shire that will continue to provide employment opportunities. Tourism development draws on many aspects of the Shire including recreation, leisure activities, wineries and landscape features.

Clause 21.13-1 - Local Areas and Small Settlements – Gisborne

The subject site is located outside the core urban environment and part of the Gisborne southern area of intact large allotments dedicated to rural conservation.

The proposal is generally considered to accord with the key policies contained within the Planning Policy and Local Policy Framework.

The repurposing of the existing building within an existing domestic activity area is in itself a sustainable outcome. There are no identifying environmental impacts imposed by the repurposing of the outbuilding to another activity consistent with the longstanding use of the site, i.e. dwelling (residential).

The proposed temporary accommodation is located in the area already offering a local tourism attraction and will positively affect the economic development and robust tourist appeal of the Shire and are consistent with the vision and objectives of the MSS. The

desirable location takes benefit of showcasing the shire's rural landscapes and would appeal to visitors, being an ideal short distance from Melbourne CBD.

This minimal operation is compatible to the surrounding area's pre-existing residential uses. The small business opportunity in proximity to owner's residence is a sustainable attribute in the use and operation of the land and offers both resident employment opportunities and enhances opportunities to other businesses of the same industry within the region.

#### LAND USE DEFINITION

A permit is required for building and works for a section 1 use. Pursuant to clause 35.06-1 a Bed and Breakfast Section 1 use is only the case if, there is an existing residential dwelling and no more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.

The application includes two (2) bedrooms with two (2) car spaces. It is reasonable to suggest a maximum of 4 people would be accommodated within the bed and breakfast building. The application meets the Section 1 criteria.

What is prudent to discuss in detail is the land use term and how to apply it. The following are a few points to consider:

Point 1. Land use under Clause 73.03 definitions: Bed and Breakfast land use strictly states "*A dwelling used, by a resident of the Dwelling, to provide accommodation for persons away from their normal place of residence*". The land use description does not make explicit reference in any way that a bed and breakfast *accommodation needs* to be under the same roof line or/and share party wall with a residence dwelling. Nor does it make reference to what facilities/features, such as kitchen facilities should or cannot be included in a Bed and Breakfast building or designated use area.

Point 2. The land term does not define the specific or relative location of the bed and breakfast to the resident dwelling. It only states that the accommodation provided is in conjunction with the dwelling used by the resident. There is no defined physical spatial separation between the dwelling and the accommodation provided, but there is a strong intent that there be a nexus relationship between the dwelling, and resident of the dwelling and accommodation provide.

Point 3. There is no reason to suggest multiple buildings cannot ultimately be considered a single entity 'dwelling'. The clause 73.02 dwelling definition itself includes 'outbuildings' and 'outbuildings' consists of all sorts of configurations and uses which can also be habitable.

These points are aptly referenced by the following VCAT cases, and widely known and industry practiced.

1. Gerdes v Hepburn SC (Red Dot) [2010] VCAT 268 37 which In Armato v Hepburn SC [2007] VCAT 60 - Deputy President Helen Gibson made are clear legal Difference between dwelling as a 'use' and 'development'

*Para 13 "It is also important when considering whether the land is used as a dwelling not to be distracted by the form of buildings on the land. Just because there is a house on the land does not necessarily mean that it is being used as a dwelling. The house on the subject land may well be used as a residence in other circumstances, but it is not being so used at present. The use of land for planning purposes is not determined by the style of development but the purpose for which the land is actually used. Thus it is fallacious to say that because there is a house on the land ipso facto the land is being used as a dwelling"*

2. *Wuillemin & Anor v Yarra Ranges SC [2011] VCAT 95 Tracey Bilston-McGillen, Member which also referenced Armato v Hepburn SC [2007] VCAT 60 - Deputy President Helen Gibson key observation about different of buildings and uses, this Tribunal concluded:*

*In the present case, it was put to me that no one resides at the building permanently. It is intended to be used for temporary accommodation. Whilst the building does provide a kitchen sink, food preparation facilities in the form of a bench, kettle and possibly toaster or other such appliance, bath and shower and a closet plan and wash basin, these facilities do not define the use as a dwelling. I am satisfied that the clear intention of the building is to be used for temporary accommodation purposes not a second dwelling. However, to ensure that it will not be used as a separate dwelling, I will require a condition to be added to the permit to read: The building must not be used as a separate dwelling.*

In summary, whilst the definition of “dwelling” means that it must be a building, it is still the definition of a land use term. The Tribunal has noted that this definition includes two components – one is descriptive of facilities that a building must contain in order to be a dwelling and the other describes *the way* the building must be *used*, namely as a self-contained residence.

3. *Yarra Ranges SC v Yoxon [2009] VCAT member Jeanette G Rickards, Senior Member stated paragraph 30; If the food preparation/ kitchen facilities were removed from the temporary/smaller dwelling I find that.*

- *The building could be considered to be an outbuilding and part of the main dwelling. Only one dwelling would exist on the land in terms of the requirements of the zone provisions.*
- *The outbuilding could be used to accommodate guests. As the outbuilding is considered to be part of the main dwelling in which Mr and Mrs Yoxon reside this would fall within the definition of Bed and Breakfast accommodation, a use that is as of right under the zone provisions.*
- *The removal of the food preparation/kitchen facilities would result in any person being accommodated in the outbuilding relying as in Hoppach ‘on the owner’s facilities for any meals that may be desired’. Such facilities only being in the main new dwelling.*
- *There is nothing within the planning scheme that requires the accommodation of guests to be confined to part of the main dwelling. The accommodation can therefore cur in an outbuilding that is part of the dwelling. The only restriction under the planning scheme is the number of guests that can be accommodated being 6 at any one time and the number of car spaces to be provided.*

4. *Casey City Council v Gerard [2004] VCAT 1838 the Tribunal stated that “whilst the building must contain certain facilities, such as a kitchen sink, etc, these facilities do not of themselves determine whether a building is a dwelling. A building may contain all of these facilities and still not be used as a self-contained residence”.*

5. *The Banyule CC v Girbau [2007] VCAT 2251 shows that in deciding whether a building is a dwelling, the Tribunal will have regard to the intention of the owner to use the building as a dwelling, not just the capability of the building to be used as a dwelling.*

Officers follows the views of the Tribunal in that an outbuilding (whether that be previous existing dwelling) is associated with the approved dwelling as a single entity and this is supported by the planning scheme definition of a ‘dwelling’ which includes outbuildings. The proposal to convert the outbuilding into a bed and breakfast temporary accommodation is



simply a building and works request to extend the dwelling. Officers further, agree that building used for bed and breakfast can be separate from the main dwelling given the use definition is silent on specific location and outbuildings for part of dwelling definition as per the scheme.

Officers do not support, in this instance, the Tribunal views that a dwelling is not always a 'dwelling' despite having the building including the 4 facilities, as defined in the definition of a 'dwelling'. There is a concern with providing the key kitchen and wash area facilities together in such a use, as it could then be considered a self-contained residence for long term accommodation.

Officers take a slightly different view in arguing that a bed and breakfast cannot be used for long term accommodation. A key points Officers see critical in ensuring that a bed and breakfast building is only used for temporary accommodation is that the building would need to be, at a minimum, without a formalised kitchen. This aligns closely with the conclusions of member Jeanette G Rickards view in Yarra Ranges SC v Yoxon [2009] VCAT member Jeanette G Rickards. It also aligns with achieving a balanced approach for managing built form within rural conservation areas together with ensuring that economic tourism outcomes are contributing to the tourism accommodation landscape, as intended.

It is strongly noted in this amendment for building and works that there is no formal kitchen present, only a sink and bench top. It is view of Officers that the said facilities do not constitute a formalised kitchen and the building would therefore not meet the definition of a "dwelling".

The use intent of a bed and breakfast temporary accommodation is to be reflected in the preamble of any permit granted and permit conditions are to be included within the S173 agreement reinforcing such a use.

The amended permit to retrofit the existing outbuilding is to be solely used for a bed and breakfast (temporary accommodation) and is enforceable under the Planning and Environment Act 1987.

### **RURAL CONSERVATION ZONE – SCHEDULE 3**

The application site is located within the Rural Conservation Zone (Schedule 3). The purpose of this zone, as outlined in the planning scheme, includes the conservation of native vegetation, water quality, flora and fauna and significant landscape values and to achieve sustainable agricultural practice.

A planning permit is required for building and works associated with a Section 1 use.

The planning scheme specifies a number of matters for consideration by the Council in making decisions on planning permits in this zone under Clause 35.06-6, The application is considered acceptable having regard to specific matters as follows:

#### *General issues/matters*

- The Municipal Planning Strategy and the Planning Policy Framework
- The capability of the land to accommodate the proposed use or development.
- How the use or development conserves the values identified for the land in a schedule
- Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds'
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

The building is pre-existing on the site. There are no perceived environment impacts afforded by this application and no additional accumulative environmental impacts beyond that already considered as part of the original application process. There is no vegetation loss or obstruction of the vistas/views. The proposal is of a residential nature, continuing with the existing long standing residential use of the land. The surrounding area is notably used primarily for residential purposes. A maximum 4 person capacity on site is relatively minor in occupancies, and not dissimilar to having regular guests to one's residence.

The proposed extent of the building and works and general size/layout is a concern, with the request to increase the building footprint for a wraparound verandah and offering two large separate living areas for two bedrooms. The increased footprint is unjustified. The existing footprint layout offers two (2) separate large living areas which can cater for 1-4 people on a temporary basis. The addition of the covered outdoor space is not justified as it is not in keeping with the intended use and imposes a larger built form area in a rural area where the limitation of built form is important due to the sensitive conservation landscape, on a site which has an existing dwelling. The existing built form is deemed sufficient for the purpose of the intended use.

It is recommended that the area marked 'lounge room' is removed.

#### *Rural issues/matters*

- *The environmental capacity of the site to sustain the rural enterprise*
- *The impact on the existing and proposed infrastructure*
- *Whether the use or development will have an adverse impact on surrounding land uses.*

The proposal would not detrimentally affect native vegetation or significant environments and landscapes, subject to a condition to reduce the built form. The building and its intended use is of a residential nature. The relative low occupancy capacity and low scale operation would not have an adverse impact on the surrounding residential community.

#### *Environmental issues/matters*

- *The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats.*
- *How the use and development relates to sustainable land management*
- *The location of onsite effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation*

The approved septic tank for the main dwelling would also service the proposed habitable building. Both Greater Western Water and MRSC Health are in support of this proposal, recommending additional conditions. These conditions would for part of the permit, if granted.

#### *Dwelling issues/matters*

- *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 site and surrounding area are not considered to have productive agricultural land due to the size of the lots and the existence of residential uses occupying a large portion of the respective lots.

The street network offers traffic dispersion and minimise any traffic impact. The proposal is not considered to create any significant traffic impacts, above that which is present with the existing residential uses.

*Design and siting issues/matters*

- *The need to minimise any adverse impacts*
- *The need to minimise adverse impacts on the character and appearance of the area or features*
- *The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape*

The proposed colour and material schedule are of muted and non-reflective, sympathetic to the environmental sensitivities of the area.

**ENVIRONMENTAL SIGNFINANCE OVERLAY – SCHEDULE 5**

The purpose of the ESO5 is “Regional water catchments are located throughout the Shire. The protection of catchments from inappropriate development and the protection of water quality is paramount to the health of the surrounding environment, habitat, vegetation and all urban and rural communities.” A permit is triggered for the building and works pursuant to Schedule 5, Other Water Supply Catchments of the Environmental Significance Overlay as the site is not connected to reticulated sewerage.

The proposal has been referred to Southern Rural Water, Greater Western Water and MRSC Health Department. Greater Western Water supported the amendment proposal subject to changes and additions to permit conditions reflected

- Only one waste-water septic allowed on-site.
- Land cannot be subdivided
- Bed and breakfast cannot be used as long term / permeant accommodation.

South Rural Water provided no comment.

MRSC Health Department supported the application subject to an upgrade of the approved septic system (existing) to allow for additional occupancies.

Positive responses clearly convey support for the amendment. It is deemed that the proposed development would not have an adverse impact on the protection of the water quality within the regions catchment areas.

The already endorsed Land Capability Assessment Report recommendations and measures will continue to be valid and form part of the planning permit approval.

**INTEGRATED DECISION MAKING**

Further, the proposal complies with the provisions of Clause 71.02-3 (Integrated Decision Making). The proposal assesses aspects of economic, environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

**OBJECTIONS**

Objection concerns	Officer comments

<p>Additional traffic</p>	<p>The objector’s dwelling is located over 400m away from the subject site and any detrimental impacts are expected to be minimal in terms of traffic impacts.</p> <p>The current grid street network would allow traffic ingress and egress in various directions, dispersing traffic and thus minimising any likelihood of traffic impacts experienced by residence further afield.</p> <p>Immediate adjoining neighbours expressed no objection to the proposal.</p> <p>The concerns raised are ordinarily associated with any accommodation type and are not dissimilar to any resulting from the other adjoining lots.</p> <p>The proposal is relatively modest and is unlikely to cause significant detriment to the amenity of the area</p>
<p>Additional noise</p>	<p>The objector’s dwelling is located over 400m away from the subject site and any detrimental impacts are expected to be minimal.</p>
<p>Additional light pollution</p>	<p>The objector’s dwelling is located over 400m away from the subject site.</p> <p>Existing vegetation, general physical distance and other buildings between subject building and objector dwelling is satisfactory buffer any likelihood of light pollution. Any light produced would be of residential nature. Figure 3 describes an existing vegetation buffer between the subject site and objectors dwelling/property.</p>
<p>General concern with people coming and going from the site</p>	<p>The concern raised is ordinarily associated with any accommodation type and are not dissimilar to any resulting from the other adjoining lots.</p> <p>Existing vegetation between subject building and objector dwelling and general physical distance are factors that would greatly limit amenity impacts experienced by the objector to an acceptable level.</p>

Clause Section 46AZK of the Planning and Environment Act 1987

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

**Officer declaration of conflicts of interest**

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

**Conclusion**

This application has been assessed against the relevant provisions of the PPF, LPPF, as well as the zone and overlay requirements and the relevant particular and general provisions of the Macedon Ranges Planning Scheme. In light of the above, it is considered that the proposal should be supported, subject to minor conditions changes to the existing permit conditions.



Our Reference: PLN/2016/524/A

18 May 2017

Mr Nicholas Hannett  
[REDACTED]

Dear Mr Hannett

**AMENDED PLANNING PERMIT PLN/2016/524/A**

**Land: LOT 4 LP 213888B P/Gisborne 600 Couangalt Road GISBORNE**

**Proposal: Development of a dwelling (replacement dwelling) and outbuilding**

I refer to your recent application to amend the above planning permit.

The amendment proposal satisfactorily meets the requirements of the Macedon Ranges Planning Scheme. Accordingly, please find enclosed the amended permit which has now been approved.

If you have any further enquiries please contact the Planning Department on telephone: (03) 5421 9699.

Yours faithfully,

A handwritten signature in blue ink, appearing to be "JP", written over a faint circular stamp.

**Julian Pollard**  
**Statutory Town Planner**

P: (03) 5421 9691

E: [jpollard@mrsc.vic.gov.au](mailto:jpollard@mrsc.vic.gov.au)

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# AMENDED PLANNING PERMIT

<b>PERMIT NUMBER:</b>	PLN/2016/524/A
<b>PLANNING SCHEME:</b>	Macedon Ranges Planning Scheme
<b>RESPONSIBLE AUTHORITY:</b>	Macedon Ranges Shire Council
<b>ADDRESS OF THE LAND:</b>	LOT 4 LP 213888B P/Gisborne, 600 Couangalt Road GISBORNE
<b>THE PERMIT ALLOWS:</b>	Development of a dwelling (replacement dwelling) and outbuilding

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
2. Before the development commences, the owner/s 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) The owner of the land must implement all the recommendations and requirements of the Land Management Plan endorsed under Planning Permit PLN/2016/524 on an ongoing basis to the satisfaction of the Responsible Authority, unless otherwise agreed in writing with the Responsible Authority.
  - (b) The dwelling approved under Planning Permit PLN/2016/524 must be the only dwelling on site.

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

The owner/s 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 existing dwelling must be altered to the endorsed plans so it can no longer be used as a dwelling as defined by the Macedon Ranges Planning Scheme before the occupation of the replacement dwelling hereby permitted, to the satisfaction of the Responsible Authority.
4. All plumbing fixtures within the kitchen and bathroom of the existing dwelling must be decommissioned, prior to the occupation of the replacement dwelling, to the satisfaction of the Responsible Authority.
5. The internal works to the existing dwelling kitchen, bathroom, internal walls and doors, as per the endorsed plans must be inspected by council officers, prior to the occupation of the replacement dwelling, to the satisfaction of the Responsible Authority.
6. External lighting sources and their intensity, location and containment, for purposes of safety and security, must be of a type that will not adversely affect the amenity of the neighbouring land or the

Page 1 of 5

Date Issued: 5 April 2017

Signature of the Responsible Authority: \_\_\_\_\_

*SP*



## AMENDED PLANNING PERMIT

PLN/2016/524/A CONDITIONS CONTINUED:

locality due to unreasonable illuminance, glare or spill, to the satisfaction of the Responsible Authority.

### MRSC Infrastructure Development Unit Conditions

7. Prior to the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
  - a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
  - b) Occupying a road for works.
  - c) Connecting any land to a stormwater drain.
  - d) Opening, altering or repairing a road.
  - e) Opening, altering or repairing a drain.
  - f) Accessing a building site from a point other than a crossover.
8. Prior to the commencement of use, the existing vehicle crossing off Couangalt Road must be upgraded to the satisfaction of the Responsible Authority.
9. Prior to the commencement of use, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
  - a) The driveway, including any waterway crossing, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
  - b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
  - c) Curves must have a minimum inner radius of 10 metres.
  - d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
  - e) Dips must have no more than a 1 in 8 entry and exit angle.
10. Storm water runoff from all buildings, tanks and paved areas must be dissipated as normal un-concentrated overland flow clear of all buildings and property boundaries.
11. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.

### Environmental Health Unit Conditions

12. Prior to the occupation, the proposed dwelling shall be fitted with a package wastewater treatment plant or a system equivalent to the 20/30 standard for BOD and Suspended Solids. The septic tank system shall be of a design approved by Council's Environmental Health Officer and shall be operated, maintained and replaced where necessary to the satisfaction of Council's Environmental Health Officer.

Page 2 of 5

Date Issued: 5 April 2017

Signature of the Responsible Authority: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be "BQ", is written over a horizontal line.





## AMENDED PLANNING PERMIT

PLN/2016/524/A CONDITIONS CONTINUED:

A separate permit must be obtained from Council's Environmental Health Department prior to its installation.

13. The existing septic tank system servicing the existing dwelling must be decommissioned as it is no longer required.

### Western Water Conditions

14. The existing dwelling must have all water fixtures removed within one (1) month of the occupation of the new dwelling hereby permitted, to the satisfaction of the Responsible Authority.
15. The existing septic tank must be decommissioned within 3 months from the date of a certificate of occupancy being received for the approved dwelling.
16. Before the development commences, the owner/s 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) A wastewater treatment system that produces wastewater to a minimum standard of 20/30/10 (BOD/suspended solids/E.Coli) shall be installed to the satisfaction of the Council's Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.
  - b) Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.
  - c) The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer's specifications and EPA requirements.
  - d) The wastewater effluent being released from the treatment facility must be monitored annually to ensure compliance with the 20/30/10 standard.
  - e) Reports on water quality and maintenance must be submitted to the Responsible Authority at the completion of each maintenance period. This report must be made available to Western Water on request.
  - f) The Owner shall meet the costs of the inspections and reports referred to in Condition 18 e).
  - g) The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council's Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.
  - h) If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.
  - i) The owner shall have the wastewater treatment system desludged at least once every three years and evidence of this fact shall be provided in the annual written report referred to in Condition 18 e).
  - j) The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.

Page 3 of 5

Date Issued: 5 April 2017

Signature of the Responsible Authority: \_\_\_\_\_

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## AMENDED PLANNING PERMIT

PLN/2016/524/A CONDITIONS CONTINUED:

- k) The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Ground Science dated 29 September 2016 Reference No: E2481 and the accompanying management plan followed and implemented.
- l) The land must not be further subdivided.
- m) Any existing or proposed shed must not be used for the purposes of accommodation or contain facilities that result in the discharge of wastewater.
- n) Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.
- o) The existence of this agreement shall not preclude the land being included in a future sewerage scheme for the area.
- p) Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal fields.
- q) Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.

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

The owner/s must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

### Expiry

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

- a) The development is not commenced within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

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

### **Permit Notes:**

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

Page 4 of 5

Date Issued: 5 April 2017

Signature of the Responsible Authority: \_\_\_\_\_

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**AMENDED PLANNING PERMIT**  
PLN/2016/524/A CONDITIONS CONTINUED:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Description of Amendment
1 May 2017	Pursuant to Section 71 Planning and Environment Act, Condition 18(f) and Condition 18(i) have been amended to remove reference to Condition 6 and replace with reference to Condition 18(e).
18 May 2017	<ul style="list-style-type: none"> <li>• Amend preamble to 'development of a dwelling (replacement dwelling) and outbuilding'.</li> <li>• Remove condition 6 and 10 from the planning permit. Re-number the remaining conditions.</li> </ul>

Page 5 of 5

Date Issued: 5 April 2017

Signature of the Responsible Authority: \_\_\_\_\_

Consistency of the proposal with the Statement of Planning Policy: 600 Couangalt Road GISBORNE

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.		✓			
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.	✓			Use is contained inside an existing building.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.	✓			No vegetation loss as part of this application
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.			N/A	
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.			N/A	
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced				N/A	
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.				
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.				
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value				
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.				

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.				
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.		✓			The subject site has already approved for single septic tank. The application continues and would be supported by a single septic tank.  The application uses pre-existing built form.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.	✓			
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.	✓			
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.	✓			
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.	✓			
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.	✓			
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.				N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.				
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.				
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.				
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.				
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.		✓			
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.	✓			The subject site is existing use as residential use. The proposal continues with this established use.
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			N/A	
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.	✓			

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.	✓			
		Manage the effects of rural land use and development on important environmental and cultural values.	✓			Exiting and only septic system will be used.
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.			N/A	
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.		✓			
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.	✓			This application is an exceptional example of providing a sustainable and responsible tourism for the shire and Gisborne township both an economic and physical capacity. The re-use of the existing building on site is sustainable while maintaining building's existing contribution to Gisborne's rural and cultural character.
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.			N/A	
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.	✓			The retention and improvements to the existing building external façade maintains and enhances and Gisborne rural character.
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant				N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.					
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.			N/A	
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).			N/A	
		Encourage infill development that respects the townships' character.			N/A	
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.			N/A	
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.			N/A	
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.			N/A	
		Encourage the use of voluntary Cultural Heritage Management Plans.			N/A	
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.				N/A	
		Provide timely infrastructure and services to meet community needs in sequence with development.			N/A	
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.			N/A	



Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.				
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.			N/A	
		Ensure equitable access to community infrastructure.			N/A	
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.			N/A	
10.	<b>Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.</b>				N/A	
		Support community and government planning for disaster preparedness and climate resilience.				
		Manage bushfire risks while also retaining valued biodiversity and landscape character.				
		Plan for more renewable energy generation and distribution.				
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.				
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.				

**12 CHIEF EXECUTIVE OFFICER REPORTS**

<b>CX.1</b>	<b>HANGING ROCK STRATEGIC PLAN UPDATE</b>
<b>Officer:</b>	<b>Bernie O'Sullivan, Chief Executive Officer</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Hangin g Rock Strategic Plan Update <a href="#">↓</a></b>

**Summary**

This report provides an update to Council on the Hanging Rock Ministerial Advisory Group, consistent with Council's resolution to receive reports provided by the group at the next available Council Meeting.

**Recommendation**

**That Council receives and notes this report as an update from the Hanging Rock Ministerial Advisory Group.**

**Background**

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

That Council:

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

**Discussion**

Following the establishment of the Hanging Rock Project Control Group, a new Ministerial Advisory Group was appointed by the Minister for Energy, Environment and Climate Change. Since September 2020 the group has provided advice and recommendations to the Minister for appropriate long-term governance and management arrangements for the Hanging Rock precinct.

The Hanging Rock Ministerial Advisory Group includes three community representatives (who were appointed following a public expression of interest process), one representative from Taungurung, Wurundjeri Woi Wurrung and Dja Dja Wurrung peoples, along with the Chief Executive Officer of Macedon Ranges Shire Council and the Regional Director of Department of Environment, Land, Water and Planning (DELWP). An independent Chair was also appointed to oversee the establishment of governance and management arrangements and guide the group in providing recommendations to the Minister.

Both Council and DELWP have dedicated webpages indicating that both state and local governments are working together to safeguard the Hanging Rock precinct as a popular local and tourist destination. The previous Hanging Rock Update, August 2021 was presented to the Council Meeting held on 22 September 2021.

The community updates are presented to Council upon receipt. The latest community Hanging Rock Strategic Plan Update, November 2021 was released on 12 November 2021 and provides an overview of the following:

- Hanging Rock Master Plan
- Ministerial Advisory Group
- East Paddock
- Environmental Management Plan Update
- Aboriginal Cultural Landscape Conservation Management Plan

### **Consultation and engagement**

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

### **Collaboration**

The subject matter of this report involves Council collaboration with DELWP, as well as representatives from the community and Taungurung, Wurundjeri Woi Wurrung and Dja Dja Wurrung peoples, who form the Hanging Rock Ministerial Advisory Group.

### **Innovation and continuous improvement**

Council's involvement with the Hanging Rock Ministerial Advisory Group is reflective of its commitment to innovation and continuous improvement in relation to the strategic management of Hanging Rock.

### **Relevant law**

There are no legislative implications or risk associated with Council noting this report.

### **Relevant regional, state and national plans and policies**

The subject matter of this report and attachment relate to the implementation of the Hanging Rock Strategic Plan 2018.

### **Relevant Council plans and policies**

The subject matter of this report is aligned with the Council Plan Strategic Objective: Deliver strong and reliable government.

### **Financial viability**

There are no resource, IT or asset management implications associated with this report.

**Sustainability implications**

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

## Hanging Rock Strategic Plan Update November 2021



Photo credit: A. Professor Wayne Quilliam

**The Department of Environment, Land, Water and Planning (DELWP) continues to implement the Hanging Rock Strategic Plan (HRSP) in partnership with Macedon Ranges Shire Council (MRSC). While the HRSP Implementation project is happening, MRSC continues to manage the day-to-day operations of the Hanging Rock precinct**

### The Hanging Rock Master Plan

Tract Consultants have been busy working on the draft Hanging Rock Master Plan, as they complete the consultation and engagement phase. During this phase, they engaged with Traditional Owner groups, Wurundieri, Djaara (Dja Dja Wurrung) and Taungurung, the Hanging Rock Ministerial Advisory Group (MAG), DELWP, MRSC and sporting club users of the site. These discussions will build on the work done by MRSC in previous years and inform the direction of the master plan so that it ensures sustainable long-term development and management of the entire precinct, enable balanced and appropriate use across the site, and identify opportunities for improvement to the physical environment.

Tract continue to work with Practical Ecology and EcoLogical Australia to integrate information and research findings into the master plan from the Environmental Management Plan (EMP) and Aboriginal Cultural Heritage Conservation Management Plan (CMP).

A copy of the draft master plan will be available for community comment from mid-December 2021 to the end of Feb 2022. Details of how to access the draft master plan will be in the next Hanging Rock Strategic Plan Update.



Photo credit: A. Professor Wayne Quilliam Photography

### Ministerial Advisory Group

The MAG met on the Friday 8 October for an update on the project and a presentation from Tract Consultants who provided the group with information and insight about the principles and guidelines the consultants are using to develop the master plan. There was useful discussion amongst the group with opportunity to ask questions and provide feedback on the directions of the draft master plan.

### East Paddock

DELWP and MRSC continue to work together to progress the transfer of East Paddock.

## Hanging Rock Strategic Plan Update November 2021

### Environmental Management Plan update

The community were invited to review and provide feedback on the updated Environmental Management Plan for Hanging Rock via the MRSC 'Have your Say' webpage from the 28 July until the 25 August 2021. The Plan, updated by Practical Ecology, focuses on describing the environmental values at Hanging Rock and the actions needed to enhance the site's native vegetation and habitat.

The community's feedback, reviewed by MRSC, Practical Ecology and DELWP, was incorporated into the EMP and the plan updated accordingly.

The Hanging Rock EMP went to Council for adoption Wednesday 27 October 2021 and unanimously adopted. Minutes from the Council meeting can be viewed here: [Hanging Rock EMP](#)

Practical Ecology will issue the final plan in the coming weeks and it will then be available on the MRSC website.

### Aboriginal Cultural Landscape Conservation Management Plan

Traditional Owner groups, Taungurung, Wurundjeri, and Djaara have reviewed and endorsed the final draft of the Hanging Rock Aboriginal Cultural Heritage Conservation Management Plan (CMP).

Tract Consusultants continue to work with EcoLogical Australia and the three Traditional Owner groups to understand and acknowledge the importance of the cultural heritage values of the Precinct.

Information obtained through research and consultation during the the development of the CMP will provide information and direction to the

master plan about how best to protect and manage these values into the future.

EcoLogical Australia expects to finalise the plan by the end November 2021.



Photo credit: Lissa Aitkenhead

### Contact us

**For questions about this project or to sign up to receive future updates, contact:**

Jodi Cant – 5340 4444 or [hanging.rock@delwp.vic.gov.au](mailto:hanging.rock@delwp.vic.gov.au)

For up-to-date information on the HRSP: [www.forestsandreserves.vic.gov.au/initiatives/hanging-rock-project](http://www.forestsandreserves.vic.gov.au/initiatives/hanging-rock-project)

**For general enquiries about Hanging Rock:**

For information about the day-to-day operations of Hanging Rock, contact Macedon Ranges Shire Council Customer Service - (03) 5422 0333 or [mrsc@mrsc.vic.gov.au](mailto:mrsc@mrsc.vic.gov.au) or [www.visitmacedonranges.com/see-do/the-great-outdoors/hanging-rock/](http://www.visitmacedonranges.com/see-do/the-great-outdoors/hanging-rock/)

<b>CX.2</b>	<b>CONTRACTS TO BE AWARDED DECEMBER 2021</b>
<b>Officer:</b>	<b>Corinne Farley, Coordinator Contracts</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

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

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

### Recommendation

#### That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
  - (a) **Q22.1133 Design and Construct Footbridge Margaret Street Macedon**
  - (b) **C22.1150 Management Seniors Housing Lancefield**
2. **Grants delegated authority to the Chief Executive Officer to award the following contracts:**
  - (a) **C22.1149 Supply Panel Provision of Concrete In situ Services**

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### Background information

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

### Opportunity to review delegated authority

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

### Q22.1133 Design and Construct Footbridge Margaret Street Macedon

Council has received a Local Road and Community Infrastructure grant to replace the existing footbridge over the Riddells Creek in Margaret Street, Macedon. The footbridge replacement is to be carried out as Design and Construction Contract.

The Director Assets and Operations has delegated authority to award this contract.

**C22.1150 Management Seniors Housing Lancefield**

This contract is for the provision of tenancy and asset management services relating to 3 Noel Street Lancefield for a period of 20 years.

The contractor must be eligible to receive funding under the Victorian government's Big Housing Build. The contractor will be required to partner with Council and the Lions Senior Citizens Villages of Lancefield Romsey to seek funding to develop the Lancefield property via Big Housing Build (ideally, Social Housing Growth Fund Regional Round).

The Director Corporate and Community has delegated authority to award this contract.

**C22.1149 Supply Panel Provision of Concrete In situ Services**

This contract is for the appointment to a panel of a least five members for the supply of concrete in situ works at various locations within the shire. The contract is for three years, with an option to extend for a further two years. This contract will replace the current contract, which will expire on 31 January 2022.

The contract exceeds the \$1 million 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 2021/2022 operational and capital works budget and future annual budgets.

**Sustainability implications**

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



**Officer declaration of conflicts of interest**

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

<b>CX.3</b>	<b>CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY</b>
<b>Officer:</b>	<b>Carmen Lawrence, Interim Executive Manager People, Culture and Performance</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>CEO Employment and Remuneration Policy 2021 <a href="#">↓</a></b>

### Summary

Consistent with the requirements of the *Local Government Act (LGA) 2020*, Council is required to develop and adopt a Chief Executive Officer (CEO) Employment and Remuneration Policy by 31 December 2021. Council is also required to establish a CEO Employment and Remuneration Committee. Officers recommend that the attached Chief Executive Officer Employment and Remuneration Policy be considered and adopted and the CEO Employment and Remuneration Committee established.

### Recommendation

#### That Council:

1. **Adopts the Chief Executive Officer (CEO) Employment and Remuneration Policy, as required under Section 45 of the Local Government Act 2020.**
2. **Establishes the CEO Employment and Remuneration Committee (the Committee) by nominating the Mayor and Councillors \_\_\_\_\_ and \_\_\_\_\_ as Committee members.**
3. **Endorses the commencement of a recruitment process for the Independent Advisor to the Committee.**
4. **Notes that the Draft Committee Terms of Reference (included as Appendix A of the Policy) will be finalised in Consultation with the Committee and submitted to the March 2022 Audit and Risk Committee Meeting followed by the March Scheduled Council Meeting for endorsement.**
4. **Notes that the Policy is scheduled to be reviewed within 12 months of the 2024 General Election**

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### Background

Under section 45 of the *Local Government Act 2020* (the Act) Council is required to develop and adopt a CEO Employment and Remuneration Policy (the Policy) by 31 December 2021. The policy must:

- Provide for Council to obtain independent advice in relation to CEO employment matters
- Provide for the CEO recruitment and appointment process, provisions to be included the employment contract and the CEO performance monitoring and review process
- Have regard to any statement of policy issue by the Victorian Government which is in force with respect to its wages policy, and

- Have regard to any determination currently in effect under section 21 of the Victorian Tribunal and Improving Parliamentary Standards Act 2019 regarding remuneration bands for executive's employment in public service bodies.

**Discussion**

The attached Policy establishes a governance framework and provides guidance/direction on all aspects of the employment cycle of the CEO including recruitment, performance, remuneration and end of contract processes, reflecting Council's responsibilities under the Act.

The Policy also addresses the requirement to establish a CEO Employment and Remuneration Committee providing high level detail on the function, role and membership of the Committee, including the requirement to appoint an Independent Advisor.

It is a recommendation of this report that Council establishes the Committee by nominating the Mayor and two additional Councillors to be members of the Committee and endorses the commencement of a recruitment process for the Independent Advisor.

A draft Terms of Reference is attached to the Policy as Appendix A; it is intended that the Terms of Reference will be finalised in consultation with the Committee and provided to the March 2022 Audit and Risk Committee followed by the March 2022 Scheduled Council meeting for endorsement.

**Consultation and engagement**

Councillors and the CEO have been engaged in the iterative development of the CEO Employment and Remuneration Policy, with draft versions discussed at three Councillor Briefing sessions.

**Collaboration**

Nil

**Innovation and continuous improvement**

Nil

**Relevant law**

The development of this policy responds to the requirement set out under Section 45 of the *Local Government Act 2020*.

**Relevant regional, state and national plans and policies**

- *Victorian Public Administration Act 2004*
- *Victorian Public Sector Commission Policy on Executive Remuneration in Public Entities 2020*
- *Victorian Government's Appointment and Remuneration Guidelines 2020*

**Relevant Council plans and policies**

The development and adoption of this Policy is identified in the Council Plan 2021 - 2031 under *Strategic Objective 4 - delivering strong and reliable government and is a priority under enhance strategy, policy and plan development, and identify alignment to allow for*

*prioritisation of services that are efficient, well planned, accessible and meet community needs.*

**Financial viability**

Nil

**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.





<b>Related Policies:</b>	Procurement Policy Staff Code of Conduct Councillor Code of Conduct OHS Policy
<b>Related documents</b>	Appendix A: Terms of Reference CEO Employment and Remuneration Committee
<b>Related Legislation:</b>	Local Government Act 2020 Public Administration Act 2004 Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1		Chrissy Gordon
Second Draft	2	2/11/21	Carmen Lawrence
Final Draft	3	8/12/21	Carmen Lawrence
Approval			

## 1. Purpose and scope

This Policy complies with the requirements of the *Local Government Act 2020* (Section 45). It outlines how Council will meet its responsibility to manage the employment cycle of a CEO including the recruitment and appointment of the CEO, determining the CEO's performance plan, reviewing the performance of the CEO against the plan, and determining the remuneration of the CEO.

## 2. Principles

Council will carry out its functions relating to the appointment, remuneration, contract, and performance appraisal of the CEO in accordance with the following principles:

- Decision making processes that are fair, transparent, and applied consistently in comparable circumstances
- Decision making criteria that are relevant, objective, and available to the person subject to the decision
- Decisions and actions that are conducive to ongoing good governance
- Documentation that is sufficiently clear and comprehensive to render decisions transparent and capable of effective review
- Employment decisions that are based on the proper assessment of an individual's work-related qualities, abilities, and potential against the genuine requirements of the role
- Decisions to appoint new employees are based on competitive, merit-based selection, open processes, and objective criteria

## 3. CEO Employment and Remuneration Committee

### 3.1 Establishment

Under section 45(2) of the Act Council is required to establish a CEO Employment and Remuneration Committee (the Committee).

### 3.2 Role

The Committee acts in an advisory capacity to Council; its role is to:

- Guide the recruitment of the CEO, and the process for appointing a person to act as CEO if required
- Provide recommendations to Council on contractual conditions and the remuneration of the CEO
- Develop the draft CEO Performance Plan
- Assess the CEO's performance against the performance plan

### 3.3 Membership

- The Mayor (Chairperson)
- Two Councillors
- Independent advisor

The independent advisor will be a suitably qualified professional appointed via external advertisement and merit-based selection process for the term as specified in the Committee Terms of Reference. At the conclusion of the initial term on the Committee, the advisor may apply to be reappointed for a second term. The remuneration of the independent advisor will be based on a sitting fee per meeting, in line with the *Victorian Government Appointment and Remuneration Guidelines 2020* for like committees.

### 3.4 Meetings

The committee will meet at least twice per year, with authority to convene additional meetings as required. A quorum will consist of the Chairperson plus two other members.

### 3.5 Administrative support

The Manager People and Wellbeing will provide support to the Committee by:

- Coordinating meetings of the committee
- Preparing relevant documentation including contractual documents and reports to Council
- Consulting with the Committee on the development of a CEO onboarding program
- Maintaining appropriate records regarding employment and performance reviews
- Obtaining formal advice if requested.

## 4. Recruitment and appointment of the CEO

Council will engage a specialist recruitment provider to assist with the recruitment and appointment of a CEO. The Committee will provide recommendations to Council for the appointment of a recruitment provider, the selection criteria, and the development of the CEO contract. The Committee will also ensure gender equity in the composition of the interview panel.

### 4.1 Contract of Employment

At a minimum the Contract of Employment will detail:

- The term of employment (not greater than 5 years)
- An end of contract date at least 6 months prior to or post Council elections
- The responsibilities of the position
- Annual performance review
- The Management of Conflict-of-Interest requirements
- Remuneration
- Legislative obligations including those continuing after appointment
- Process for managing unsatisfactory performance or early termination

### 4.2 Remuneration and expenses

The remuneration package provided to the CEO will be subject to review by the CEO Employment and Remuneration Committee in accordance with the CEO performance review and contract requirements.

The CEO remuneration package should be developed in line with the *Victorian Public Sector Policy on Executive Remuneration in Public Entities* and the Section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* relating to remuneration bands for executives employed in public service bodies. The package should be sufficient to attract, retain and motivate the executives of the calibre required for the role but avoid excess.



**4.3 Performance plan**

The CEO's annual Performance Plan (the plan) will be developed in conjunction with the CEO and the CEO Employment and Remuneration Committee and is to be adopted by Council. The plan will document the agreed objectives and outcomes to be delivered over the 12-month period and the CEO will provide progress reports to the Committee at each review.

**4.4 End of contract**

Six months prior to the end of the CEO contract, the Committee will provide a recommendation to Council to:

- Reappoint the CEO, or
- Advertise for the recruitment to the role of CEO

The incumbent CEO is to be advised of Council's decision on the recommendation. The recommendation will be in accordance with current legislative requirements.

**5. Integrity of the processes**

All information relating to the recruitment, selection and review processes must be kept strictly confidential. Councillors and staff involved in the processes must take all reasonable steps to maintain confidentiality and respect the privacy of all persons involved.

Any breaches of confidentiality may constitute a breach of the Councillor or Staff Code of Conduct.

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**Appendix A: CEO Employment and Remuneration Advisory Committee  
Terms of Reference**

<p>Delegation</p>	<p>The CEO Employment and Remuneration Advisory Committee 'the Committee' has no delegated authority. Its role is to make recommendations to the full Council on the appointment, performance review and remuneration of the Chief Executive Officer.</p>
<p>Role of the Committee</p>	<p>The primary role of the Committee is to fulfil its responsibilities in relation to employment cycle of the Chief Executive Officer. In that context the Committee has the following functions and responsibilities:</p> <p><b>Recruitment and Contract recommendations</b></p> <ul style="list-style-type: none"> <li>• Recommend to Council the engagement of an executive recruitment agency and the steps in the recruitment process and recruitment timeline for endorsement. Taking into account the following:             <ul style="list-style-type: none"> <li>• The appointment of a recruitment agency must be in accordance with Council's Procurement Policy.</li> <li>• The Committee may choose to utilise the Municipal Association of Victoria Permanent Recruitment Services Panel.</li> <li>• The Manager People and Wellbeing may provide assistance to the Committee regarding process.</li> </ul> </li> <li>• Act as a point of liaison between the Council and any appointed executive recruitment agency.</li> <li>• Coordinate the review of the CEO's Position Description and associated recruitment documentation</li> <li>• Undertake any aspects of the recruitment and appointment process agreed to by Council</li> <li>• Make recommendations to the Council on remuneration and other conditions of employment.</li> </ul> <p><b>Acting arrangements for the CEO</b></p> <p>Provide advice to Council on any appointment to act as CEO for any term greater than 28 days (appointment for less than 28 days will be made directly by the CEO).</p> <p><b>Performance Review</b></p> <ul style="list-style-type: none"> <li>• Coordinate the CEO performance review process, having sought input and feedback from all members of the Council</li> <li>• Make recommendations to the Council on annual performance criteria</li> <li>• Make recommendations to the Council on annual remuneration review, or the review of any other terms and conditions of the employment contract.</li> </ul> <p><b>End of Contract</b></p>

	<p>Make recommendations to Council, having sought input and feedback from all members of the Council, on options within six months of the expiry of the CEO's employment contract which could include:</p> <ul style="list-style-type: none"> <li>• Reappointment of the CEO; or</li> <li>• Early termination of the contract where warranted; or</li> <li>• To terminate in accordance with the contract.</li> </ul>
Membership and chairperson	<p>The membership of the Committee is:</p> <ul style="list-style-type: none"> <li>• The Mayor</li> <li>• Two Councillors</li> <li>• An independent professional advisor (the Advisor) with appropriate professional experience in employment related matters</li> </ul> <p><b>The Independent Advisor</b></p> <p>The Independent Advisor (Advisor) will be appointed for a four-year term with an option for a further four-year term by mutual agreement between the Advisor and Committee. The Advisor cannot be a Councillor or member of Council staff.</p> <p>The advisor will have the following key competencies:</p> <ul style="list-style-type: none"> <li>• Demonstrated executive human resource management experience and leadership (specifically in the areas of recruitment, salary benchmarking, performance management and appraisals, and professional development of executive level staff.</li> <li>• Experience in executive level roles in business and/or the public sector.</li> <li>• Experience working with boards or other governance bodies.</li> </ul> <p>The Advisor will be paid a fee based on a sitting fee per meeting, in line with the <i>Victorian Government Appointment and Remuneration Guidelines 2020</i> for like committees and will be appointed by the Macedon Ranges Shire Council.</p> <p><b>The Chair</b></p> <p>The Mayor will act as Chair for the Committee meetings.</p>
Administrative Support	<p>The Manager People &amp; Wellbeing will provide advice and administrative support to the Committee, including:</p> <ul style="list-style-type: none"> <li>• Coordinating meetings of the Committee</li> <li>• Preparing relevant documentation including reports to Council and contractual documents</li> <li>• Provide advice in relation to the appointment of a recruitment agency</li> <li>• Maintaining appropriate records regarding performance reviews</li> </ul> <p>The Advisor will undertake administrative support functions when the Committee meets in camera.</p>
Term of the Committee	The term of Council

*CEO Employment and Remuneration Committee  
Draft Terms of Reference*

Meeting frequency and time commitment	<p>The Committee will develop and agree on a schedule of meetings to coincide, where possible, with relevant contractual dates and Council reporting deadlines.</p> <p>The Committee will met at least twice per year to coincide with the CEO mid and end year performance reviews.</p> <p>The Committee has the authority to convene additional meetings, as required.</p>
Voting rights	<p>A motion before the Committee is to be determined as follows:</p> <ul style="list-style-type: none"> <li>• Each member present is entitled to one vote</li> <li>• Voting must not be in secret</li> <li>• The motion is determined in the affirmative by a majority of members present</li> <li>• An abstention from voting is to be taken to be a vote in the negative</li> <li>• Voting shall be by a show of hands</li> <li>• The Chairperson must declare the result of the motion</li> <li>• Any member may request a division, in which the process described in section 64 of the Governance Rules shall apply, excepting where reference to "Councillor" is to be read as "member" and the record is to be undertaken by the Advisor</li> <li>• In the event of a tied vote, the Chairperson must exercise the casting vote</li> </ul>
Quorum	A quorum consists of the Chairperson plus two other members.
Reporting	Advisory Committee minutes and recommendations will be submitted to the next appropriate Scheduled Council Meeting as a confidential item for consideration.
Conduct of members	Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.
Conduct of meetings	<p>Meeting agendas will be prepared and provided at least five (5) working days in advance to members, along with appropriate briefing materials.</p> <p>Minutes will be prepared and distributed to the Committee within five (5) working days of the meeting for approval at the next meeting.</p> <p>The following provisions will apply to all meetings of the Committee:</p> <ul style="list-style-type: none"> <li>• Only Committee members are entitled to attend meetings</li> <li>• The Committee may invite, or require, any person/s to attend meetings, as it deems necessary.</li> </ul>
Contact details of committee	Manager People and Wellbeing
Terms of Reference Approval	
Review of Terms of Reference	The Terms of Reference will be reviewed annually and endorsed by Council.

*CEO Employment and Remuneration Committee  
Draft Terms of Reference*

References	<i>Local Government Act 2020</i> <i>CEO Employment and Remuneration Policy</i> <i>Councillor Code of Conduct</i> <i>Victorian Government Appointment and Remuneration Guidelines 2020</i>
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*CEO Employment and Remuneration Committee*  
*Draft Terms of Reference*

<b>CX.4</b>	<b>COMMUNITY ENGAGEMENT POLICY REVIEW</b>
<b>Officer:</b>	<b>Carmen Lawrence, Interim Executive Manager People, Culture and Performance</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

The Community Engagement Policy was endorsed by Council at the January Scheduled Council Meeting, with a requirement for it be reviewed by 27 January 2022. Due to significant workload involved in meeting further requirements of the Local Government Act 2020, other concurrent projects and the time required to undertake a community consultation process, it is requested that the review of the Policy be deferred until May 2022.

### Recommendation

**That Council notes and approves the deferment of finalising the review of the Community Engagement Policy from January 2022 to May 2022.**

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### Background

The development of the Community Engagement Policy was informed by a community consultation process conducted between 26 October and 20 December 2020, which included information being sent to all ratepayers, the Health and Wellbeing Committee, and two facilitated webinars.

The Community Engagement Policy was endorsed by Council on 27 January 2021; meeting the deadline of 1 March 2020, as set out under Section 55 of the *Local Government Act 2020*. Council required the policy to be reviewed in 12 months and returned to Council by 27 January 2022.

### Discussion

It is requested that the completion date for the review of the Community Engagement Policy is deferred until May 2022, the reasons for the request include:

- the heavy workload resulting from the need to meet requirements under the Local Government Act 2020, including a review of the Complaints Policy
- the current customer service review project
- the need for sufficient time to undertake community consultation, which with the changes to COVID-19 restrictions may allow for face-to-face sessions to take place
- enabling opportunity to assess the effectiveness of community consultation processes that have occurred since the adoption of the policy, including the Community Vision Assembly used in the development of the Community Vision, which informed the Council Plan

It's proposed that the review commences in January 2022, with the review outcomes and the revised policy to be presented for endorsement at the May 2022 Scheduled Council Meeting. The review will assess the effectiveness and appropriateness of the Community

Engagement Policy and report to Council, identifying areas for improvement and or strengthening.

This deferred timeline will enable the review to be undertaken in a considered, thorough and genuinely consultative manner, including a community consultation process and seeking input from the members of the Community Vision Assembly.

**Consultation and engagement**

The policy will be reviewed in consultation with internal and external stakeholders.

**Collaboration**

Not applicable.

**Innovation and continuous improvement**

The Community Engagement Policy will be updated in line with the outcomes of the review.

**Relevant law**

The Community Engagement Policy will be reviewed in line with the requirements of the Local Government Act 2020.

**Relevant regional, state and national plans and policies**

Not applicable.

**Relevant Council plans and policies**

Council's current Community Engagement Policy was endorsed 27 January 2020.

**Financial viability**

Not applicable.

**Sustainability implications**

Not applicable.

**Officer declaration of conflicts of interest**

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

<b>CX.5</b>	<b>COMPLAINTS POLICY</b>
<b>Officer:</b>	<b>Carmen Lawrence, Interim Executive Manager People, Culture and Performance</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Complaints Policy <a href="#">↓</a></b>

### Summary

The Complaints Handling Policy was adopted by Council at the March 2018 Scheduled Council Meeting, with a Council requirement for it be reviewed every three years. A Complaints Policy is a requirement of the *Local Government Act 2020* – Sect 107.

The policy has been reviewed and updated in line with the Victorian Ombudsman's *Councils and complaints – a good practice guide 2nd edition*.

### Recommendation

**That Council adopts the revised Complaints Handling Policy.**

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### Background

The current Complaints Handling Policy was endorsed by Council on 28 March 2018, with a Council requirement for it be reviewed every three years.

The timing of the review is also in line with the requirement of the Local Government Act 2020 that Council has an endorsed Complaints Policy in place by December 2021.

The policy has been reviewed and updated in line with the Victorian Ombudsman's *Councils and complaints – a good practice guide 2nd edition*. It has also been renamed to Complaints Policy (from Complaints Handling Policy).

### Discussion

It is requested that Council adopt the rewritten Complaints Policy.

The key themes and changes in the new Complaints Policy are:

- It is modelled on the Ombudsman's Complaints Handling for Local Government template
- The removal of procedural content, which is to be included in a new Complaints Handling Procedure
- Updated definitions
- Simplified (customer-friendly) overviews of:
  - How customers can make a complaint to Council
  - Council's complaints process
  - How customers can request internal and external reviews
  - How Council handles unreasonable complainant conduct
- Expanded details about:



- Council's processes for complaints about the CEO
- How Council learns from complaints
- Council's approach to privacy
- A new section outlining when Council is required to report to an external organisation.

**Consultation and engagement**

Councillors have been engaged in the iterative development of the Complaints Policy with draft versions discussed at three Councillor Briefing sessions.

**Collaboration**

Nil

**Innovation and continuous improvement**

This policy has been reviewed and updated in line with the Victorian Ombudsman's *Councils and complaints – a good practice guide 2nd edition*.

**Relevant law**

This policy has been developed as a requirement of the Local Government Act 2020 – Sect 107.

**Relevant regional, state and national plans and policies**

Nil

**Relevant Council plans and policies**

Macedon Ranges Shire Council *Complaints Handling Policy* (adopted 28 March 2018).

**Financial viability**

Nil

**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.



## POLICY POLICY POLICY POLICY POLICY POLICY POLICY POLICY POLICY POLICY

<b>Policy Title:</b>	<b>Complaints Policy</b>	
<b>Date of Adoption:</b>	December 2021	
<b>Adoption Method:</b>	<input checked="" type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>Other (please specify)</b>	
<b>Chief Executive Officer Signature:</b>		<b>Date:</b>
<b>Responsible Officer and Unit:</b>	Manager Community Strengthening Community Directorate	
<b>Nominated Review Period:</b>	<input type="checkbox"/> <b>Annually</b> <input checked="" type="checkbox"/> <b>Other: Within six months of a Council election</b>	
<b>Last Review Date:</b>	December 2021	
<b>Next Endorsement Date:</b>	April 2025	
<b>Purpose / Objective:</b>	To provide a framework for the management of complaints made to Council	
<b>References:</b>	<i>Councils and complaints – A good practice guide 2nd edition July 2021</i>	
<b>Related Policies:</b>	<i>Customer Service Charter</i> <i>Protected Disclosures Policy and Procedure</i> <i>Privacy Policy</i> <i>Councillor Code of Conduct</i> <i>Staff Code of Conduct</i> <i>Manual – Community Support-Volunteer</i> <i>Compliance and Enforcement Policy</i>	
<b>Related Legislation:</b>	<i>Local Government Act 2020 (Vic)</i> <i>Public Interest Disclosures Act 2012 (Vic)</i> <i>Protected Disclosure Act 2012</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Information Privacy Act 2000</i> <i>Freedom of Information Act 1982</i> <i>Independent Broad-based Anti-corruption Commission Act 2011</i>	

## 1. Scope

Dealing with complaints is a core part of Macedon Ranges Shire Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies. We are committed to:

- enabling members of the public to make complaints about Macedon Ranges Shire Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

Our *Complaints Policy* applies to all complaints from members of the public about Council staff, Council contractors, volunteers, and decisions made at Council meetings.

This policy does not apply to complaints from Council staff about another Council staff member (including the Chief Executive Officer).

This policy does not apply to complaints about individual Councillors. Complaints about individual Councillors is covered by the *Councillor Code of Conduct*, published on [mrsc.vic.gov.au](http://mrsc.vic.gov.au)

## 2. What is a complaint?

A complaint includes a communication (verbal or written) to Macedon Ranges Shire Council which expresses dissatisfaction about:

- an action, decision or service provided by Council staff, a Council contractor or a volunteer
- a delay by Council staff, a Council contractor or a volunteer in taking an action, making a decision or delivering a service
- a policy or decision made at a Council Meeting.

In this policy:

- 'Council' means Macedon Ranges Shire Council.
- 'Council staff' is any person employed by the Council to carry out the functions of the Council, and the Council's Chief Executive Officer (CEO).
- 'Council contractor' is any third-party engaged by the Council to carry out functions on the Council's behalf.
- 'the Council' means the body of elected Councillors.
- 'business day' is a day when the Council is normally open for business; Monday to Friday, excluding public holidays.
- 'business hours' are Council's normal hours of business, as specified at [mrsc.vic.gov.au/contact-us](http://mrsc.vic.gov.au/contact-us)
- 'Councillor Conduct Officer' is the person appointed in writing by the CEO to perform the duties set out in section 150 of the *Local Government Act 2020*, such as assisting in the implementation and conduct of the Council's internal resolution procedure.
- 'child' is a child, children and young people up to the age of 18 years.
- 'complainant' is a person or organisation that makes a complaint.

- 'complaints process' is the way in which Council deals with complaints, including policy and procedures, electronic systems and reporting mechanisms.
- 'Principal Officer' is the CEO of Council, pursuant to Section 3 of the *Independent Broad-based Anti-corruption Commission Act 2011*.
- 'response officer' is the Council staff member who is responsible for assessing and responding to complaints in their area of responsibility.
- 'unreasonable complainant conduct' is any behaviour of a current or former customer which, because of its nature, raises substantial health, safety, resource or equity issues for the parties to a request.
- 'volunteer' is a person who undertakes duties for Council but does not receive remuneration or token remuneration from Council, including members of the public appointed by Council to a Council committee or other group.

### 3. How to make a complaint

Any member of the public can make a complaint. Complaints can be made:

Telephone:	03 5422 0333
Online:	<a href="http://mrsc.vic.gov.au/contact-us">mrsc.vic.gov.au/contact-us</a>
Email:	<a href="mailto:mrsc@mrsc.vic.gov.au">mrsc@mrsc.vic.gov.au</a>
Post:	Macedon Ranges Shire Council, PO Box 151, Kyneton VIC 3444
In person:	Kyneton Administration Centre – 129 Mollison St, Kyneton Gisborne Administration Centre – 40 Robertson St, Gisborne Romsey Community Hub – 96-100 Main Rd, Romsey Woodend Service Centre – corner High and Forest streets, Woodend

We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- Talking with you if you have trouble reading or writing.
- Communicating with another person who is authorised to act on your behalf if you cannot make the request yourself.
- Using an assistance service, such as the free National Rely Service:
  - TTY users phone 133 677 then ask for 03 5422 0333
  - Speak and Listen (Speech-to-Speech Relay) users phone 1300 555 727 and ask for 03 5422 0333
  - Internet relay users connect to the NRS ([www.relayservice.com.au](http://www.relayservice.com.au)) and ask for 03 5422 0333.

To assist us deal with your complaint as best we can, it is helpful to provide the following to Council when making a complaint:

- Name and contact details. You can complain anonymously, but this may limit how the Council

responds to you

- Identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
- Give us relevant details, such as dates, times, location or reference numbers, and documents that support your complaint
- The outcome you are seeking from making your complaint
- Whether you have any communication needs.

#### **4. Our complaints process**

When you complain to us, we will record and acknowledge your complaint within three (3) business days. We will initially assess your complaint to decide how we will handle it. This may happen while we are talking with you.

After our initial assessment, we may:

- take direct action to resolve your complaint;
- refer your complaint to the relevant team or manager for investigation;
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT).

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

Written complaints, or those that cannot be resolved at the time of the complaint being made, will be allocated to the appropriate response officer for processing.

The response officer will:

- Assess the request to determine how it should be processed.
- If necessary, contact you to clarify details of your complaint and/or the outcome you are seeking.
- Formally respond to – and attempt to resolve – all complaints promptly; no later than 10 business days after receipt. If the complaint is expected to take longer than 28 business days to resolve, for example if an investigation is required, the response officer will, no later than 10 business days after receipt, contact you to explain why and to provide a revised timeframe. If an investigation is required, we will, as part of our investigation:
  - update you every 28 business days about progress until the investigation is completed;
  - assess the information against relevant legislation, policies and procedures;
  - refer to Council documents and records;
  - meet affected parties to consider possible solutions.
- Contact you in writing to advise you of the outcome of your complaint and explain our reasons.

#### **5. Our process for complaints about the Chief Executive Officer**

Complaints about the Chief Executive Officer (CEO) are to be referred to the Director Corporate. The role of the Director Corporate is one of facilitation, not investigation.

- The Director Corporate will notify the Mayor and the CEO of the complaint
- Where warranted, the Director Corporate may, upon discussion with the Mayor, refer the complaint to be dealt with via an internal investigation, by an external body (e.g., The Independent Broad-based Anti-corruption Commission, the Local Government Inspectorate etc.) or may engage an external consultant to investigate and report on the complaint
- Professional external advice and suggestions will be sought on the engagement of an appropriately qualified external consultant.
- The external consultant must be acceptable to the complainant and the CEO; and
- The CEO will be able to make representations to the external consultant.

The report of the external consultant:

- The draft consultant’s report (including any recommendations) will be provided to the Director Corporate for consideration
- The final report and recommendations (if any) will then be submitted to the Director Corporate
- The Director Corporate will discuss the report, including any recommendations with the Mayor
- If the matter is resolved at this point and no further action required, the CEO and complainant will be advised accordingly
- If the complaint is upheld and further action required, the Mayor may seek advice and guidance from the external consultant on implementing the report recommendations. The Director Corporate may also be requested to provide advice on process
- The complainant will be advised in writing of the outcome of the investigation and any further steps they can take if necessary

If the Mayor and/or the Director Corporate have an actual or perceived conflict of interest in a complaint regarding the CEO, the person or persons with the conflict of interest will be removed from the process. They will be replaced with another person or persons, such as the Deputy Mayor and/or another Director.

**6. How to request an internal review**

If you are dissatisfied with our decision and how we responded to your complaint, you can request an internal review.

The internal review will be conducted by a senior Council officer who has not had any prior involvement with your complaint.

We will inform you of the outcome of the internal review and explain our reasons within 30 calendar days of the date of your request for an internal review.

**7. How to request an external review**

There are external bodies that can deal with different types of complaints about us.

You can request an external review from the following organisations.

Complaint	Organisation to contact for external review
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<p>Actions or decisions of a Council, Council staff and contractors</p> <p>This includes failure to consider human rights or failure to act compatibly with a human right under the <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i></p>	<p>Victorian Ombudsman <a href="http://ombudsman.vic.gov.au">ombudsman.vic.gov.au</a></p>
<p>Actions related to Council-managed kindergartens</p>	<p>Department of Education and Training <a href="http://education.vic.gov.au">education.vic.gov.au</a></p>
<p>Actions related to Council-managed services for older people</p>	<p>Aged Care Quality and Safety Commission <a href="http://agedcarequality.gov.au">agedcarequality.gov.au</a></p>
<p>Breach of privacy</p> <p>Complaint about a freedom of information application</p>	<p>Office of the Victorian Information Commission <a href="http://ovic.vic.gov.au">ovic.vic.gov.au</a></p>
<p>Breaches of the Local Government Act</p>	<p>Local Government Inspectorate <a href="http://lgi.vic.gov.au">lgi.vic.gov.au</a></p>
<p>Corruption or public interest disclosure ('whistleblower') complaints</p>	<p>Independent Broad-based Anti-corruption Commission <a href="http://ibac.vic.gov.au">ibac.vic.gov.au</a></p>
<p>Council elections</p>	<p>Victorian Electoral Commission <a href="http://vec.vic.gov.au">vec.vic.gov.au</a></p>
<p>Discrimination</p>	<p>Victorian Human Rights and Equal Opportunity Commission <a href="http://humanrights.vic.gov.au">humanrights.vic.gov.au</a></p>

#### 8. How we handle unreasonable complainant conduct

Unreasonable complainant conduct is any conduct of a current or former customer which, because of its nature, raises substantial health, safety, resource or equity issues for the parties to a complaint.

Unreasonable complainant conduct can be divided into five categories of conduct:

1. unreasonable persistence,
2. unreasonable demands,
3. unreasonable lack of cooperation,
4. unreasonable arguments, and
5. unreasonable behaviours.

Some types of behaviour are never acceptable and include:

- verbal abuse,
- offensive behaviour,

- threats, and
- violence.

Council requires Council staff to be respectful and responsive in all their engagement and communications with members of the public, and expect the same when members of the public are engaging and communicating with Council staff.

Council may change the way communication is provided or the process is managed if a complainant's conduct is deemed to raise health, safety, resource or equity issues for Council staff involved in the complaints process.

#### **9. When we are required to report to an external organisation**

Victoria has a Reportable Conduct Scheme to oversee allegations of child abuse and misconduct. The scheme:

- requires Council to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers, and to notify the Commission for Children and Young People (CCYP) of any allegations
- enables CCYP to independently oversee those responses
- facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulation's Working With Children Check Unit and CCYP.

#### **10. How we learn from complaints**

Complaints from people who use or who are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to develop solutions that improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaints data, including in our annual report.

#### **11. Your privacy**

When gathering information to action and respond to a complaint, Council will only collect personal information (including sensitive information) that is deemed necessary.

Information collected will only be used to respond to your complaint and undertake analysis, for the purpose of addressing any identified issues and improving Council services. Collected information may also be shared with Council staff on a need-to-know basis only.

Where we publish complaints data, it is in a de-identified format, with all personal information removed.

Council is committed to protecting personal information in accordance with our *Privacy Policy*. This policy is published on [mrsc.vic.gov.au](http://mrsc.vic.gov.au)



**13 DIRECTOR CORPORATE AND COMMUNITY REPORTS**

<b>CC.1</b>	<b>REPORT FROM THE AUDIT AND RISK COMMITTEE MEETINGS AND BIENNIAL REPORT OF THE COMMITTEE - DECEMBER 2021</b>
<b>Officer:</b>	<b>Travis Harling, Manager Finance and Reporting</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Audit and Risk Committee - Biannual Report December 2021 <a href="#">↓</a></b>

**Summary**

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee (the Committee) meetings for the second half of 2021. The report also ensures the requirements of the Committee's Charter are met, by providing a biannual report to Council that summarises the work of the Committee performed, to fully discharge its responsibilities. The Audit and Risk Committee Biannual Report - December 2021 is attached and the Chairperson, Mr Peter Matthews, will attend the Council Meeting to present the report.

**Recommendation**

**That Council notes the Audit and Risk Committee Biannual Report - December 2021 and thanks the Committee for the report.**

**Background**

The Committee was formally appointed under Section 53 of the *Local Government Act 2020* (LGA) as an advisory committee to Council.

**Discussion**

The biannual report of the Committee has been prepared and tabled for Council to consider. The provision of this report to Council is in line with the requirement in the Committee's Charter to, on a biannual basis, provide an audit and risk report that describes the activities of the Committee. It also ensures Council is compliant with Section 54 (5) (a) of the LGA. The report provides a summary of the work performed by the Committee during Quarters 1 and 2 of the 2021/22 financial year.

Summary of Work

A summary of the work performed by the Committee during the August, September and December meetings of the 2021/22 financial year is outlined below. Further detail on each of the items can be found in the attached report.

*Review of Council's Insurance Program*

The Committee reviewed Council's Insurance Program, following the final premiums renewal for the 2021-2022 period in August.

*Complaints Handling Policy Review*

At the August meeting, the Committee were presented with Council's draft Complaints Handling Policy. Under Section 107 of the LGA, Council is required to adopt a Complaints Policy by 31 December 2021.

*Review of reimbursement of expenditure for Councillors and Delegated Committees*

The Committee was provided with a draft report of all reimbursements of expenses of Councillors and members of delegated committees expenditure for Quarter 4 2020/21 at its August meeting and Quarter 1 2021/22 at its December meeting. This is a requirement under S40 (2) of the LGA.

*Information Services Update*

The Committee continued to receive regular Information Services updates after this was highlighted as a particular area of concern at the beginning of 2021.

*Biannual assessment of the control environment in relation to Council's Governing Principles*

At the August Committee meeting, members were provided with a report detailing Council's compliance with the LGA Governance Principles. The report, known as the 'Governance Schedule', provides the Committee with the assurance that Council is complying with these governing principles, including the numerous statutory obligations under the Local Government Act 1989 and the LGA. The report will also be presented at the December Committee meeting.

*Financial Reserves Policy Review*

A report was presented at the Committee's August meeting, which advised that Council is currently investigating the impacts of moving the financial reserves from their current four-ward structure to a three ward or one consolidated reserve structure.

*MRSC Response to the Investigation into Melton City Council's Engagement of IT Company MK Datamet*

At the Committee's August meeting, Council officers presented a response to the Ombudsman report, outlining the controls in place at MRSC to minimise events of the kind identified in the report, which largely related to tenders and conflicts of interest, contractor performance reviews and procurement thresholds.

*Procurement Policy Review*

At its September meeting, the Committee was presented with the draft Procurement Policy. Under the LGA, the Procurement Policy is required to be updated and adopted by 31 December 2021. The Committee received a final version of the policy at the December meeting, following its endorsement by Council in November.

*People Culture and Performance Reports*

At the August and December meetings, the Committee was provided with a report from Council's People, Culture and Performance unit for Q4 2020-2022 (August) and Q1 2021-22 (December). The report included information regarding Council's:

- COVID-19 response
- Workers wellbeing and workers compensation claims
- Notifiable incidents
- Learning and development updates
- Customer service standards and responsiveness

**Consultation and engagement**

The Committee received a draft version of the report at its 1 December 2021 meeting.

**Collaboration**

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

**Innovation and continuous improvement**

The operation of the Committee provides a structured, systematic oversight of Council's governance, risk management and internal control practices.

The Committee reviews those practices and provides Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

The Audit and Risk Committee is an important communication forum between the External Auditor, Internal Auditor, management and Councillors.

**Relevant law**

The Audit and Risk Committee is established in line with the LGA.

**Relevant regional, state and national plans and policies**

Not applicable.

**Relevant Council plans and policies**

The operation of the Committee is a legislative requirement, which assists Council to deliver on its priority of strong and reliable government, and achieve its vision by following good governance processes. Council has an adopted charter for the Committee.

**Financial viability**

There are no financial implications relating to the subject matter of this report that are over and above the current cost of resourcing the Committee.

**Sustainability implications**

There are no sustainability implications relating to the subject matter of 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 the subject matter of this report.



**Audit and Risk Committee**

**Biannual Report December 2021**

## **MACEDON RANGES SHIRE COUNCIL**

### **Audit and Risk Committee**

#### **Biannual Report December 2021**

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Introduction

1. External Audit
2. Internal Audit
3. Summary of Work Performed
4. Self-Assessment of Committee Performance

**Peter Matthews**  
Chairperson  
Audit and Risk Committee  
8 December 2021

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## Introduction

As part of its governance obligations to its community, Council has established an Audit and Risk Committee. The Audit and Risk Committee is an Advisory Committee to Council, acting in accordance with Sections 53 and 54 of the *Local Government Act 2020*.

In accordance with the requirements of the Audit and Risk Committee Charter, the Committee members through July 2021 to December 2021 were:

- Professor Peter Matthews – Independent Member and Chairperson (Appointed 2018 until 2024)
- Michelle Betson – Independent Member (Appointed 2020, resigned August 2021)
- Ms Magdalena Williams – Independent Member (Appointed 2021 through to 2023)
- Vinitha Pinto - Independent Member (Appointed 2021 through to 2022)
- Jonathan Kyvelidis - Independent Member (Appointed 2021 through to 2024)
- Cr. Geoff Neil – Councillor Delegate from 25 November 2020 to November 2022.
- Cr. Mark Ridgeway – Councillor Delegate from 25 November 2020 to November 2022.

The Local Government Act under section 5(a) requires the Audit and Risk Committee to produce a biannual audit and risk report describing the activities of the Audit and Risk Committee, including its findings and recommendations. The biannual audit and risk report must be provided to the Chief Executive Officer for tabling at the next Council meeting.

This is the second biannual Report prepared by the Audit and Risk Committee and presented to Council.

During the later six months of 2021, the Committee has discharged its duties at the following meetings:

- Wednesday 18 August
- Friday 10 September
- Wednesday 15 September
- Wednesday 1 December

Meetings were in person at the Gisborne Council Chambers from 8:30am – 12:00pm, except for the Friday 10 September 2021 meeting, which was held online via Zoom from 10am – 11:30am.

## 1. External Audit

### 1.1 Financial Audit

The Victorian Auditor-General appointed RSD Audit as their agent to undertake the financial audit for the year ended 30 June 2021. RSD Audit were represented at relevant Committee meetings by Ms Kathy Teasdale and Ms Blessing Mendoza. For the financial year ending 30 June 2022, the Victorian Auditor-General has appointed Travis Derricott from the Auditor General's Office, as the Council's new external auditor.

The Financial Audit protects the interests of Councillors and Ratepayers and enables the Auditor-General to form an opinion on whether Council's financial report and performance statement meet the requirements of the Audit Act 1994. The Financial Audit focuses on the accuracy of recording income and expenditure, the existence and measurement of assets and liabilities, and compliance with accounting standards.

#### Financial Statements

The Financial Statements mirror those of public companies and organisations including not-for-profit entities, and are prepared in compliance with Australian Accounting Standards, Local Government (Finance and Reporting) Regulations, and the Local Government Model Financial Report.

The Financial Statements comprise:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Changes in Equity
- Statement of Cash Flows
- Statement of Capital Works
- Notes to the Financial Statements.

The Financial Statements include a comparison between the last two financial years. Note 2 of the "Notes to the Financial Statements" includes a comparison between the Budget and the Actual end of year results.

The Financial Statements were audited by the Auditor-General's Agents; RSD Audit. RSD Audit undertook the audit remotely for 2020/21 due to COVID-19 restrictions. The audit included a review of the content and format of the financial statements by the Auditor-General.

The audit is carried out as described in the Audit Strategy. The Audit Strategy was presented to the Audit Committee to the 19 May 2021 meeting. The draft Annual Financial Statements for the year ended 30 June 2021 were presented to the Committee for feedback to the 10 September 2021 meeting, the final version was presented to the 15 September 2021 meeting. Ms Kathy Teasdale of RSD Chartered Accountants attended the meeting and provided an overview of the statements.

Subsequently, the Auditor-General completed their audit and issued the Auditor's Report (sometimes known as the audit opinion).

The Auditor-General formed the opinion that the Financial Statements presented fairly, in all material aspects, the Council's financial position as at 30 June 2021 and the Council's financial performance and its cash flows for the year ended 30 June 2021 in accordance with the applicable Australian Accounting Standards and the financial reporting requirements of Local Government Act.

The Auditor-General provided the Auditor's Report to the Minister for Local Government, the Minister for Finance, the Secretary of Department of Environment, Land, Water and Planning and the Secretary of Treasury and Finance.

The Auditor's Report and the Financial Statements were included in Council's Annual Report and presented to the 27 October 2021 Council meeting.

The VAGO Final Management letter for the year ending 30 June 2021 was presented to the 15 September 2021 meeting.



## 1.2 Performance Audit

The Victorian Auditor-General appointed RSD Audit as their agent to undertake the financial audit for the year ended 30 June 2021. RSD Audit were represented at relevant Committee meetings by Ms Kathy Teasdale and Ms Blessing Mendoza. For the financial year ending 30 June 2022, the Victorian Auditor-General has appointed Travis Derricott from the Auditor General's Office, as the Council's new external auditor.

The Performance Statement reports to the community on how well Council has performed against the Victorian Government's performance indicators. The Performance Statement includes the results for:

- Nine prescribed service performance indicators
- Seven sustainable capacity indicators
- Eleven financial performance indicators.

RSD Audit, the Auditor-General's Agents, audited the Performance Statement. The audit is carried out as described in the Audit Strategy. There are two major phases in the audit: firstly, the on-site component, completed remotely in 2020/21 due to COVID-19 restrictions by RSD Chartered Accountants; and, secondly the off-site review conducted by the Auditor-General.

The draft Performance Statement for the year ended 30 June 2021 was presented to the Committee for feedback to the 10 September 2021 meeting, the final version of the Performance Statement was presented to the 15 September 2021 meeting. Ms Kathy Teasdale of RSD Chartered Accountants attended the meeting and provided an overview of the statements.

Subsequently, the Auditor-General completed their audit and issued the Auditor's Report.

The Auditor-General formed the opinion that the Performance Statement was presented fairly and in accordance with the Local Government Act.

The Auditor-General provided the Auditor's Report to the Minister for Local Government, the Minister for Finance, the Secretary of Department of Environment, Land, Water and Planning and the Secretary of Treasury and Finance.

The Auditor's Report and the Performance Statement were included in Council's Annual Report and presented to the 24 November 2021 Council meeting.

## 2. Internal Audit

The Internal Auditor is a Consultant to Council. HLB Mann Judd were appointed the internal auditors in 2019 and are fulfilling the role of the internal auditor for the 2021/22 financial year. Mr Mark Holloway is the Audit Partner.

The purpose of an internal audit (also known as a Review) is to provide assurance to the Executive, Audit and Risk Committee, and Council by reviewing and testing the existence and effectiveness of policies, procedures and practices of an area of operation. An internal audit is aimed at reviewing operational risks and implementing controls to eradicate or minimise the risk. The Internal Auditor will both offer an opinion on the existing policies and procedures and provide recommendations to improve the policies and procedures to mitigate systemic risk.

### Internal Audit Reports

The Internal Auditor prepares a Memorandum of Audit Plan prior to each Review, which is considered by the relevant Director. The reviews undertaken in the second half of 2021 were conducted off-site due to COVID-19 restrictions by the Internal Auditor in consultation with the relevant Department Manager and other key Staff. Following the site interviews, the Internal Auditor prepares a Report and Recommendations. The Report also includes the Department Manager's Response to each recommendation.

At the conclusion of the Review, the Report is presented to the Audit Committee by a representative of HLB Mann Judd. The relevant Director or Department Manager also attends the meeting.

The following reports were presented to the Committee in the second half of the 2021:

- Review Outstanding Audit Actions – presented to the 18 August 2021 meeting
- Payroll Audit (including data interrogation) – presented to the 15 September 2021 meeting
- Records Management – presented to the 1 December 2021 meeting.

The following internal audits are schedule for completion during the remainder of 2021/22:

- Response to Covid-19 Pandemic
- IT Governance
- Communication

### Internal Audit Actions – Management Progress Reports

The benefits of Internal Audit Recommendations will not begin to be realised until such time as the

Recommendations are acted upon by management and are in operational practice.

After management accepts Internal Audit Recommendations, they become Actions to be implemented by relevant Department Manager.

To following steps monitor progress:

1. Actions are entered into a centralised report
2. Managers periodically record the progress being made (on each Action)
3. A quarterly Progress Report is provided to the Executive
4. A quarterly Progress Report is provided to the Audit Committee
5. After each Action has been reported as "complete" it is removed from the list.

### **3. Summary of Work Performed**

This section provides a summary and update on the work performed by the Committee during Quarters 1 and 2 of the 2021/22 financial year.

#### **3.1 Review of Council's Insurance Program**

The Committee reviewed the Council's Insurance Program, following the final premiums renewal for the 2021-2022 period in August. The portfolio renewal was recommended by the JLT Public Sector group as Council's risk advisor. The Committee emphasised the heightened risk to cyber security due to the increase of phishing and ransomware scams over the last year, and rising insurance premiums due to this. Council will continue to work to ensure there are no policy gaps that would expose Council to greater risks in this area.

#### **3.2 Complaints Handling Policy Review**

At the August meeting, the Committee were presented with the draft MRSC Complaints Handling Policy. Under Section 107 of the Local Government Act 2020, Council is required to adopt a complaints policy by 31 December 2021. The Committee provided feedback regarding terms within the policy requiring further definition, changes to the timeframe for acknowledgment of complaints, and requested that the policy be redrafted into two separate documents, one policy document and one procedure document.

#### **3.3 Review of reimbursement of expenditure for Councillors and Delegated Committees**

Under S40 (2) of the *Local Government Act 2020* the Audit and Risk Committee must be provided with details of all reimbursements of expenses of Councillors and members of delegated committees. The Committee was provided with a draft report of this expenditure for Quarter 4 2020/21 at the August meeting and Quarter 1 2021/22 at the December Meeting, for their feedback and information. The Committee determined that the information presented by the organisation was appropriate and that more detailed information about particular expenses could be included on a by request basis.

#### **3.4 Information Services Update**

The Committee continued to receive regular Information Services updates after this was highlighted as a particular area of concern at the beginning of 2021. An Information Services update was provided at

the August and December meetings, with particular focus placed upon disaster recovery testing, cyber security and the Pathway upgrade. The reports included the minutes of recent IS Steering Committee meeting and a response to the IT breach at Stonnington Council was included in the December IS Update.

### **3.5 Biannual assessment of the control environment in relation to Council's Governing Principles**

At the August and December 2021 Committee meetings, members were provided with a report detailing the Council's compliance with the Governance Principles. The report known as the 'Governance Schedule' provides the Committee with the assurance that Council is complying with the governing principles including the numerous statutory obligations under the *Local Government Act 1989* and the *Local Government Act 2020 (the 'Act')*.

### **3.6 Financial Reserves Policy Review**

At the June 2021 Council meeting, a Notice of Motion stipulating that the Chief Executive Officer report to a Councillor briefing and the Audit and Risk Committee regarding the approved use of funds section associated with the Public Open Space reserve section of Council's Financial Reserves Policy currently under review. This report, presented at the August Audit and Risk Committee meeting, noted that Council is currently investigating the impacts of moving the financial reserves from their current four-ward structure to either a three-ward or one consolidated reserve structure.

### **3.7 MRSC Response to the Investigation into Melton City Council's Engagement of IT Company MK Datanet**

In June 2021, the Victorian Ombudsman conducted an investigation into Melton City Council's engagement of IT company MK Datanet Pty Ltd. The report included concerning findings relating to the oversight of procurement and conflicts of interest within Council. At the August meeting, Council Officers presented a response to the Ombudsman report, outlining the controls in place at MRSC to minimise events of the kind identified in the report, which largely related to tenders and conflicts of interest, contractor performance reviews and procurement thresholds.

### **3.8 Procurement Policy Review**

At the September meeting, the Committee were presented with the draft Procurement Policy. Under the Local Government Act 2020 (LGA), the Procurement Policy is required to be updated and adopted

by 31 December 2021. The Committee commended the collaborative approach taken in the development of the policy and provided feedback on a number of areas where information was not clear or may need to be further developed. The final version of the policy was presented to the December Committee meeting for noting.

### **3.9 People Culture and Performance Reports**

At each meeting, the Committee were provided with a report from the Council's People, Culture and Performance division. The report includes information regarding the Macedon Ranges Shire Council's:

- COVID-19 response
- Workers wellbeing and workers compensation claims
- Notifiable incidents
- Learning and development updates
- Customer service standards and responsiveness.

### **3.10 MRSC June Storm Report**

At the December meeting, a report on the storm of 9-10 June was presented to the Committee. The report highlighted the major challenges of the storm, the recovery work undertaken thus far, and the lessons learned. It was acknowledged that work is still in the recovery stage; however, Council will shortly shift focus to planning for similar events. A second report will be presented mid- next year.

### **3.11 Review of Audit and Risk Committee workplan**

At the December meeting, the Committee reviewed the Audit and Risk workplan. The workplan now aligns with a six meetings per year schedule, rather than the previous quarterly schedule. Committee members requested additional reporting on risk management and financial reports be included.

### **3.12 Input into the Review of the Local Government Rate Capping Mechanism Administrative and Process Statutory Review**

An update on the independent review of the local government rate capping mechanism administrative and Process statutory review was provided to the Committee.

### 4. Self-Assessment of Committee Performance

<i>Rating Scale</i>	<i>1 = Strongly Disagree</i>	<i>2 = Disagree</i>	<i>3 = Neutral</i>	<i>4 = Agree</i>	<i>5 = Strongly Agree</i>	<i>N/A = Not Applicable</i>
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**Your Ratings of Performance**

Comments are expected from respondents in the spaces provided at the end of each section where Ratings of 1 or 2 are given. This will assist in the identification of opportunities for improvement. It is expected that all questions will be applicable, so use of N/A ratings should be avoided wherever possible.

ID	Questions	Ratings [Mark boxes as appropriate]					
		1	2	3	4	5	N/A
<b>A. Audit Committee Charter</b>							
1	The Charter clearly articulates the Committee’s roles and responsibilities and provides it with the necessary authority to discharge them				4		
2	The Charter facilitates and supports the effective operation of the Committee			3			
3	During the past year, the Committee has adequately addressed all of its responsibilities as detailed in the Charter			3			
4	The Charter ensures the Committee is sufficiently independent from the management of Council			3			
<b>Totals</b>				9	4		
<u>Comments / Suggestions for Improvement</u>							
<b>B. Skills and Experience</b>							
5	The Committee has the desired mix of skills to allow it to effectively discharge its responsibilities			3			
6	The Committee has been able to analyse and critically evaluate information presented to it by management				4		
7	There is a clear process that Committee members can follow to access advice and /or training to improve their skills and knowledge		2				
8	The Committee’s collective skills are adequate in light of its responsibilities			3			
9	The Committee has responded appropriately where significant risks and/or control breakdowns have been brought to its attention				4		
10	The Committee has shown an openness to new ideas and different views in its deliberations				4		
11	The Committee has been sufficiently probing and challenging in its deliberations.				4		
<b>Totals</b>			2	6	16		
<u>Comments / Suggestions for Improvement</u>							
<b>C. Understanding the Business</b>							
12	The Committee has an adequate understanding of Council’s:						

ID	Questions	Ratings [Mark boxes as appropriate]					
		1	2	3	4	5	N/A
	- Risk management framework and risk profile				4		
	- Internal control framework to mitigate significant risks				4		
	- Financial and statutory reporting requirements				3.5		
	- Legislative compliance requirements					4.5	
13	The Committee receives appropriate briefings on:						
	- Current and emerging business risks				4		
	- Changes in financial reporting requirements				4		
	- Changes in performance reporting requirements						N/A
	- Integrity Body reports				4		
	- Changes in the business/regulatory environment				4		
	<b>Totals</b>				27.5	4.5	
<u>Comments / Suggestions for Improvement</u>							
<b>D. Meeting Administration and Conduct</b>							
14	The Committee has had an appropriate number of meetings to properly discharge its responsibilities					5	
15	Agendas are structured to allow sufficient time to discuss all critical issues					5	
16	The Committee receives agendas and supporting papers in sufficient time prior to meetings				4		
17	Agendas and supporting papers are of sufficient clarity and quality to enable the Committee to make informed decisions				4		
18	Committee meetings are well run and productive					5	
19	Committee minutes are appropriately maintained and provided to Council on a timely basis (Councillors only to respond)				3.5		
	<b>Totals</b>				11.5	15	
<u>Comments / Suggestions for improvement</u>							
<b>E. Communications with Council (Councillors only)</b>							
20	Committee communications to Council about its deliberations and decisions are appropriate.				4		
21	Committee reports to Council on its activities are appropriate				4		
	<b>Totals</b>				8		
<u>Comments / Suggestions for improvement</u>							
<b>F. Management Commitment &amp; Support</b>							
22	Information and briefing papers presented by management meet the Committee's expectations in respect of:						
	- Council's risk profile and mitigating actions for key risks				4		
	- Maintenance of a strong internal control environment that is effective in mitigating key risks				4		
	- Management of Council's compliance and regulatory Obligations				4		
	- Council's external reporting requirements				4		
23	The Committee has a positive attitude to continuous improvement in its dealings with management					5	
	<b>Totals</b>				16	5	
<u>Comments / Suggestions for improvement</u>							



ID	Questions	Ratings [Tick boxes as appropriate]					
		1	2	3	4	5	N/A
<b>G. Internal Audit</b>							
24	The Committee reviewed the internal audit plan	Yes					
25	The Committee considered the adequacy of internal audit resources				4		
26	The Committee reviewed and approved any significant changes to the internal audit plan				4		
27	The Committee considered the performance of the internal audit function				4		
28	The Committee reviewed all internal audit reports and monitored management responses to recommendations				4		
29	The Committee reviewed the Internal Audit Charter to ensure that appropriate structures, authority, access and reporting arrangements are in place for the internal audit function						N/A
<b>Totals</b>					16		
<u>Comments / Suggestions for improvement</u>							
<b>H. External Audit</b>							
30	The Committee reviewed and approved the external audit plan	Yes					
31	The Committee reviewed external audit reports and management letters and monitored management responses to findings and recommendations made by external audit	Yes					
32	The Committee provided feedback on the performance of external audit	Yes					
<b>Totals</b>							
<u>Comments / Suggestions for improvement</u>							
<b>I. Other Comments [Please phrase your comments as opportunities for improvement]</b>							
Please note here any other comments you would like to make about the Committee's performance: Collegiate, engaged, and responded well to COVID restrictions, supported well by MRSC staff.							
<b>Grand Totals for all Responses</b>			2	15	99	24.5	

<b>CC.2</b>	<b>AUDIT AND RISK COMMITTEE - AMENDMENT TO CHARTER</b>
<b>Officer:</b>	<b>Gina Lyons, Director Corporate and Community</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

The Audit and Risk Committee comprises two Councillors and four independent members from the Macedon Ranges Shire community. This report seeks for Council to consider an amendment to the Committee Charter, to allow for an extension of independent members' terms from three years to four years, along with increasing the maximum term of independent members from nine years to 12 years.

### Recommendation

#### That Council:

1. **Approves an amendment to the Audit and Risk Committee Charter to increase the term of independent members from three years to four years.**
2. **Approves an amendment to the Audit and Risk Committee Charter to increase the maximum term of independent members from nine years to 12 years.**

### Background

The Audit and Risk Committee is an independent Advisory Committee of Council, formally appointed by Council pursuant to Section 53 (1) of the *Local Government Act 2020*. The purpose of the Audit and Risk Committee is to provide a structured, systematic oversight of Council's governance, risk management and internal control practices.

### Discussion

The Audit and Risk Committee met on December 1 2021 and provided the following recommendation for consideration by Council:

*"That the Audit and Risk Committee:*

1. *Recommends to Council an amendment to the Audit and Risk Committee Charter to increase the term of independent members from three years to four years.*
2. *Recommends to Council an amendment to the Audit and Risk Committee Charter to increase the maximum term of independent members from nine years to twelve years."*

Officers recommend that Council approves this recommendation following the appointment of an additional independent member so that the members continue to be appointed in a manner that achieves 4-year terms in a non-concurrent cycle, resulting in one independent-member renewal/or recruitment process per annum.

It is also recommended that the maximum term be increased to align with the above change.

### Consultation and engagement

This recommendation to amend the Audit and Risk Committee has been undertaken in consultation with the Audit and Risk Committee.

**Collaboration**

Nil

**Innovation and continuous improvement**

An opportunity for continuous improvement of the Committee has been identified in this report, and as such, it is recommended that an amendment is made to the Audit and Risk Committee Charter to allow for staggered appointments and an extension of maximum term.

**Relevant law**

Audit and Risk Committee is established and conducted as per the requirements of the Local Government Act 2020.

**Relevant regional, state and national plans and policies**

No applicable.

**Relevant Council plans and policies**

The conduct of the Audit and Risk Committee is identified in the Council Plan 2021- 2031 under *Strategic Objective 4 - delivering strong and reliable government* and is a priority under *enhance strategy, policy and plan development, and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs*

**Financial viability**

The operation of the Audit and Risk Committee is within Council's operating budget. The cost of an additional independent member will be absorbed by Council's operating budget.

**Sustainability implications**

Not applicable.

**Officer declaration of conflicts of interest**

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

<b>CC.3</b>	<b>AFFORDABLE HOUSING INTERIM POLICY</b>
<b>Officer:</b>	<b>Fiona Alexander, Manager Community Care</b>
<b>Council Plan relationship:</b>	<ol style="list-style-type: none"> <li>1. Connecting communities</li> <li>2. Healthy environment, healthy people</li> <li>4. Delivering strong and reliable government</li> </ol>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. <b>Affordable Housing Interim Policy 2021-2023</b> <a href="#">↓</a></li> <li>2. <b>Background paper - Affordable Housing Policy and Legislation</b> <a href="#">↓</a></li> <li>3. <b>Background paper - Overview of Affordable Housing</b> <a href="#">↓</a></li> <li>4. <b>Background paper - Our Affordable Housing Profile</b> <a href="#">↓</a></li> <li>5. <b>Background paper - Our Action Plan</b> <a href="#">↓</a></li> </ol>

### Summary

Council has undertaken the development of a new Affordable Housing Interim Policy. Following a period of public exhibition, Officers seek adoption of the Affordable Housing Interim Policy 2021-2023.

### Recommendation

#### That Council:

1. **Adopts the Affordable Housing Interim Policy 2021-2023.**
2. **Requests that the Chief Executive Officer write to the Central Victorian Primary Care Partnership (CVPCP) to acknowledge the partnership's financial contribution to the Affordable Housing Interim Policy 2021-2023.**
3. **Request that the Chief Executive Officer write to submitters and thank them for their contribution to the draft Affordable Housing Interim Policy 2021-2023.**

### Background

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

Announced by the Victorian Government in November 2020, Victoria's *Big Housing Build* will invest \$5.3 billion to increase the supply of social and affordable housing. Homes Victoria will deliver Victoria's *Big Housing Build*.

\$30 million has been identified as the minimum investment in the Macedon Ranges Shire.

Officers presented the draft Affordable Housing Interim Policy 2021-2023 to the October 2021 Ordinary Meeting of Council, at which time Council:

1. Endorsed the draft Affordable Housing Interim Policy 2021-2023 (the draft interim policy) for a public exhibition period of no less than 28 days.
2. Noted that following consultation, the draft interim policy will be presented to a future Council meeting for adoption.

**Discussion**

The draft interim policy proposes that Council's goal is:

*To increase the supply of appropriate affordable housing in the Macedon Ranges Shire through our role as advocate, decision maker, facilitator and investor.*

The draft interim policy is supported by background papers including:

- Affordable housing policy and legislation
- Overview of affordable housing
- Macedon Ranges- affordable housing profile
- Our Action Plan

**Consultation and engagement**

The draft Affordable Housing Interim Policy 2021-2023 was placed on public exhibition from 28 October 2021 to 25 November 2021.

The opportunity to engage was promoted via:

Media release, 29 October 2021

1. Social media
2. Email invitation to 40 agency recipients, 10 November 2021
3. Email introduction to 'online conversations' promoted to 40 agency recipients, 19 November 2021

Eight written submissions were received from community members and groups. Seven responses ranged from 'supportable' to 'fully supportive' of the draft interim policy.

- Four submitters spoke to the opportunity before Council to provide more focus to the housing needs of people with disability
- One submitter proposed a particular parcel of Council owned land be repurposed for affordable housing. This submitter also sought quicker access to dwellings than July 2023 when Council's final policy will be available.
- One submitter noted strong support for Council's desire to 'ensure that affordable housing developments are... designed to maximise environmentally sustainable design (ESD) principles'
- One submitter raised matters related to land use considerations. This submitter also requested clarification that a cost to Council is a cost to ratepayer, and proposed some editorial changes.
- One submitter noted that insufficient data and history was provided regarding performance following the tender for management of housing by a community housing provider.
- One submitter commended Council's draft Interim Affordable Housing Policy. This submitter, an industry association, also suggested that the background paper 'Overview of affordable housing' could be strengthened by providing an overview of the sector's regulatory environment.

Two people registered to attend the online conversations, and one attended. This person spoke to the need to highlight that housing is a human right, and to reinforce Council's commitment to Environmentally Sustainable Design in the built environment. This person

also shared a view that increasing the supply of affordable housing is fundamentally about land-use, with community development being secondary to strategic planning levers.

Officers have considered all points in the feedback received and amended the draft policy as noted in appendix 1. On occasion, the amendments may not reflect the level of detail provided by submitters- this approach is consistent with a high level interim policy. All submissions will be reconsidered in the development of a final comprehensive affordable housing policy to be prepared by July 2023.

### **Collaboration**

Data analysis completed by SGS Economics and Planning was funded by Central Victorian Primary Care Partnership (CVPCP).

### **Innovation and continuous improvement**

The interim policy has been developed as a first step to enable a broader range of work that will be required. The intent of this approach is to put affordable and social housing on Council's agenda and to convey Council's intent to engage with the Victorian government and our community on this important issue. The interim policy commits Council to further work to develop a comprehensive affordable and social housing policy.

### **Relevant law**

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 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 and Homelessness Agreement (NHHA) recognises the Commonwealth and the states' 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.

Homes for Victorians (2017) is the Victorian government's current housing strategy. The Victorian government is developing a 10 year Social and Affordable Housing Strategy, due for release in late 2021. Homes for Victorians (2017) is the state government's current Housing Strategy.

**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 promotes a range of housing options to improve housing affordability.

Macedon Ranges Shire Council's 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 Affordable Housing Interim Policy 2021-2023 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.

Appendix 1.

Feedback	Response
<p>A policy listed in MRSC document Affordable Housing Draft Interim Policy 2021-2023 that I firmly agree with is that Macedon Ranges Shire “believe that we (MRSC) have a leadership role in advocating for and creating access to a greater supply of affordable, appropriate and secure housing”.</p> <p>Please advocate for the disabled.</p>	<p>New text about acknowledging the housing needs of people with disability in ‘Scope’.</p> <p>Additional/new principles:</p> <ul style="list-style-type: none"> <li>• understand that choice and control principles should be reflected in decisions related to housing needs of people with disability</li> </ul>
<p>“Our policy principles are that we: ... * recognise that some groups of people are disproportionately affected by lack of affordable, appropriate and secure housing”.</p> <p>Please recognise that the disabled are disproportionately affected.</p>	<ul style="list-style-type: none"> <li>• understand the value of community, and the importance of an individual being able to stay close to his/her/their support networks</li> </ul>
<p>I would be pleased if the Council would consider the disabled as a priority group in our community to be taken into account in your decision making for affordable housing.</p>	<p>Additional function in the description of our role as an advocate: As an advocate, we can take an active role in influencing the supply <b>and suitability</b> of affordable housing in the shire.</p>
<p>As a parent who has an adult [REDACTED] with a disability I would like to bring to your attention how extremely hard it is, (actually near impossible) to find suitable, long term and affordable housing for someone with a disability in the [REDACTED] district.</p> <p>I would like to bring to the attention of everyone involved that the housing crisis in Macedon Ranges affects our most vulnerable and this proposal could possibly help to relieve some of the housing affordability issues for some of our most impacted and vulnerable residents.</p> <p>It is extremely important that these people have the choice to stay in their own area as many of them have formal and informal supports here and have also grown up in this region, not to mention how change can have a huge negative impact on their day to day lives especially away from family and friends who play a huge role in their everyday lives. And definitely should not have to be forced out due to affordable housing issues.</p>	<p>Additional function in description of our role as a facilitator and investor: We can speak with developers about social and affordable housing needs of vulnerable groups.</p> <p>Additional function is Decision Maker:</p> <ul style="list-style-type: none"> <li>• share information about the needs of priority housing cohorts, <b>including people with disability</b></li> </ul> <p>Replace words ‘appropriate accommodation’ with ‘suitable accommodation’ to describe that that accommodation should be fit for purpose.</p>



<p>The NDIS funds Specialist Disability Accommodation in some peoples NDIS plans if they meet the criteria.</p> <p>There are many new SDA projects being built in the Bendigo area, but this is too far for people to move to. This is the perfect opportunity for MRSC to consider The benefits of this type of housing for people with a disability are huge. The benefits for developers are enormous too. I certainly hope that this proposal could be looked into and considered in relieving some of the affordable housing long term solutions in our area for our most vulnerable.</p>	
<p>I work in the Macedon Ranges with disabled people, an extremely vulnerable cohort.</p> <p>Many of the people that I work with, and their families, are living in substandard, extremely overpriced and unstable housing in the private rental market.</p> <p>This is a huge problem that is compounded by the fact that many of these people are unable to work to afford the very high rents, so are spending approximately 50-60 percent of their meagre disability pension on rent, before they are even looking at the other costs of everyday living, which is often more for them than people who don't live with a disability.</p> <p>Most of the people I work with have grown up in the area and they all agree that it is extremely important for them to stay close to their formal and informal supports. These people are unable to get through the day without the incredible support of families, friends, volunteers and paid support workers. For them to relocate to areas that have more affordable and appropriate housing, suited to their disability, would mean social isolation, loss of family connection and often a sense of community connection. These factors are paramount in contributing to meaningful life for many people.</p>	
<p>I would like to suggest that Macedon Ranges really needs to consider this (disability) cohort in the Affordable Housing Plan. The opportunities for collaboration with developers, not for profit groups, churches and council, to use</p>	

<p>appropriate vacant land to build Specialist Disability Housing in this area, is vast.</p> <p>The NDIS funds Specialist Disability Accommodation in peoples NDIS Plan if they meet the criteria. I have many people who do meet the criteria and may be considered for this funding but they cannot find any housing to suit in the shire.</p> <p>There are many new SDA projects being built in the Bendigo area, but this is too far for people to move to. This is the perfect opportunity for MRSC to consider being involved in an SDA, especially in Kyneton and Woodend. The benefits of this type of housing for people with a disability are huge. The benefits for developers are enormous too.</p>	
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<p>The Draft Interim Policy underscores the urgency surrounding the requirement for affordable housing. With a timeline of July 2023 (almost two years hence), for the start of implementation of the Policy, “urgency” does not seem to be a factor. How long after July 2023 is it anticipated that people will be able to move into homes?</p> <p>Has Council undertaken a review of Council-owned land to assess suitability for social and affordable housing? Flat parcels of land are the most cost-effective for building.</p> <p>The 22 hectare Council-owned site that is currently utilised by the [REDACTED] is one possible solution.</p>	<p>Officers thank the submitter for this feedback.</p> <p>Council’s policy timeline will not impact the roll out of the Victorian Government’s Big Housing Build. Noting this, infrastructure development under the program has been streamlined under the Big Housing Build to provide housing as soon as practicable. No change to the draft interim affordable housing policy.</p> <p>Council officers have identified vacant land owned by Council, as well as land currently used for seniors housing. An independent review of housing stock was completed in 2019 (prior to the Big Housing Build announcement). Council will advocate for investment in these sites prior to proposing sites with other existing use. No change to the draft interim affordable housing policy.</p>
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<p>██████████ is fully supportive of Council’s interim policy and in particular supports policy principles 1) &amp; 3), namely;</p> <ul style="list-style-type: none"> <li>• recognise the right of all people to access housing that is secure and safe, and enables them to live with dignity</li> <li>• understand that access to affordable, appropriate, and secure housing is fundamental to the health and economic wellbeing of individuals and communities</li> </ul> <p>We also acknowledge that Council has ‘planning control levers that can increase affordable housing availability’ and we fully support Council in using these levers to increase the supply of affordable accommodation in our region.</p> <p>Further, we strongly support Council’s desire to ‘ensure that affordable housing developments are... designed to maximise environmentally sustainable design (ESD) principles’. ██████████ believes that following ESD principles does not need to increase construction costs, will minimise future greenhouse gas emissions by minimising household energy consumption, will provide a more healthy / comfortable living environment, and will reduce ongoing energy costs for the occupant.</p> <p>We also note that Council currently provides ‘information about local groups that can assist residents with accessing grants and rebates to upgrade homes to be more energy and cost efficient’, and wish to draw Council’s attention to ██████████ Healthy Homes Project, which assists lower socio-economic households implement energy efficient upgrades at no cost to the occupant.</p>	<p>Officers thank the submitters for this feedback.</p> <p>A new principle to ‘commit to our role in ensuring future generations can enjoy a sustainable built environment’ has been added</p>
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<p>In light of Clause 52.20-1, as well as the State government’s removal of Council’s decision-making powers and its suspension of the operation of the rest of the Macedon Ranges planning scheme for Big Build affordable housing projects, ██████████’s concern is that the draft Interim Affordable Housing Policy is not supported by strong guidance on what ‘being consistent’ with the Statement of Planning Policy means for this type of development. Such guidance could reflect or expand on current policies / standards in the Shire’s planning</p>	<p>This item has been referred to Homes Victoria. Clause 52.20, and its interface to local Strategic Planning Statements, is a matter for the Victorian Government to consider and satisfy. .</p> <p>The item will also be included in Council’s feedback to the <i>draft Social and Affordable Housing Strategic Statement</i> prepared by the Municipal Association of Victoria. Councils have been invited to provide feedback to the</p>
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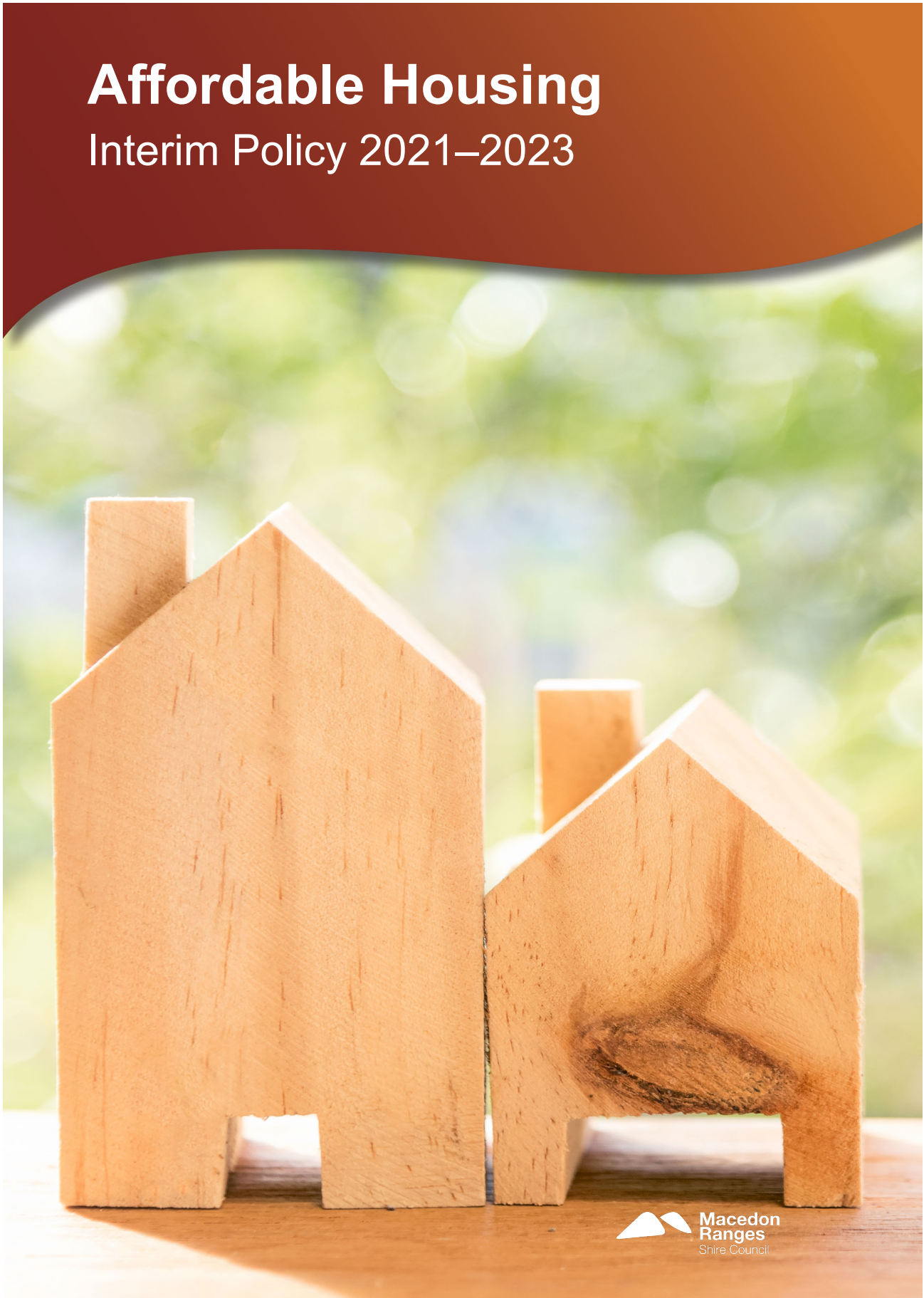
<p>scheme (which are extinguished by Clause 52.20), and would increase clarity – for Council, the State government and the development sector – on what the expectations are for ‘consistency’ with the Macedon Ranges Statement of Planning Policy. [REDACTED] asks that Council produce such guidance concurrent with finalising the Interim Affordable Housing Policy.</p>	<p>MAV ahead of its consideration by the MAV Board in early 2022. No change to the draft interim affordable housing policy.</p>
<p>It is hoped that Council will <i>strenuously</i> resist any attempt to diminish existing provision of open space in the Shire, while also measuring the effects of additional pressures that may be placed on existing open space from any of these new developments.</p>	<p>Noted. Council’s Sale of Land policy is the relevant policy for consideration of this proposed position. Updating the Sale of Land policy is an action noted in the interim affordable housing policy. No change to the draft interim affordable housing policy.</p>
<p>Ratepayers - There are numerous references in one form or another to ‘costs to council’ throughout the documentation. This doesn’t acknowledge that a cost to council in reality is a cost to ratepayers. Can this please be acknowledged?</p> <ul style="list-style-type: none"> <li>• Care is also required in committing to subsidising moderate income households. While affordable housing provision for those most in need so far seems reasonably well accepted/supported in the community, ratepayers may be less amenable to subsidising moderate income households</li> </ul>	<p>Problematic to locate/amend specific reference. New statement under ‘Our work’ notes ‘Our work is funded through taxation (rates), user charges and grants from federal and the Victorian government. A fourth source, categorised as “miscellaneous” by the Australian Bureau of Statistics, consists of revenue raised through the likes of investment interest, dividend interest, income from public enterprise, and fines.</p> <p>Council’s approach will be to apply with the definition of affordable housing established in the Planning and Environment Act 1987. This definition includes households on very low-, low- and moderate- income households. No change to the draft interim affordable housing policy.</p>
<p>How does the statement at page 11 of the <i>Macedon Ranges Affordable Housing Profile</i> – that the Shire’s population will grow by 28% over the next 15 years (2021-2036) – correlate / compare with the Shire’s adopted Settlement Strategy’s projection of 55,920 people in the Shire by 2036 (<i>MR Settlement Strategy</i> page 3, Table 1)? One of the justifications for this figure is that it “<i>aligns with the aims of... protecting the values and natural amenity considered unique to Macedon Ranges Shire</i>” (<i>MR Settlement Strategy</i>, page 74)</p>	<p>There are several metrics available to project population growth rates.</p> <p>The data used on page 11 has been sourced from the Population and household forecasts, 2016 to 2036, prepared by .id (informed decisions), accessed August 2021</p> <p>The affordable housing policy will not influence growth rates or strategic planning to manage and direct that growth.</p>

	No change to the draft interim affordable housing policy
<p>The case for submissions lacks background reading, data, history on how the fund has performed, after the private housing association was appointed to administer Council's affordable housing assets</p>	<p>Via tender, Council engaged a not-for-profit welfare organisation in 2016 to manage its housing assets. Performance of this contract is not in scope for the interim policy. The model terms for asset management may be explored through the development of the comprehensive policy.</p> <p>No change to the draft interim affordable housing policy</p>
<p>In the disability world, it is a major problem affordable housing</p>	<p>Please refer to changes noted above</p>
<p>I think a subcommittee should be formed with the appropriate people and a full report to Council</p>	<p>Noted. Input from external stakeholders and the community will inform the completion of a comprehensive affordable housing policy by July 2023. A subcommittee is one way to engage. No change to the draft interim affordable housing policy</p>
<p>██████████ would like to congratulate Macedon Ranges Shire Council (Council) for your initiative to develop the Policy. The Policy is well thought out and through the accompanying papers, provides important contextual and background information, including a comprehensive analysis of housing need in the Shire.</p>	<p>Officers thank the submitter for this feedback.</p> <p>No change to the draft interim affordable housing policy</p>
<p>Background paper – our action plan</p> <p>██████████ would like to commend the proposed actions associated with working with housing agencies to increase the supply of affordable housing. Placing a high priority on this and acting quickly is essential to make the most of opportunities presented by the Big Housing Build, in particular the Social Housing Growth Fund regional round, with proposals for this funding round due on 24th February 2022</p>	<p>Officers thank the submitter for this feedback.</p> <p>No change to the draft interim affordable housing policy</p>
<p><i>Background paper - overview of affordable housing</i></p> <p>With the Policy being prepared for the community, the inclusion of this paper is a real strength as it provides important background</p>	<p>The background paper has been updated to include an overview of the regulatory environment</p>

<p>and contextual information that many community members may not be familiar with. In particular, the inclusion of information about the community housing is a strength given the current context where the sector is a key delivery partner for the Big Housing Build, and will likely become increasingly involved in the delivery of social housing beyond the Big Housing Build.</p> <p>A key element of the registered community housing sector is the independent oversight provided through the regulation of the sector. This background paper could further be strengthened by providing a brief overview of this regulation.</p>	
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# Affordable Housing

## Interim Policy 2021–2023



## Acknowledgement of Country

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

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

This document has considered the work of many other councils, including:

Glen Eira City Council; Hepburn Shire Council; Hobsons Bay City Council; Hume City Council; Melbourne City Council; Mount Alexander Shire Council and Surf Coast Shire Council

Data analysis completed by SGS Economics and Planning was funded by Central Victorian Primary Care Partnership (CVPCP). Council thanks the CVPCP for this contribution.



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## Purpose

We recognise that access to affordable housing is an important issue for our community. A low baseline of available stock, population growth and the emerging impact of COVID-19 means that there is an urgent need to better understand the extent and nature of affordable housing demand.

This interim policy sets the approach that we will take from 2021 to 2023 as the Victorian Government rolls out the *Big Housing Build* and prepares its 10-year affordable housing strategy. Background documents support this interim policy.

In November 2020, the Victorian Government announced its *Big Housing Build* program to increase social and affordable housing supply and to generate employment across Victoria. The background paper – *Affordable housing policy and legislation* – provides further information.

The *Big Housing Build* will see a minimum investment of \$30 million to build affordable housing in our shire<sup>1</sup>.

This interim policy has been prepared for our community. It is not a technical policy and does not replace existing plans or policies. Input from external stakeholders and the community will inform the completion of a comprehensive affordable housing policy by July 2023. We need to ensure this policy supports advocacy, decision making, facilitation and investment in affordable housing that will:

- be consistent with our strategic objectives and priorities
- help us manage business risks
- provide tangible benefits
- be integrated with other components of our business
- be sustainable.

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<sup>1</sup> [Regional investment | Victorian Government \(www.vic.gov.au\)](#), accessed September 2021

## Scope

**Affordable housing** refers to housing that is appropriate for the needs of a range of very low- to moderate-income households, and priced so that these households can meet their other essential basic living costs. The Planning and Environment Act 1987 defines affordable housing as 'housing, including social housing that is appropriate for the housing needs of very low-, low-, and moderate-income households'. Affordable housing includes social housing.

**Housing affordability** is a linked but different concept. Housing affordability typically refers to the relationship between expenditure on housing (prices, mortgage payments or rents) and household incomes. It is commonly considered that paying up to 30% of household income towards housing is affordable. Housing affordability is increasingly an issue for households as house price growth increases beyond wage increases.

This interim policy addresses affordable housing in the Macedon Ranges Shire. The background paper – *Overview of affordable housing* – is available with further information about types of affordable housing and access to social housing.

We recognise that emergency accommodation (3–5 nights) is a distinct need in our community. Emergency accommodation is not in scope for the *Big Housing Build*, but it is expected to be framed in the Victorian Government's 10-year affordable housing strategy. In the interim, we know that the supply of emergency accommodation does not meet the demand in our local community. We invite registered accommodation providers to let us know if they are interested in supporting this need.

We also recognise that the housing needs of people with disability is a distinct need. Most people with disability will access housing in the private market by owning or renting, or through social housing. There are different types of home and living supports that the National Disability Insurance Scheme (NDIS) can fund, including Specialist Disability Accommodation for people with extreme functional impairment or very high needs. There are no SDAs in the shire. We have heard that more attention is needed to the housing needs of people with high support needs as we progress our final affordable housing policy.

## Legislation

Several Acts are relevant to affordable housing in Victoria. The most relevant are the:

- Local Government Act 2020 (LG Act)
- Housing Act 1983 (Housing Act)
- Planning and Environment Act 1987 (PE Act).

The background paper – *Affordable housing policy and legislation* – is available for further information about how this legislation informs local government's role in affordable housing.

## Vision

A Community Vision Assembly developed the community's vision for Macedon Ranges Shire. The community vision forms part of our strategic planning framework, guiding the short-term and long-term priorities that shape the Council Plan, the four-year projected budget and 10-year financial plan.

The community vision is:

*"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 *Macedon Ranges Shire Council Housing Strategy 2007*, which is the current housing strategy, notes a vision for housing as:

*"Housing in the shire is sufficiently diverse and provides affordable, accessible, and appropriate choices and opportunities. It is sensitive to heritage and rural character and contributes to the sustainability and liveability of the shire."*

## Policy principles

Our policy principles are that we:

- **recognise the human right of all people to access housing that is secure and safe, and enables them to live with dignity**
- acknowledge that more people are finding it difficult to access affordable, suitable and secure housing in the shire
- recognise that some groups of people are disproportionately affected by a lack of affordable, suitable and secure housing
- understand that choice and control principles should be reflected in decisions related to housing needs of people with disability
- recognise the impact of housing insecurity and homelessness on children
  
- **understand that access to affordable, suitable, and secure housing is fundamental to the health and economic wellbeing of individuals and communities**
- recognise community members place in, and connection to, community
- understand the value of community, and the importance of an individual being able to stay close to his/her/their support networks
  
- **understand that a responsive housing sector is needed to address the challenges of changing demographics and population growth**
- know that we have planning control levers that can increase affordable housing availability
- commit to our role in ensuring future generations can enjoy a sustainable built environment
- believe that we have a leadership role in advocating for and creating access to a greater supply of affordable, secure, safe, and suitable housing in the shire.

## Affordable housing management in the organisation

Implementation of the Affordable Housing Interim Policy will be in line with existing plans and policies relating to strategic development, asset management and service delivery.

Key plans and policies that operate in conjunction with this interim policy include:

- Council Plan 2021–2031
- Financial Plan 2021/2022–2031/2032
- Health and Wellbeing Plan 2021–2025
- Macedon Ranges Statement of Planning Policy
- Asset Accounting and Valuation Policy
- Asset Management Policy
- Community Engagement Policy
- Sale of Land Policy

The roles and responsibilities of the internal stakeholders in relation to affordable housing are:

### **Council**

- to endorse the Affordable Housing Interim Policy
- to act as custodian for our assets
- to advocate to the Victorian Government to influence the supply of affordable housing
- to use our existing regulatory powers to influence, leverage and negotiate affordable housing outcomes
- to seek opportunities for affordable housing through the investment of land, money, and partnerships
- to set and adopt levels of service
- to adopt risk and cost standards
- to ensure appropriate resources for asset management and planning activities are made available

### **Chief Executive and Executive team**

- to implement the Affordable Housing Interim Policy with agreed resources
- to develop a comprehensive Affordable Housing Policy within agreed resources
- to ensure that accurate and reliable information is presented to Council for decision making
- to report annually to Council on the status, progress, and resource requirements of implementing the Affordable Housing Interim Policy
- to promote and raise awareness of affordable housing issues to Council, staff, and community
- to promote cross-department approaches given housing delivery and reform is linked to land use planning, asset management, community health and wellbeing, social inclusion, gender equity and climate change adaptation
- to advocate to the Victorian Government on issues outlined in the Affordable Housing Interim Policy action plan.

## Our current work

We currently:

- provide financial and service support to help low-income residents remain in their own homes
- own or manage 49 seniors' housing units across three townships
- provide services and infrastructure for residents of 342 social and community housing dwellings managed by the Victorian Government and registered housing providers
- have responsibility under the *Public Health and Wellbeing Act 2008 (Vic)* (PHW Act) for registering all prescribed accommodation businesses as defined by the *Public Health and Wellbeing Regulations 2009*
- have responsibility for inspecting prescribed accommodation premises and caravan parks to ensure premises are hygienic, maintained and in a good state of repair
- provide information about local groups that can assist residents with accessing grants and rebates to upgrade homes to be more energy and cost efficient
- administer the Macedon Ranges Planning Scheme that promotes a range of housing options to improve housing affordability in the larger towns
- participate in the development and, where relevant, implement the Loddon Mallee Regional Housing Action Plan.

Our work is funded through taxation (rates), user charges and grants from federal and the Victorian government. A fourth source, categorised as “miscellaneous” by the Australian Bureau of Statistics, consists of revenue raised through the likes of investment interest, dividend interest, income from public enterprise, and fines.

## Affordable housing targets

Households are commonly said to be in housing stress if they have moderate or lower incomes and spend 30 per cent or more of their income on housing (moderate stress) or 50 per cent or more of their income on housing (severe stress).

The background paper – *Macedon Ranges Shire Affordable Housing Profile* – is available with further information on the current and forecast affordable housing profile. The paper draws from the ABS 2016 Census of Population and Housing as the most comprehensive and accurate source of demographic information available at the time of writing. As a result of COVID-19, house prices in regional Victoria have increased significantly and rental vacancy rates have dropped dramatically<sup>2</sup>. These factors are likely to increase housing stress. Key findings of the background paper are included in the table below:

Mortgage stress	In the Macedon Ranges Shire compared to regional Victoria, there was a larger proportion of households paying high mortgage repayments (\$2,600 per month or more). In 2016, 8.4 per cent of households purchasing their dwelling were experiencing mortgage stress compared to 10.3 per cent in regional Victoria.
Rental stress	In 2016, there were 1,036 households in rental stress, with 487 households in moderate stress and 490 households in severe stress or homeless (59). This figure represents 5.9 per cent of all households in the Macedon Ranges Shire.  Of households experiencing moderate and severe rental stress or homelessness in 2016 in the Macedon Ranges Shire, lone person households were the dominant household type with 432 households. The second most dominant type was one-parent families with 202 households in rental stress. There were also moderate numbers of couples with children (181 households) and couples without children (177 households) in rental stress. A relatively low number of group households (36) and other (8) experienced rental stress.
Homelessness	The ABS 2016 Census data indicates there were 59 homeless persons estimated in the Macedon Ranges Shire on any given night.
Social housing	In 2016, 1.4 per cent of households rented their dwelling from a government authority compared to 3.3 per cent in regional Victoria. This measure is related to the level of available social housing stock.  There are 2,457 households in the Loddon (Bendigo) region with 1,640 persons on the Victorian Housing Register priority access list and 817 persons on the register of interest. The total number of people on this list in Victoria in June 2021 was 51,823. It is estimated that there are over 500 Macedon Ranges Shire families on the housing register in September 2021.

<sup>2</sup> SGS Planning and Economics 2021

Need in 2016	The need for social and affordable housing in 2016 is approximately 1,190 dwellings, equating to 6.7 per cent of all households in the Macedon Ranges Shire (when including homeless people in the household count). Arguably, moderate-income households require 'affordable' dwellings rather than social housing. The shire needs about 1,100 social housing dwellings when excluding those who have moderate incomes. This cohort includes the 277 households that were recorded in the ABS 2016 Census as living in social housing in the Macedon Ranges Shire.
Projected need in 2036	In 2036, it is estimated that the minimum requirement to address the actual demand for social and affordable housing will be 1,740 households or 6.8 per cent of all households. Excluding moderate-income households, the need is estimated to be 1,615 households. The greatest need (measured as growth in available stock) is for very low- and low-income households.



## Policy goal

<p><b>Our community vision</b></p> <p>With our unique regional identity, the 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.</p>		<p><b>Our vision for housing</b></p> <p>Housing in the shire is sufficiently diverse and provides affordable, accessible, and appropriate choices and opportunities. It is sensitive to heritage and rural character and contributes to the sustainability and liveability of the shire<sup>3</sup>.</p>	
<p style="text-align: center;"><b>Our goal</b></p> <p>To increase the supply of affordable housing in the Macedon Ranges Shire through our role as advocate, decision maker, facilitator and investor.</p>			
<p style="text-align: center;"><b>Our role</b></p>			
<b>Advocate</b>		<b>Decision maker</b>	
<b>Facilitator and investor</b>			
<p>As advocates, we can take an active role in influencing the supply and suitability of affordable housing in the shire.</p>		<p>As decision makers, we can use our regulatory powers to influence, leverage and negotiate affordable housing outcomes.</p>	
		<p>As facilitators and investors, we can seek opportunities for affordable housing through the investment of land, money, and partnerships. We are the owner or manager of 49 seniors housing units in the shire. We can speak with developers about social and affordable housing needs of vulnerable groups.</p>	

The background paper – *Our Action Plan* – is available for further information about what actions we will deliver.

<sup>3</sup> Macedon Ranges Shire Council Housing Strategy 2007

## Advocate

We recognise the role of the Victorian Government in formulating, finalising and delivering plans to develop social housing on land that it owns, as well as land that is owned by not-for-profit groups, churches and private individuals.

The Victorian Government has removed planning authority from councils for *Big Housing Build* projects. This decision means we will have limited control over what processes it chooses to use in determining the location and design of social housing under the *Big Housing Build*.

Within this context we will advocate to the Victorian Government:

- for community input into design and location of development under the *Big Housing Build*
- for investment to renew current assets
- for groups that are disproportionately affected by affordable housing need
- against proposed Victorian Government policy change that all social housing will be rate exempt, noting that the impact of a \$136.8 million annual state-wide reduction in revenue will impact local services and infrastructure or require higher rates on a small proportion of people<sup>4</sup>

While the *Big Housing Build* will provide an unprecedented program of works over four years, the Victorian Government is preparing a new 10-year affordable housing strategy. In this context, we will:

- Undertake research and develop an aligned affordable housing policy to guide our long-term approach to housing needs, achieving benefits including:
  - more informed decision-making
  - the ability to plan for the present and future generations
  - improved long term financial forecasting and management of housing stock that is owned and managed by us.
- Work with neighbouring councils to address the provision of affordable housing within the Loddon Mallee region. The purpose of the Loddon Mallee Housing Strategy is to provide an action plan that will create public and private sector investment in land development and housing provision in the region. An extension of the action plan will be the development of business cases to support priority initiatives.
- Provide information and support to groups seeking to develop increased affordable housing in the shire.

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<sup>4</sup> Municipal Association of Victoria, Social Housing and Funding for Council services- Issues Paper, July 2021

## Decision maker

The provision of affordable housing in private sector developments is voluntary in Victoria. As part of the planning permit process, a developer may negotiate the delivery of affordable housing in exchange for other incentives such as additional development rights.

Developers in the property market typically aim to achieve a stable profit margin through the construction and sale of housing. Where incentives and bonuses offset the cost of delivering affordable housing, providing affordable housing outcomes will then become feasible for developers.

If the requirements for affordable housing are determined well in advance, developers can anticipate the cost and accordingly pay less for land, enabling them to deliver the required housing contribution.

With the function of controlling the use and development of land, the Planning & Environment Act provides councils with a means of facilitating affordable housing through the development process. This is a voluntary process and requires agreement from landowners who are seeking to obtain a planning scheme amendment or a planning permit.

Within this context, we will:

- Ensure that structure plans will consider diverse housing options to reflect demographic change, including smaller dwellings for older people in well-serviced locations.
- Share information about the needs of priority housing cohorts, including people with disability
- Where legislation exists, consider matters prescribed by the Victorian Government for affordable housing provision, including need, location, type, and longevity.
- Where legislation exists, ensure that affordable housing developments are:
  - indistinguishable from surrounding dwellings
  - designed to respect the townships' character
  - designed to maximise environmentally sustainable design (ESD) principles
  - designed to minimise energy costs to the resident
  - designed to minimise future maintenance costs to the owner
  - established to minimise the future costs of communal services and body corporate fees
  - convenient to public transport
  - convenient to services, employment, schools, and shops
  - designed to contain dwellings suitable for a range of tenants of all ages and abilities, and from individuals to families
  - designed to incorporate the principles of universal design.

## Facilitator and investor

Council owns or manages seniors housing in three townships built on Council- or Victorian Government-owned land. A registered housing provider administers and provides support services for these assets.

Our assets are made up of a wide range of different types, which are fundamental in meeting the community's need.

The significant characteristics of an asset are:

- there must be service potential or future economic benefits
- the future economic benefits must be quantifiable
- Council must have control of the service potential.

The standard to which all assets are provided and maintained impacts on residents, the business community and visitors, as well as the amenity, safety and liveability of the community.

The long-lived nature of many assets and the need for their ongoing renewal means that planning must be based on understanding the full costs throughout each asset's life cycle and address short- and long-term planning needs.

Asset management involves all areas of Council including those that plan services, provide services, manage and maintain assets and manage the financial functions. Asset management is a critical element of our integrated planning. We will ensure that when considering the social, environmental, financial and organisational impacts of any decision, we will also consider the impact on our services and the assets that support them.

We will apply our existing Asset Management Framework to seniors' housing.

Within this context, we will:

- Work with Homes Victoria, housing providers and stakeholders to assess the need to renew or rebuild existing low-cost housing in the shire.
- Work with housing providers to seek Victorian Government funding to renew and, where appropriate, expand Council-owned or managed seniors housing stock.
- Work with Homes Victoria to identify, assess, plan, and develop underused Victorian Government or Council-owned land where this land can be used to deliver additional social housing.
- Investigate planning policy controls to leverage affordable housing outcomes including:
  - requiring an affordable housing report as part of any rezoning proposal or significant application
  - pursuing voluntarily negotiated agreements for the inclusion of affordable housing on appropriate development sites as part of planning scheme amendment rezoning and planning permit applications
- Update our Sale of Land policy with reference to the LG Act 2020 and with due consideration of affordable housing need.



## Affordable housing policy and legislation

Neither Australian nor Victorian government legislation set 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.

### Federal policy

The **National Housing Finance and Investment Corporation** (NHFIC) is an independent corporate Australian Government entity established to improve affordable housing outcomes. The NHFIC is responsible for providing low-cost, longer-tenure loans for community housing providers, financing for new housing infrastructure projects and issuing government-guaranteed social bonds for investors. The NHFIC also administers the First Home Loan Deposit Scheme for first home buyers and undertakes independent research into housing demand, supply, and affordability.

The **National Housing and Homelessness Agreement** <sup>1</sup>(NHHA) commenced in July 2018 and provides around \$1.6 billion each year to states and territories to improve access to secure and affordable housing across the housing spectrum. The NHHA provided funding of \$129 million for homelessness services in 2020–21. States and territories match this funding.

To receive funding under the NHHA, state and territory governments must have publicly-available housing and homelessness strategies and undertake data collection and reporting.

The housing strategies must address the NHHA housing priority policy areas relevant to the state or territory. The housing priority policy areas include:

- affordable housing
- social housing
- encouraging growth and supporting the viability of the community housing sector
- tenancy reform
- homeownership
- planning and zoning reform initiatives.

The NHHA identifies priority homelessness cohorts as:

- women and children affected by family and domestic violence
- children and young people
- Indigenous Australians
- people experiencing repeat homelessness
- people exiting from care or institutions into homelessness
- older people.

Affordable housing supply should reflect the differing needs of these priority cohorts.

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<sup>1</sup> [National Housing and Homelessness Agreement | Department of Social Services, Australian Government \(dss.gov.au\)](https://www.dss.gov.au) accessed September 2021

## Victorian Government policy

### Victoria's Infrastructure Strategy 2021–2051

In August 2021, *Victoria's Infrastructure Strategy 2021–2051* was presented to the Victorian Parliament for tabling. This updated strategy builds on the work of the first cross-sectoral infrastructure strategy delivered in 2016.

Infrastructure Victoria, the infrastructure advisory group to the Victorian Government, included 'Develop regional Victoria' as one of four sections in the strategy<sup>2</sup>. Infrastructure Victoria recommend that the government expands social housing with good access into regional locations.

The strategy contains 94 recommendations for projects, policies, and reforms, spanning many types of infrastructure. The strategy is divided into four themes focused on:

- confronting long-term challenges
- managing urban change
- harnessing infrastructure for productivity and growth
- developing regional Victoria.

The recommendations relevant to affordable housing include:

- Recommendation 36: Use value-capture mechanisms to deliver very low-income housing.  
Within the next two years, change and actively apply planning regulations to provide affordable rental housing for Victorians on very low incomes in places with good access to public transport and services, when they are re-zoned for more intensive residential use.
- Recommendation 68: Set targets to grow social housing.  
In the next year, set a transparent state-wide social housing growth target to reach and maintain at least the national average of 4.5 social housing dwellings for every 100 households by 2031.
- Recommendation 93. Expand social housing in regional centres, in locations with good access. Focus social housing investments in regional centres, near transport and services, for better access to health, social and economic support.
- Recommendation 94: Make social housing suitable for changing local climates. Continue to deliver a long-term program of modifying social housing to be climate resilient by improving the energy efficiency and energy affordability of residences.

### Homes for Victorians 2017

The Victorian Government is developing a 10-year social and affordable housing strategy due for release in late 2021.

*Homes for Victorians* (2017) is the Victorian Government's response to the housing affordability crisis in Victoria and is the current housing strategy.

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<sup>2</sup> [Infrastructure Victoria, Victoria's infrastructure strategy 2021-2051, 2021](#)

### Victoria's Big Housing Build

Announced in November 2020, the Big Housing Build program is a \$5.3 billion investment in social and affordable housing, and will deliver over 12,000 new dwellings, including 9,300 new social housing dwellings and replacing 1,100 existing dwellings. The investment, delivered throughout metropolitan and regional Victoria, will boost total social housing supply by 10 per cent.

The Big Housing Build will invest 25 per cent of the total \$5.3 billion program across regional Victoria, with \$1.25 billion across regional Victoria.

Building social and affordable housing in regional Victoria responds to the increasing population in Victoria's growth areas and creates more rental housing to support employment growth in regional towns and cities.

The Big Housing Build provides a minimum investment commitment to regional local government areas (LGAs) that have a significant regional town or city, or have high population growth. Eighteen LGAs have been identified for the minimum investment guarantee, with \$765 million committed across these areas.

Macedon Ranges Shire has been earmarked to receive a minimum investment of \$30 million.

Under the initiative, the Victorian Government has removed planning authority from councils for Big Housing Build projects – instead promising 'a new partnership with local councils'.

Homes Victoria will identify projects in regional Victoria for the allocation of the \$485 million not yet committed to LGAs through the minimum investment guarantee.

Councils that identify opportunities – such as on underused council land – are encouraged to work with community housing providers to develop partnership proposals. Community housing providers are key delivery partners in this package and can work with councils to develop projects and seek funding for these through Big Housing Build funding streams.

Amendments VC187 and VC190 (gazetted December 2020) introduced changes to the Victorian Planning Provisions and all planning schemes to streamline the rapid delivery of social and affordable housing.

#### **Amendment VC187 (clause 53.20)**

This amendment introduces a new provision where the planning permit application process for housing by or on behalf of the Director of Housing is streamlined.

The Minister for Energy, Environment, and Climate Change is the responsible authority for assessing the development of 10 or more dwellings and apartments. Proposals for less than 10 dwellings will be assessed by the local council.

#### **Amendment VC190 (clause 52.20)**

This amendment introduces a new provision for projects delivered through the Big Housing Build program. The Minister for Energy, Environment and Climate Change is the responsible authority for assessing all proposals made under this new provision.





Source: Victorian Government, Victoria's Big Housing Build, November 2020

### Proposed rate exemption under Victoria's Big Housing Build<sup>3</sup>

Within this large-scale and rapid infrastructure build, a range of complex planning and logistics issues have arisen which need to be worked through quickly to meet the four-year targets set out in the November 2020 Victorian Government Budget.

One of these is that exemption from paying council rates is being considered for all social housing provided by the Victorian Government and community housing organisations. Consideration is being given for new retrospective application to all social housing owned and operated by the Victorian Government, comprising nearly 70,000 dwellings. More than 85,000 dwellings would be exempt if community housing organisation dwellings are included.

If this proposal were to proceed, it will have significant implications for local government. An estimated \$136.8 million per year in revenue will be lost to subsidise the funding of what has historically been a state government responsibility. The Victorian Government also receives

<sup>3</sup> Municipal Association of Victoria Social Housing and Funding for Council Services Issues Paper July 2021

substantial funding from the Australian Government through national and bilateral funding agreements.

In just 10 years, the rate revenue lost by all councils would compound to an estimated \$1.6 billion.

## Macedon Ranges Shire Council policy

We do 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 Macedon Ranges Shire Council Housing Strategy 2007 is the current housing strategy.

## Legislation

Several Acts are relevant to affordable housing in Victoria. The most relevant are:

- the Local Government Act 2020 (LG Act)
- the Housing Act 1983 (Housing Act)
- the Planning and Environment Act 1987 (PE Act)

### The Local Government Act 2020

The LG Act provides the legal framework in which Victorian councils operate. It 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

The Housing Act has the broad objective of ensuring every person in Victoria has adequate and appropriate housing. 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

The PE Act provides a framework for the administration of the use and development of land. It has an objective (Section 4):

1(fa) to facilitate the provision of affordable housing in Victoria.

The PE Act establishes a regulatory planning framework for planning the use, development, and protection of land in Victoria in the present and long-term interests of all Victorians.

Section 4 (1) of the PE Act sets out a series of objectives for planning in Victoria, the following of which are particularly relevant in the context of this interim policy statement:

- To provide for the fair, orderly, economic, and sustainable use, and development of land
- To secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria

- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community
- To balance the present and future interests of all Victorians.

Section 4 (2) of the PE Act sets out the objectives for the planning framework in Victoria. These objectives establish a system of planning schemes as a way of setting out policies and controls for regulating the use, development, and protection of land. The following objectives are specifically relevant in the context of this policy statement:

- To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land
- Encourages the achievement of planning objectives through positive actions by responsible authorities and planning authorities.

The Planning Policy Framework (PPF) contained within all Victorian planning schemes deals with affordable housing at clause 16 (Housing), which states:

*Planning for housing should include providing land for affordable housing.*

Clause 16.01-2 (Housing Affordability) provides further direction in relation to affordable housing, and includes delivering more affordable housing closer to jobs, transport, and services with a series of strategies to implement this objective.

## Appendix: The Big Housing Build explained

Homes Victoria manages four streams of funding, which are described on their website<sup>4</sup> as follows:

- \$532 million – constructing new homes on public land. Homes Victoria land across Melbourne is the ideal asset to convert to social and affordable housing. Work has commenced at six Homes Victoria sites, and they are now ready for regeneration. [NB: this funding is tagged for metropolitan projects]
- \$948 million – working with the private sector to spot-purchase homes, projects in progress or ready to build. To ensure Homes Victoria can add to the supply of social and affordable housing quickly, they will be working with developers and construction firms, to identify appropriate, existing housing developments it can acquire, provided they are up to a suitable standard and well located. This may also include working with the private sector to identify suitable developments that may be partially complete, or which may not otherwise progress.
- \$1.38 billion – funding for projects by the community housing sector. The community housing sector is uniquely placed to lend its expertise and experience to Victoria's Big Housing Build. The Social Housing Growth Fund will invite proposals from community housing providers for new social and affordable housing developments to add to the available supply and help provide more homes for more Victorians.
- \$2.14 billion – funding for new opportunities with private sector and community housing partners. As the Big Housing Build rolls out, Homes Victoria want to maximise opportunities for the best value and best outcomes for Victoria. Homes Victoria will explore building on Victorian Government land sites; as well as engaging with the market to identify new sites, new ideas, new opportunities and ways to build more homes. Homes Victoria will pursue opportunities to partner with industry, community housing providers, local government and institutional investors to identify new projects that deliver homes across the State. .

The \$5.3 billion allocation for the Big Housing Build is split as follows. The Homes Victoria webpage also outlines additional spending:

- \$498 million – new construction, upgrades and maintenance to existing housing. We've committed a record amount of money to maintain, refurbish, repair, and build new public housing across Victoria. Work has already begun, and when we're finished, more than 23,000 social housing dwellings will be significantly improved.
- \$185 million – replacing old public housing with new dwellings. The Public Housing Renewal Program is underway with the task of replacing seven major public estates with completely new, modern, attractive and energy efficient dwellings. It will generate \$1.29 billion in construction and economic activity.

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<sup>4</sup> Accessed August 2021

## Overview of affordable housing

### Affordable housing

The *Planning and Environment Act 1987* (PE Act) defines affordable housing as:

*'...housing, including social housing, that is appropriate for the housing needs of any of the following:*

- *very low-income households*
- *low-income households*
- *moderate-income households.*'

The income ranges for households are defined under the PE Act and are indexed annually using the Australian Bureau of Statistics (ABS) housing category of the Consumer Price Index.

In 2021, the annual income ranges for regional Victoria are<sup>1</sup>:

	Very low income	Low income	Moderate income
Single	Up to \$19,090	\$19,091 to \$30,550	\$30,551 to \$45,820
Couple (no dependents)	Up to \$28,640	\$28,641 to \$45,820	\$45,821 to \$68,730
Family (Single/couple with dependent children)	Up to \$40,090	\$40,091 to \$64,150	\$64,151 to \$96,220

Table 1. Annual income ranges defined under the PE Act

### Types of affordable housing<sup>2</sup>

Affordable housing refers to both non-private housing (rental) and private market housing (ownership and rental) for households that are on very low, low, or moderate incomes and includes the following.

#### Affordable housing for rental or ownership

Private market housing may be affordable for very low-, low- or moderate-income households where the rent or mortgage repayments are no more than 30 per cent of the household's income. Generally, this type of housing includes housing which falls outside of the ownership of state and community sectors.

#### Social housing

Social housing is short- and long-term rental housing that is owned and run by the government or not-for-profit agencies. It is for people on low incomes who need housing, especially those who have recently experienced homelessness, family violence or have other special needs.

Social housing includes:

- public housing
- community housing.

<sup>1</sup> [Resources for Implementing Affordable Housing \(planning.vic.gov.au\)](https://www.planning.vic.gov.au/resources-for-implementing-affordable-housing), accessed September 2021

<sup>2</sup> [Community housing | Housing.vic.gov.au](https://www.housing.vic.gov.au/community-housing), accessed August 2021

**Public housing**

Public housing is rental housing which is owned, controlled, and managed by the Victorian Government’s Department of Families, Fairness and Housing (DFFH). Public housing tenants are on the Victorian Housing Register and must be on very low- to low-household incomes.

Public housing rents are usually limited to 25 per cent of the tenants’ income. Tenure is not time limited, but tenants are subject to meeting rental conditions as set by DFFH.

**Community housing**

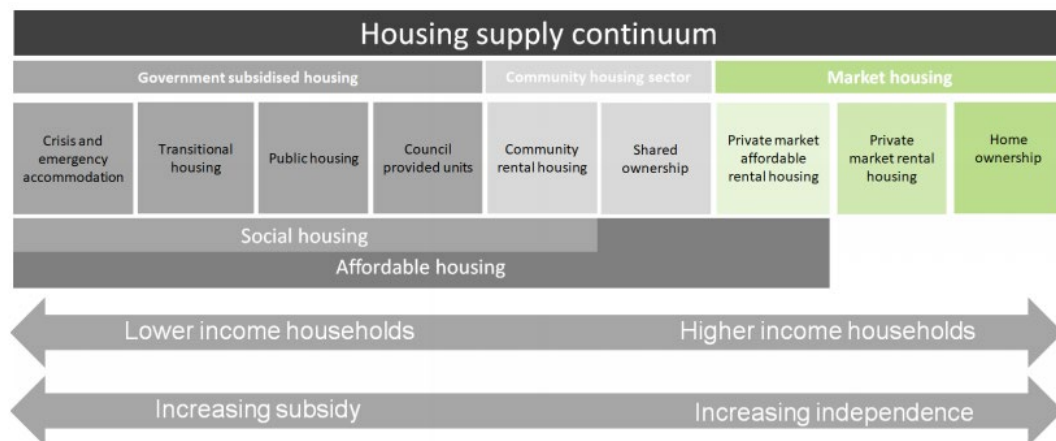
Community housing is rental housing owned, managed, and controlled by registered community housing associations. The housing is generally targeted towards very low to moderate incomes or special need households. Registered housing agencies are required to place new tenants from the Victorian Housing Register.

The main providers in the community housing sector are:

- **registered housing associations** that develop, own, and manage rental housing properties
- **registered housing providers** that primarily manage rental housing that is owned by other organisations.

Most of this housing is longer-term accommodation for families and individuals who are not able to afford or access the private rental market.

Many providers of community housing incorporate local services and tenant support services that are available for the tenants’ uses. Rents are generally limited to 30 per cent of the household income<sup>3</sup>.



**Figure 1.** The housing supply continuum

<sup>3</sup> Glen Eira City Council Social and Affordable Housing Discussion Paper 2019

## Registered housing providers<sup>4</sup>

**Housing associations** are not-for-profit organisations that develop, own and manage rental housing for people on lower incomes. As they typically own property, they are able to borrow against these assets, which allows for investment in new developments and partnerships.

Almost 9,000 properties are owned or leased by housing associations in a range of locations throughout Victoria. The majority of this housing is long-term accommodation for families and individuals who are not able to afford or access the private rental market.

Housing association properties can include stand-alone dwellings, rooming houses, medium and high-density developments or special accommodation with on-site support.

Housing associations also provide transitional and crisis accommodation.

**Housing providers** do not own their properties. They primarily manage rental properties while providing other support services including:

- short-term crisis support housing
- housing information and referral services for people who are homeless, or at risk of homelessness
- outreach programs and support for people with complex needs and long histories of homelessness
- support and advocacy for people living in public and community housing, to help them successfully establish and sustain their tenancies
- housing cooperatives:
  - common equity rental cooperatives
  - rental housing cooperatives.

Housing agencies <sup>5</sup>	
Housing associations are:	Housing providers:
<ul style="list-style-type: none"> <li>• larger, more complex businesses with the skills, expertise and resources to manage, maintain and grow a viable social housing portfolio</li> <li>• organisations that expand new housing through construction, purchase or acquisition that is funded using a mix of government funds, borrowings and private sector investment</li> <li>• organisations that manage housing properties that they own or lease from other parties, such as the Director of Housing.</li> </ul>	<ul style="list-style-type: none"> <li>• range in size</li> <li>• primarily manage rental housing portfolios for other parties, such as the Director of Housing</li> <li>• some providers own properties, however, their growth is small in scale compared to that of housing associations</li> <li>• often specialise in client groups, for example, people with a disability, the aged, or young people.</li> </ul>

Table 2. Registered housing providers

<sup>4</sup> [Community housing - DHHS Service Providers \(dffh.vic.gov.au\)](http://dffh.vic.gov.au) accessed August 2021

<sup>5</sup> [Registered Housing Agencies – CHIA Vic](#), accessed August 2021

## Regulation of the housing sector<sup>6</sup>

The Housing Act establishes the regulatory framework under which the registered community housing sector operates. This includes:

- a clear process and set of criteria for agencies wishing to become registered
- a Registrar of Housing Agencies (which sits within the Department of Treasury and Finance)
- performance standards for regulated agencies that come with annual reporting requirements
- a complaints process for tenants (or prospective tenants)
- powers of investigation and intervention for the Registrar to deal with agencies in breach of the legislation or failing to meet performance standards.

Four key objectives drive the regulation of registered housing agencies:

- ensuring that all Housing Agencies are viable, well governed and properly managed
- protecting and ensuring accountable use of government assets managed by the Affordable Housing sector
- building confidence in the public and private sector to invest in and grow Affordable Housing
- ensuring quality and continuous improvement in service delivery and outcomes for tenants.

The regulatory framework ensures registered agencies are held accountable to government and other investors, tenants and the community (Housing Registrar, 2016, Our Regulatory Framework), promotes best practice and gives government the tools to address poor performance by registered agencies.

## Access to social housing

To be eligible for social housing, primary applicants generally must live in Victoria and:

- be an Australian citizen or permanent resident of Australia
- meet the income and asset eligibility limits for your household
- have an independent income
- not own a property in which they could live.

Generally, an applicant should meet the income and asset limits and residential requirements to be eligible for the register. However, where a person and their household is experiencing family violence and need access to ongoing housing in order to be safe, they are also eligible to be on the register.

The Victorian Housing Register is used to manage and allocate social housing. Priority access is given to those who are homeless, escaping family violence and other special needs. A register of interest is provided for people who do not meet the priority access criteria.

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<sup>6</sup> Hornsby and Co. Affordable Housing Agreements: advice for local government and Community Housing Organisations – prepared for MAV and CHIA, March 2020



All people applying to the register who meet the eligibility criteria are placed on the register according to their housing need (assessed in accordance with the eligibility criteria). The register consists of two application types:

- Priority access – for people most in need of housing. The priority access categories are:
  - emergency management housing
  - priority transfers
  - homeless with support
  - supported housing
  - special housing needs
  - special housing needs aged 55 years and over.
- Register of interest – for eligible applicants to register their interest for social housing.

Table 3 outlines the categories of the register in more detail.

**Victorian Housing Register categories**

	Category	New applicants or transfer applicants
<b>Priority Access</b>	Emergency management housing – for people whose housing is no longer safe or habitable, due to an emergency, for example a house fire, bushfire, flood or storm.	New and transfer applicants
	Priority transfers – for people that require urgent relocation to another social housing property as their current property is unsafe; is to be sold; redeveloped or better used	Transfer applicants
	Homeless with support – for people who are homeless or experiencing family violence and need support to obtain and establish appropriate, long-term housing	New applicants
	Supported housing – for people who: live in unsuitable housing; have a disability or long-term health problem; require major structural modifications and/or personal support to live independently	New applicants
	Special housing needs – for people who are living in housing that has become unsuitable and who have no alternative housing options.	New and transfer applicants
	Special housing needs aged 55 years and over – for singles and couples who are aged 55 years and over, and who are not eligible for another priority category.	New applicants
	Register of interest – for people who do not have an urgent housing need but are interested in social housing to apply to the Register for consideration	New and transfer applicants

**Table 3. Victorian Housing Register categories**

### Income and asset eligibility limits

To be eligible to be on the register, the individual or household should typically earn less than the income and asset eligibility limits set out in the [social housing eligibility](#) criteria. The income eligibility limits are the income limits gazetted by the Director of Housing and published on the department's housing website ([housing.vic.gov.au](http://housing.vic.gov.au)).

Asset limits are different for priority access and register of interest applications, and for people requiring full or major disability modifications to the property.

## Registered agencies as at August 2021

Housing associations	Housing providers
Aboriginal Housing Victoria Limited	Baptcare Affordable Housing Ltd
Common Equity Housing Limited	BAYSA Ltd
Community Housing (Vic) Ltd	Building Communities (Vic) Limited
Housing Choices Australia Limited	Centacare Housing Services Ltd
HousingFirst Limited	EACH Housing Ltd
Loddon Mallee Housing Services Ltd	Eastcoast Housing
Rural Housing Network Limited	Eastern Suburbs Rental Housing Co-operative Limited
Unison Housing Limited	Inner East Social Housing Group Limited
Wintringham Housing Ltd	Launch Housing Ltd
Women's Housing Ltd	Mallee Accommodation & Support Program Ltd
	Mission Australia Housing (Victoria)
	National Affordable Housing Consortium - Vic Ltd
	Northcote Rental Housing Co-operative Ltd.
	Northern Geelong Rental Housing Co-operative Ltd
	Prahran/Malvern Community Housing Inc.
	Salvation Army Housing (Victoria)
	Servants Community Housing Limited
	South Port Community Housing Group Inc
	SouthEast Housing Cooperative Ltd
	St Kilda Community Housing Ltd
	Sunshine/St Albans Rental Housing Co-operative Ltd
	The Haven Foundation Ltd
	United Housing Co-operative Ltd
	Uniting Housing (Victoria) Limited
	VincentCare Community Housing
	WAYSS Limited
	West Turk Housing and Elderly Services Co-operative Ltd
	Williamstown Rental Housing Co-operative Ltd
	Women's Property Initiatives Ltd
	YWCA Housing



## Macedon Ranges Shire affordable housing profile

The following data is drawn from the ABS 2016 Census of Population and Housing. The 2016 Census is several years old and will not reflect the effect COVID-19 has had on the housing market. However, until the 2021 Census is released, the 2016 Census remains the most comprehensive and accurate source of demographic information available to calculate housing stress and need for affordable housing.

As a result of COVID-19, house prices in regional Victoria have increased and rental vacancy rates have dropped. These factors are likely to increase housing stress.

### Mortgage profile in the Macedon Ranges Shire

In 2016, 43.2 per cent of the Macedon Ranges Shire's households were purchasing their dwelling compared to 31.2 per cent in regional Victoria. While the Macedon Ranges Shire had a higher proportion of households with a mortgage, this varied with proportions ranging from 30 per cent in Kyneton to 53.5 per cent in Riddells Creek. The five areas with the highest percentages were:

- Riddells Creek (53.5%) and Riddells Creek district (49.1%)
- Romsey (51.3%) and Romsey district (49.9%)
- Gisborne (48%)

Comparison of the monthly housing loan repayments of households in the Macedon Ranges Shire and regional Victoria shows that there was a larger proportion of households paying high mortgage repayments (\$2,600 per month or more), and a smaller proportion of households with low mortgage repayments (less than \$1,200 per month). Overall, 20.8 per cent of households were paying high mortgage repayments, and 23.3 per cent were paying low repayments, compared with 9% and 38.8% respectively in regional Victoria.

The major differences between the household loan repayments of the Macedon Ranges Shire and regional Victoria were:

Household loan repayments	Macedon Ranges Shire	Regional Victoria
\$600–\$999	8.1%	15.8 %
\$1,000–\$1,199	6.4%	10.7%
\$1,200–\$1,399	8.2%	11.8%
\$3,000–\$3,999	8.6%	3.5%

**Table 1. Household loan repayments** Source: ABS 2016 Census

Mortgage repayments are directly related to house prices, length of occupancy and the level of equity of homeowners. When viewed with household income data, mortgage repayment data may also indicate the level of housing stress. In mortgage belt areas, it is expected that households will be paying a higher proportion of their income on their housing compared to well-established areas. First home buyer areas are also likely to have larger mortgages than upgrader areas where households move in with equity from elsewhere.

Mortgage payment levels are not directly comparable over time because of inflation.

### Mortgage stress in the Macedon Ranges Shire

In 2016, 8.4 per cent of households purchasing their dwelling were experiencing mortgage stress compared to 10.3 per cent in regional Victoria. While there was a lower proportion of households experiencing mortgage stress, it is important to note that this varied across the shire. Proportions ranged from 2.4 per cent in Macedon to 9.9 per cent in Lancefield. The five areas with the highest percentages were:

- Lancefield (9.9%) and Lancefield district (8.9%)
- Kyneton (8.2%) and Kyneton district (8.7%)
- Romsey district (8.5%).

### Rental profile in the Macedon Ranges Shire

Macedon Ranges Shire has fewer renters compared to regional Victoria. In 2016, 12.3 per cent of the Macedon Ranges Shire's households were renting their dwelling from a private landlord or estate agent compared to 19.8 per cent in regional Victoria. While the Macedon Ranges Shire had a lower proportion of households who were renting privately, this varied across the shire. Proportions ranged from 8.2 per cent in Mount Macedon to 20.6 per cent in Kyneton. The five areas with the highest percentages were:

- Kyneton (20.6%) and Kyneton district (14.8%)
- Woodend (15.7%)
- Lancefield (14.6%)
- Gisborne (14.2%).

The major differences between the housing rental payments of the Macedon Ranges Shire and regional Victoria were:

Weekly housing rental payments	Macedon Ranges Shire	Regional Victoria
\$150-\$199	4.7%	14.6%
\$200-\$249	8.8%	18.5%
\$250-\$299	12.3%	19%
\$350-\$399	16.5%	6.7%

**Table 2. Rental payments**  
Source: ABS 2016 Census

### Profile of households experiencing rental stress

Households are commonly said to be in housing stress if they have moderate or lower incomes and spend 30 per cent or more of their income on housing (moderate stress) or 50 per cent or more of their income on housing (severe stress).

SGS Economics and Planning (SGS) has used a housing assistance demand (HAD) model to measure the number of renter households who are experiencing housing stress or would experience housing stress if they did not live in social and affordable housing in the Macedon Ranges Shire. A proportion of these households are likely to need social or affordable housing.

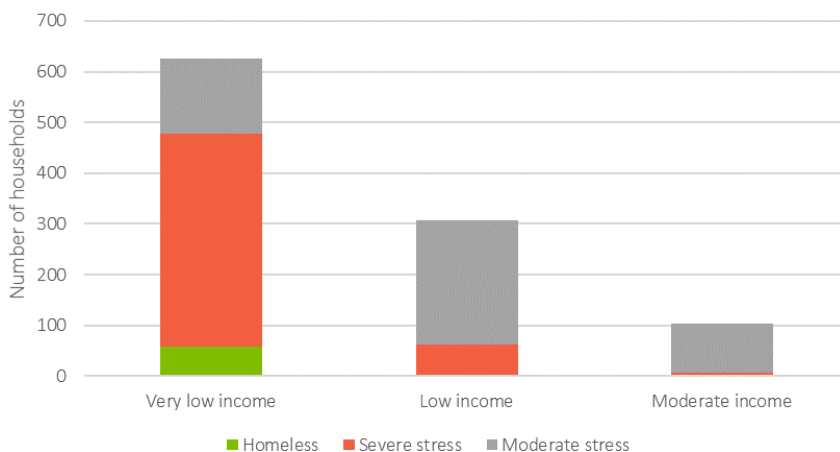
The SGS HAD model uses Census statistics to quantify the number of households in rental stress (paying more than 30 per cent of their income on rent), and who are classified as having very low, low or moderate incomes based on the income bands defined under S3AB of the Planning and Environment Act 1987. These bands are deflated for modelling purposes to be consistent with reported incomes in the 2016 Census.

Households in rental stress are categorised by demographic and spatial variables. The number of households in need of assistance is then forecast subject to factors such as population growth, demographic shifts, household incomes, and rental rates.

The data suggests that in the Macedon Ranges Shire in 2016 there were a total of 1,036 households in rental stress, with 487 households in moderate stress and 490 households in severe stress or homeless. This represents 5.9 per cent of all households in the Macedon Ranges Shire.

Figure 1 below shows the number of households at different income levels experiencing rental stress in 2016. The highest proportion fell into the very low-income band, with 429 of the 625 households in severe stress.

**Figure 1: Households in rental stress or homeless in the Macedon Ranges Shire (2016)**

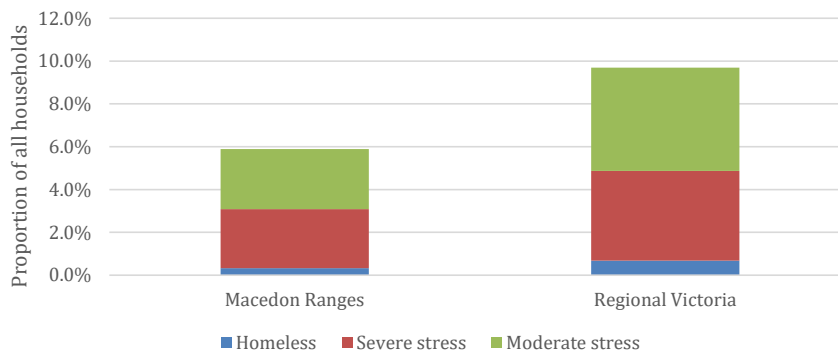


Source: SGS 2021 using ABS 2016 Census

In 2016, the proportion of households in the Macedon Ranges Shire experiencing rental stress was lower than that in regional Victoria (defined as all local government areas {LGAs})

outside of metropolitan Melbourne). The Macedon Ranges Shire had 5.9 per cent of all households in rental stress or homeless, compared to 9.7 per cent in regional Victoria. Rates of severe stress and moderate stress were also both higher in regional Victoria (4.2% vs 2.8%, and 4.8% vs 2.8% respectively).

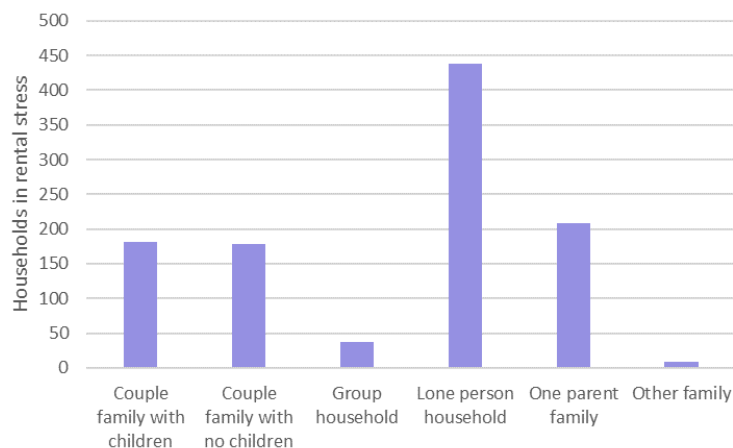
**Figure 2: Rental stress in the Macedon Ranges Shire compared to regional Victoria**



Source: SGS 2021 using 2016 ABS Census

Of households experiencing moderate and severe rental stress or homeless in 2016 in the Macedon Ranges Shire, lone person households were the dominant household type with 432 households in this category (see Figure 3). The second most dominant type was one parent families with 202 households in rental stress. There were also moderate numbers of couples with children (181 households) and couples without children (177 households) in rental stress. Relatively low numbers of group households (36) and other family (8) were in rental stress.

**Figure 3: Household type of households in rental stress in the Macedon Range Shire (2016)**



Source: SGS 2021 using ABS 2016 Census



### Homeless persons

According to ABS 2016 Census data released in March 2018, more than 24,000 Victorians were homeless on Census night. This represents an increase of 11.3 per cent or 2,500 people since 2011.

This cohort includes people sleeping rough, living in emergency or temporary accommodation – including people staying with friends and relatives – and people living in severely overcrowded dwellings.

The ABS statistical definition of homelessness is ‘... when a person does not have suitable accommodation alternatives, they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate
- has no tenure, or if their initial tenure is short and not extendable
- does not allow them to have control of, and access to space for social relations’.

The ABS 2016 Census data indicates on any given night there were approximately 59 homeless persons recorded in the Macedon Ranges Shire.

### Social Housing

In 2016, 1.4 per cent of households in Macedon Ranges Shire were renting their dwelling from a government authority compared to 3.3 per cent in regional Victoria. This measure is related to the level of available social and affordable housing stock.

While the Macedon Ranges Shire had a lower proportion of households who are renting from a government authority, this varied across the shire. Proportions ranged from zero per cent in Lancefield to 4.9 per cent in Kyneton. The five areas with the highest percentages were:

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

### Households on the Victorian Housing Register<sup>1</sup>

In Victoria, social housing allocations are managed via a waiting list for which people eligible for assistance can register their interest.

The Victorian Government has developed the Victorian Housing Register, which is a housing list where eligible people can register and nominate location preferences for housing assistance. Applicants cannot nominate a particular registered housing agency but can indicate their preference for public housing or community housing assistance.

The register is updated regularly and reporting on the transfer list by local area is generated every three months. The report provides the number of people waiting to move and transfer to a social housing property.<sup>2</sup>

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<sup>1</sup> Adapted with permission: SGS Economics and Planning *Social and Affordable Housing Issues Paper prepared for Mount Alexander Shire*, 2019

<sup>2</sup> <https://housing.vic.gov.au/victorian-housing-register>

In the Victorian Housing Register, the Macedon Ranges Shire data falls within the Loddon (Bendigo) area of the north division.

There are a total of 2,457 households in the Loddon (Bendigo) region with 1,640 on the priority access list and 817 on the register of interest. The total number of people on the Victorian Housing Register in June 2021 was 51,823. These figures do not include an estimate of the registered housing agencies' existing applications.

There were approximately 500 Macedon Ranges Shire families on the Victorian Housing Register in September 2021.

### Estimating demand for social and affordable housing

Analysis of the 2016 rental stress estimates was carried out to understand how the need for housing assistance in the Macedon Ranges Shire aligns with the number of people in housing stress.

Not all households estimated to be in rental stress will need access to social or affordable housing. Previous research indicates several reasons why households might choose housing that placed them within the technical definition of housing stress<sup>3</sup>.

Households may voluntarily enter a situation where they pay more than 30 per cent of their income on housing to live in:

- a better house
- a better neighbourhood
- a location where other households expenses such as transport costs are lower.

This research also notes that it is normal for some households to experience temporary periods of housing stress. This can be due to temporary changes in circumstances such as the birth of a child, short term unemployment, or adjusting to the breakdown of a relationship. Consideration of these factors would suggest that measured housing stress, using the 30 per cent of income threshold, could overestimate the actual number of households that are likely to be experiencing housing stress in the longer term.

More recent research has been conducted, suggesting that there is likely to be additional demand for affordable housing from households unable to form under current market conditions<sup>4</sup>.

These 'unformed' households might include:

- younger family members that would prefer to leave the parental home but cannot afford to
- elderly family members that must live with other family members to have affordable accommodation
- multiple families occupying a single dwelling.

These research findings show that the prevalence of housing stress does not neatly align with the need for housing assistance. Some of the factors identified above would inflate the need and others would deflate it. On the balance of evidence, a small discount has been applied by SGS to derive an estimate of the actual need according to household income.

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<sup>3</sup> Rowley and Ong 2014, *Do current measures of housing affordability reflect wellbeing?* Australian Housing and Urban Research Institute Research and Policy Bulletin No 166

<sup>4</sup> Rowley, Leishman, Baker, Bentley and Lester 2017, *Modelling housing need in Australia to 2025*, Australian Housing and Urban Research Institute Final Report No 287

No discount was applied to people in social housing or those experiencing homelessness since all those households require housing assistance.

Based on these calculations, the estimate for social and affordable housing requirements in 2016 was approximately 1,190 dwellings. This equates to 6.7 per cent of all households in the Macedon Ranges Shire (if homeless people are included in the household count).

A case may be made that that moderate-income households require 'affordable' dwellings rather than social housing. Excluding those who have moderate incomes, about 1,100 social housing dwellings were required to address social housing need in the shire. This includes the 277 households that were recorded as living in social housing in the Macedon Ranges Shire in the ABS 2016 Census.

Household type	No of households	Minimum target	Need for housing assistance	Need as a % of all households
Homeless	59	100%	59	0.3%
Social housing households	277	100%	277	1.6%
Very low-income households	566	90%	510	2.9%
Low-income households	307	85%	261	1.5%
Moderate-income households	104	80%	83	0.5%
<b>Total</b>	<b>1,313</b>		<b>1,190</b>	<b>6.7%</b>

**Table 3: Need for social and affordable housing in the Macedon Ranges Shire (2016)**

Source: SGS 2021 using ABS 2016 Census

## Forecast social and affordable housing needs

SGS has forecast demand for social and affordable housing to 2036 in the shire under two scenarios: a base case, and a pessimistic scenario.

### Base case

Under the base case, the incomes and rents of household are set to grow proportionally. Under this scenario, demand for social housing will increase mainly due to growth of population in the LGA.

In 2036, it is estimated that under the base case the minimum requirement to address the actual demand will be around 1,740 households or 6.8 per cent of all households. Excluding moderate income households, the need would be around 1,615 households

Household type	No of households	Minimum target	Need for housing assistance	Need as a % of all households
Homeless	92	100%	92	0.4%
Social housing households	277	100%	277	1.1%
Very low-income households	964	90%	867	3.4%
Low-income households	446	85%	379	1.5%
Moderate-income households	154	80%	123	0.5%
<b>Total</b>	<b>1,933</b>		<b>1,740</b>	<b>6.8%</b>

**Table 4: Base case forecast need for social and affordable housing in the Macedon Ranges Shire in 2036**

Source: SGS 2021 using ABS 2016 Census

### Pessimistic case

Under the pessimistic scenario, the cost of rent outpaces income growth for five years. With rents increasing at a greater pace than incomes, financial stress increases amongst households. Demand for social and affordable housing increases due to growth in population and increasing financial stress in the LGA.

In 2036, it is estimated that under the base case the minimum requirement to address the actual demand under the pessimistic case would be around 1,789 households or 7 per cent of all households. Excluding moderate income households, the need would be around 1,647 households.

Household type	No of households	Minimum target	Need for housing assistance	Need as a % of all households
Homeless	92	100%	92	0.4%
Social housing households	277	100%	277	1.1%
Very low-income households	972	90%	875	3.4%
Low-income households	474	85%	403	1.6%
Moderate-income households	178	80%	142	0.6%
<b>Total</b>	<b>1,993</b>		<b>1,789</b>	<b>7.0%</b>

**Table 5: Pessimistic case forecast need for social and affordable housing in the Macedon Ranges Shire in 2036**

Source: SGS 2021 using ABS 2016 Census

## Projected change

## 2016

Household type	No of households	Minimum target	Need for housing assistance	Need as a % of all households
Homeless	59	100%	59	0.3%
Social housing households	277	100%	277	1.6%
Very low-income households	566	90%	510	2.9%
Low-income households	307	85%	261	1.5%
Moderate-income households	104	80%	83	0.5%
<b>Total</b>	<b>1,313</b>		<b>1,190</b>	<b>6.7%</b>

## 2036

Household type	No of households	Minimum target	Need for housing assistance	Need as a % of all households
Homeless	92	100%	92	0.4%
Social housing households*	277	100%	277	1.1%
Very low-income households	964	90%	867	3.4%
Low-income households	446	85%	379	1.5%
Moderate-income households	154	80%	123	0.5%
<b>Total</b>	<b>1,933</b>		<b>1,740</b>	<b>6.8%</b>

\*Without a confirmed increase in social housing dwellings, modelling allocates additional demand into very low-income households.

**Table 6: Changes in need for affordable housing assistance in 2016–2036**

Source: SGS 2021 using ABS 2016 Census

## Fast facts in 2021

The ABS 2016 Census data provides the most comprehensive overview of housing need. The following data includes highlight indicators that have been sourced from more recent publications.

### Rental profile June 2021

The June quarter 2021 rental report<sup>5</sup> indicates that over the previous quarter the median rent in metropolitan Melbourne reduced by \$5 to \$395 per week but in regional Victoria it increased by \$10 to \$360 per week.

Rent at a glance	Median Rent (per week)	Quarterly Change*	Annual Change*
Metropolitan Melbourne	\$395	-0.4%	-3%
Regional Victoria	\$360	2.4%	9.3%
Victoria	\$390	0%	-1.3%

\* Percentage change figures are calculated from relevant rent index

#### Table 7. Rental profile

Source: Victorian Government Department of Health and Human Services Rental Report June Quarter 2021

The rental vacancy rate has stayed relatively stable in regional Victoria (2020–2021), though it is understood that rental vacancy rates are lower in the Macedon Ranges Shire than in regional Victoria.

The following table compares metropolitan Melbourne and regional Victoria vacancy rates.

Rental vacancy rate	June 2020	March 2021	June 2021
Regional Victoria	1.5%	1.2%	1.2%
Metropolitan Melbourne	3.9%	6.4%	5.2%

#### Table 8. Rental vacancy profile

Source: Victorian Government Department of Health and Human Services Rental Report June Quarter 2021

### Social housing stock baseline June 2020

Social housing demand, compared with the number of social housing dwellings, is higher in regional Victoria than in metropolitan Melbourne. This reflects, in part, the higher proportion of people experiencing disadvantage in regional areas<sup>6</sup>.

There are 342 social housing dwellings in the Macedon Ranges Shire<sup>7</sup>. The Campaspe Shire, with a comparable population to the Macedon Ranges Shire (37,675 and 46,100 respectively), has 802 social housing dwellings.

<sup>5</sup> Victorian Government Department of Health and Human Services Rental Report June Quarter 2021

<sup>6</sup> Infrastructure Victoria Victorias-infrastructure-strategy-2021-2051-Vol 1

<sup>7</sup> Victorian Government, Housing Assistance Additional Service Delivery Data 2019-2020 Updated 12 July 2021

LGA	House	Medium density attached	Medium density detached	Low-rise flat	Movable unit	Other	Community owned	Total
Macedon Ranges Shire	124	59	6	0	14	1	138	342
Campaspe Shire	295	293	21	8	10	5	170	802
Central Goldfields Shire	114	116	3	0	11	1	30	275
City of Greater Bendigo	857	855	99	3	45	4	623	2,486
Loddon Shire	7	28	2	15	3	0	17	72

**Table 9: Director of Housing-owned units (including leased and other director-managed units) and community-owned dwellings by LGA at June 2020**

Source: Victorian Government, Housing Assistance Additional Service Delivery Data 2019-2020 Updated 12 July 2021

### Growth and building approvals June 2021

The population of the Macedon Ranges Shire is projected to increase by 28 per cent over the next 15 years (2021–2036)<sup>8</sup>. To meet this growth, a further 8,244 dwellings are needed<sup>9</sup>.

The value of all building approvals (private development) in the Macedon Ranges Shire was \$241 million in the 2020–21 financial year, with \$166.48 million for residential development (328 residential buildings)<sup>10</sup>.

By comparison, the Victorian Government will invest a minimum \$35 million in the Macedon Ranges Shire for social housing development. The investment in social housing is relatively small compared to overall housing growth and projected demand.

<sup>8</sup> [Home | Macedon Ranges Shire | Population forecast \(id.com.au\)](#) accessed August 2021

<sup>9</sup> [Dwellings and development map | Macedon Ranges Shire | Population forecast \(id.com.au\)](#)

<sup>10</sup> [Economic profile | Macedon Ranges | economy.id](#)

## Our action plan

### As an advocate

Strategic objective	Action	Outcome	Timeline
Gain more data and information on housing needs in the Macedon Ranges Shire, and elevate affordable housing as key priorities for our community	Commit to exploring opportunities for affordable housing in our Council Plan 2021–2031	Council Plan 2021–2031 includes affordable housing	Ongoing
	Identify increased access to affordable housing as a new health and wellbeing priority in our Municipal Public Health and Wellbeing Plan 2021–2025, and commit to working with the Victorian Government and the Loddon Mallee Region Group of Councils (LMRGC) to achieve this	Municipal Public Health and Wellbeing Plan 2021–2025 includes affordable housing and action to work with LMRGC	Ongoing
	Develop an Affordable Housing Policy to guide our approach to housing needs	Affordable Housing Issues Papers prepared Affordable Housing Policy endorsed by Council	Ongoing July 2023
Assist residents on low income to remain in their homes	Assist low-income homeowners to remain in their homes by: <ul style="list-style-type: none"> <li>• having a financial hardship policy</li> <li>• providing rates discounts to pensioners</li> <li>• providing rates rebates to war veterans and widows</li> <li>• supporting people to access Victorian Government programs to reduce living costs</li> <li>• referring people to financial counselling services</li> <li>• enabling access to home support services for eligible older people</li> </ul>	Business as usual	Ongoing



**As an advocate**

Strategic objective	Action	Outcome	Timeline
	<ul style="list-style-type: none"> <li>managing seniors' housing units consistent with the objectives of this policy.</li> </ul>		
Plan for future affordable housing supply that is suitable and sufficient for priority groups in our community	Recognise the role of Homes Victoria in formulating, finalising and delivering plans to develop affordable and social housing on land that is owned by government, not-for-profit groups, churches and private individuals	Noted in interim and final Affordable Housing Policy	July 2022
	Advocate for groups that are disproportionately affected by a lack of affordable housing	Affordable housing issues papers prepared Big Housing Build discussions Planning levers	October 2021 July 2023 Ongoing
	Provide information and support to groups seeking to develop increased affordable housing in the shire	Affordable housing issues papers prepared Big Housing Build discussions Planning levers	October 2021 July 2023 Ongoing
	Work constructively and cooperatively with neighbouring councils to address the provision of affordable housing for low-income residents within the Loddon Mallee region	Participate in development of the Loddon Mallee Housing Revitalisation Strategy and actions relevant to the Macedon Ranges Shire	July 2023
Advocate for outcomes that build support for community housing	Advocate to the Victorian Government against the proposed change that all social housing is rate exempt. The impact of a \$136.8 million annual	Participate in Municipal Association of Victoria (MAV)-led advocacy	Ongoing

**As an advocate**

Strategic objective	Action	Outcome	Timeline
	state-wide reduction in revenue will seriously impact local services and infrastructure, or it will require higher rates on a small proportion of people <sup>1</sup> .	Write to the Treasurer and Minister for Housing outlining the impact of proposed rate exemptions on local government revenue, services and infrastructure	July 2022
	Advocate for Council and community input into design and location of development under Victoria Government's Big Housing Build	Exchange information with Homes Victoria and articulate our wish to work with Homes Victoria	Ongoing
	Advocate for changes to the Planning Policy Framework to provide more explicit support for affordable housing in planning	Participate in MAV-led advocacy	Ongoing

<sup>1</sup> Municipal Association of Victoria, Social Housing and Funding for Council services- Issues Paper, July 2021

**As a facilitator and investor**

Strategic objective	Action	Outcome	Timeline
Plan for a future affordable housing supply that is suitable and sufficient for priority groups in our community	Work with Homes Victoria, housing providers and relevant stakeholders to assess need to renew or rebuild existing low-cost housing in the shire	Stakeholder communication plan	December 2021
	Work with housing providers to seek Victorian Government funding to renew and, where appropriate, expand Council owned or managed seniors housing stock	Grant application/s	July 2023
	Work with Homes Victoria to identify, assess, plan, and develop underused state or Council-owned land where this land can be used to deliver additional social housing. Where there are opportunities to develop on Council land, we will undertake a rigorous planning, assessment before finalising any proposal. The assessment process will consider: <ul style="list-style-type: none"> <li>• the original purpose of the land</li> <li>• planning controls</li> <li>• impact on open space provision.</li> </ul>	Site assessments	July 2023

**As a facilitator and investor**

Strategic objective	Action	Outcome	Timeline
	<p>Investigate planning policy controls to leverage affordable housing outcomes including:</p> <ul style="list-style-type: none"> <li>• requiring an affordable housing report as part of any rezoning proposal or significant application</li> <li>• pursuing voluntary negotiated agreements for the inclusion of affordable housing on appropriate development sites as part of planning scheme amendment rezoning and planning permit applications.</li> </ul> <p>Update our Sale of Land policy with reference to the Local Government Act 2020 and due consideration of affordable housing need</p>	<p>Position considered in final Affordable Housing Policy</p>	<p>July 2023</p>
<p>Advocate for outcomes that build support for community housing</p>	<p>Retain a degree of influence over where affordable housing is provided in the shire</p>	<p>Site plans Planning levers</p>	<p>Ongoing</p>

**As a decision maker**

Strategic objective	Action	Outcome	Timeline
Deliver decisions that promote appropriate standards of affordable housing	Where legislation exists, provide due consideration to matters prescribed by the Victorian Government for affordable housing provision, including but not limited to need, location, type, and longevity	Planning levers	Ongoing
	Where legislation exists, ensure that affordable housing developments are: <ul style="list-style-type: none"> <li>• indistinguishable from surrounding dwellings</li> <li>• designed to maximise environmentally sustainable design (ESD) principles</li> <li>• designed to minimise energy costs to the resident</li> <li>• designed to minimise future maintenance costs to the owner</li> <li>• established to minimise the future costs of communal services and body corporate fees</li> <li>• convenient to public transport</li> <li>• convenient to services, employment, schools, and shops</li> <li>• designed to contain dwellings suitable for a range of tenants of all ages and abilities and from individuals to families</li> <li>• designed to incorporate the principles of universal design.</li> </ul>	Planning levers	Ongoing
	Uphold the <i>Public Health and Wellbeing Act 2008</i> that states that Council is responsible for registering all prescribed accommodation businesses as defined by the <i>Public Health and Wellbeing Regulations 2009</i> . These premises are generally used for overnight, intermittent or holiday	Functions of authorised officers	Ongoing

**As a decision maker**

Strategic objective	Action	Outcome	Timeline
	accommodation, and include hotels, motels, hostels and rooming houses <sup>2</sup> .		
Plan for a future affordable housing supply that is suitable and sufficient for priority groups in our community	Ensure structure plans consider diverse housing options to reflect demographic change, including smaller dwellings for older people in well serviced locations	The Gisborne and Romsey Structure Plans, Kyneton South Framework Plan and the Riddells Creek Precinct Structure Plan will consider the need for diverse housing options.	Ongoing

<sup>2</sup> There are currently no rooming houses registered in the Macedon Ranges Shire

**14 DIRECTOR ASSETS AND OPERATIONS REPORTS**

<b>AO.1</b>	<b>WASTE AND RESOURCE RECOVERY MANAGEMENT STRATEGY 2021-2026</b>
<b>Officer:</b>	<b>Daniel Martin, Acting Coordinator Resource Recovery</b>
<b>Council Plan relationship:</b>	<b>2. Healthy environment, healthy people</b>
<b>Attachments:</b>	<b>Waste and Resource Recovery Management Strategy 2021-2026 (under separate cover) <a href="#">⇒</a></b>

**Summary**

Officers developed the draft Waste and Resource Recovery Management Strategy 2021-2026 (Strategy) to provide sustainable solutions for the collection, disposal and resource recovery of waste generated within our community and the organisation.

The Strategy builds on the principles of the previous Waste Management Strategy 2015-2020. It contains measurable targets and actions to be undertaken by Council over the next five years.

Officers have reviewed community submissions received during public consultation and updated the previous draft Strategy document to reflect legislative changes, measurable targets and readability. Submitters have been thanked for contributing to the Strategy. This report includes an outline of submissions and any actions taken in response to them.

**Recommendation**

**That Council adopts the Waste Management and Resource Recovery Strategy 2021-2026, as attached.**

**Background**

The previous Strategy was adopted in 2015 and spanned a period in Australia's waste and resource recovery history, which saw significant and long-term changes to the sector.

In recent years, the banning of recycling exports to China, long-term stockpiling of municipal commingled recycling, closure of major Victorian recycling facilities and capacity issues within the recycling and reprocessing industry within Australia have placed significant pressure on local government to provide sustainable services to their communities. These issues have highlighted the fragility of our waste and recycling systems, our over-reliance on landfill, and the need for a strategy built on education, transparency, resilience, and sustainability.

Consequently, several significant changes have taken place in the Council's management and operation of waste and resource recovery services. Council responded to the recycling crisis by introducing a four-bin waste collection service at the start of February 2020, which was phased in Shire-wide by July 2021. The four bin system enables a new food organics garden organics (FOGO) service and glass separation from the commingled recycling bin.

Other significant changes include the following:

- E-waste landfill ban – in July 2019, all e-waste was banned from landfill, which saw a considerable increase in the cost of managing e-waste

- Increasing cost of landfill – the EPA landfill levy is continuously rising and predicted to increase significantly
- Container deposit scheme (CDS) – the commitment by the Victorian state government of a CDS by 2023
- Changes to state and federal waste policies

The updated Strategy is a timely opportunity to review the Council's current waste and resource recovery position. The Strategy better aligns Council with current industry and community trends and needs and provides transparent, measurable goals and targets for Council's future waste and resource recovery activities.

### **Discussion**

The new Strategy looks at our position at the end of the 2015-2020 strategy and looks forward to where we want to be in five years. It will provide direction for Council's future waste management and resource recovery activities and ensure that Macedon Ranges Shire is well placed moving into the 2021-2026 period.

Updates to the Strategy comprise of the following:

Where previous actions are still relevant, and opportunities exist for further progress or improvements, this Strategy continues where the previous Strategy left off. For example, the diversion of waste from landfill is still a significant focus of the new Strategy. Despite substantial progress in this area, the Strategy recognises that we can still make improvements.

The Strategy incorporates several new focus areas, including:

- Council leadership and waste education
- Waste and recycling services
- Resource recovery
- Circular economy
- Littering and illegal dumping

These focus areas better align Council's strategic goals with the waste hierarchy and recent state policy objectives. It also recognises the importance of education in changing community waste management attitudes and behaviours.

The updated goals reflect the progress made and align closely with the current service provision, industry changes, new state policy and circular economy principles.

At the Scheduled Council Meeting in March 2021, Council endorsed the Draft Waste Management and Resource Recovery Strategy 2021– 2026 for the purpose of community consultation. Consultation took place over six weeks, from Monday 29 March to Monday 12 April 2021.

Officers considered public and internal submissions. Most submissions resulted in additions to the draft Strategy, and are outlined in this report's 'consultation and engagement' section. Public and internal submissions have also prompted the need to reshape the document for readability purposes.

### **Consultation and engagement**

Initially, officers undertook an 'issues and opportunities' process before reviewing the Strategy. The issues and opportunities process enabled early community input to identify



key focus areas to inform the new Strategy. We received a very positive response from the community, with over 126 people responding.

Council staff reviewed the Strategy with responses received from the Planning and Development and Environmental units. All organisational subject matter experts' submissions were compiled and considered in preparing the draft document.

A six-week public consultation occurred, starting in March 2021, seeking feedback on the updated draft Strategy. Officers presented the draft Strategy on the Council's 'Have Your Say' web page for six weeks between Monday 29 March and Monday 12 April 2021. The community provided seven submissions during this consultation period from internal Council staff, waste action groups and members of the general public.

A summary of the key points and actions taken by Council officers is as follows.

<b>Submission</b>	<b>Key Points</b>	<b>Action/Response</b>
S1 (Internal Staff)	Asked for additional recommendations given the climate emergency.  Asked for several recommendations on waste avoidance, resource recovery, waste education and behaviour change, circular economy and Littering and illegal dumping.	Officers actioned many recommendations and added several new actions relating to the climate emergency and other areas.
	Suggested the addition of public space recycling.	Officers have included actions relating to implementing public space recycling in the Resource Recovery section of the Strategy.
S2	Develop policy around contractors collecting waste outside of Council's kerbside service that only provides one bin and no separation of waste streams.	Policy around this would be difficult to enforce and may also negatively affect local private businesses. Officers made no change to the Strategy relating to this submission.  The Strategy takes an educational approach to promote effective waste management practices.
S3	Provide direction on agricultural and farming plastic waste materials.  Provide direction on the composting of manure in a farming setting.	The Strategy now makes mention of recycling of agricultural products in the Resource Recovery section.
S4	Provide direction on agricultural and farming plastic waste materials "I would like to see the current Draft Waste Management & Resource Recovery Strategy	The Strategy now makes mention of recycling of agricultural products in the Resource Recovery section.

	explicitly address the collection and recovery of this resource”.	
S5	More a list of tactical actions rather than a strategy. Need to better articulate which issues are of the highest priority.	Officers made significant changes to the layout of the Strategy.
	Include an assessment of the relative benefit (or reduction of the problem) of undertaking each action could be included as part of the action plan. Strategy needs specific and measurable performance indicators to track progress against the goals and facilitate evaluation of the Strategy.	Officers included measurable targets for actions and recommendations in the Strategy that show the benefit of completing each action.
	Suggested similar reporting to that of the Environmental Report.	Resource Recovery data and statistics are featured in the annual environmental report.
	Transparency on what happens to waste in our shire.	Details of where each stream goes can be found on our website.
	More detail on Commercial Waste Collection.	Officers have not finalised a Commercial Waste Collection Plan. Officers plan to provide a Commercial FOGO Collection Plan for Council consideration in quarter 1 or 2 of the 2022/23 financial year.
	Concerns not addressed as to how the container deposit scheme will impact the use of glass product in the Macedon Ranges. Work to identify solutions to items that cannot currently be recycled.	The container deposit scheme and other recycling details are not yet available and are regularly changing. Officers will continue to monitor these issues.
	Public space recycling and stream separation needs to be addressed.	The Strategy now addresses public space recycling.
	More clarity on reasons Council will not implement a hard waste collection or tip passes for residents.	Officers updated the Strategy with additional detail on hard waste collection.
	Green Waste management at transfer stations needs to be addressed.	This has been addressed as an action in the Strategy.
S6	Introduce education programs to minimise contamination by clearly	This is a current action in the Strategy.

	identifying what currently can and can't be recycled.	
	Outline whether we will work with state government to obtain funding.	Council consistently works with the Victorian government to receive funding, this is outlined in the Strategy.
	Commit to a minimum buy back of composted FOGO to ensure that ratepayers see a visual return for their efforts.	The Strategy broadly covers this as part of its commitment towards circular economy.
	The ratepayer should be given more detail around waste management cost and what areas the state government is cost shifting to it.	There are plans to update the rates Council rates notices with this information. This recommendation is not directly relevant to the Strategy.
	Need to mention 21 <sup>st</sup> century waste technology to improve ratepayer cost allocation, creating a user pays system.	This will be addressed when tendering future kerbside waste collection contracts and as technology improves.
S7	Has the old Strategy been evaluated?	The old Strategy was considered when creating the new one.
	Are there plans for a Romsey Tip Shop?	The Strategy includes plan actions for a Romsey Tip Shop.
	Suggests having skips in streets rather than 4 individual bins.	This was trialled prior to the introduction of the kerbside glass collection and addressed in an earlier Council report.
	Repeated mentions of public space recycling.	Officers updated the Strategy to include the addition of public space recycling.
	Mentioned reporting waste stream data to residents.	This is reported in the annual environmental report.
	Standardised bins and bin lids across the state.	Council's annual replacement budget is updating the MRSC bin fleet. The upgrade of the other municipalities' bins will be managed by the Victorian Government's Kerbside Reform.

**Collaboration**

Council officers completed the Strategy in collaboration with an external consultant. This collaboration provided links to the Macedon Ranges Sustainability Group, allowing a fact-based process that included community input and references Council policy. Officers also referred to several organisations and authorities when developing the critical aspects of the document.

The strategy development process also included collaboration with metro and regional waste groups, Sustainability Victoria, DELWP and other Victorian and regional environmental and waste groups.

### **Innovation and continuous improvement**

Council officers prepared the Strategy 2021– 2026 to provide sustainable solutions for the collection, disposal and resource recovery of the waste generated by the Macedon Ranges community.

It builds on the principles of the previous Waste Management Strategy 2015-2020 and contains measurable targets and actions to be undertaken by Council over the next five years.

### **Relevant law**

There are no implications on the Charter of Human Rights and Responsibilities or any other relevant laws identified in the Strategy.

### **Relevant regional, state and national plans and policies**

The Strategy aligns with the following strategies and plans within the Waste and Resource Recovery sector:

- Waste Management Hierarchy – provides avoidance, reuse, recycling, treatment, containment and disposal guidance for each waste stream.
- National Waste Policy: Less Waste, More Resources (2018) – provides a framework to avoid waste and improve recycling and reuse practices.
- Recycling Victoria – This is Victoria’s circular economy policy.
- Statewide Waste and Resource Recovery Infrastructure Plan – provides waste and resource recovery infrastructure planning up to 2040.
- Loddon Mallee Waste and Resource Recovery Implementation Plan – provides strategic direction around resource recovery in our region to 2026.
- Loddon Mallee Regional Organics Strategy 2019-25 – provides strategies for minimising organics going to landfill.

### **Relevant Council plans and policies**

Listed below are various Council policies and strategies that relate to this Strategy:

- Kerbside Collection and Associated Services Charge Policy
- Fees and Charges Policy
- Procurement Policy
- Environment Strategy

### **Financial viability**

There are several possible financial implications for recommendations in the Strategy, both positive and negative. Some recommendations are subject to future budget consideration.

#### Positive:

- Reduction in general waste to landfill due to the introduction of the FOGO service and the reduction of kerbside general-waste collection will result in immense ongoing savings, noting the steady rise in the landfill levy.
- A local, Council owned glass crushing facility will reduce costs for Council in heavy haulage. If considered, the crushed glass would be used as aggregate material for future road and footpath works.
- A local FOGO processing facility, co-owned and managed by Council, would reduce heavy haulage charges. If Council proceeded with this approach, funding might be offset by Victorian government grants and neighbouring councils involved in the project.

**Negative:**

- A reduction in single-use materials within Council facilities would have an initial cost implication that could be subsidised using compostable materials.
- Transfer stations may require additional staff.

Existing operating budgets would fund other actions and potentially be offset by various Victorian and Commonwealth government grants and subsidies.

**Sustainability implications**

Council completed the new four bin service implementation in July 2021. This implementation has had social implications, considering the household adjustments required in managing their waste. The Strategy outlines Council's commitment to waste compliance and waste education, which will ultimately help reduce negative social implications and positively influence behaviour change.

There are no negative environmental impacts identified in the Strategy; however, there are many positive implications such as:

- Reduction in waste to landfill – with the introduction of FOGO and glass services, public space recycling and a Waste Compliance Officer, we will be able to reduce contamination and promote the use of compostable materials. This reduction also ultimately reduces the landfill levies cost to the community.
- Local glass crushing and use of subsequent materials – will reduce the environmental impacts of glass processing transportation and decrease the use of traditional materials.
- Local use of compost – residents would be able to close the loop by using their FOGO material in their gardens.
- Reduction in illegal dumping – the new Waste Compliance Officer role will work to curb illegal dumping activities.

**Officer declaration of conflicts of interest**

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

<b>AO.2</b>	<b>LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 3</b>
<b>Officer:</b>	<b>Shane Walden, Director Assets and Operations</b>
<b>Council Plan relationship:</b>	<b>4. Delivering strong and reliable government</b>
<b>Attachments:</b>	<b>Nil</b>

### Summary

The Local Roads and Community Infrastructure Program (LRCIP) Phase 3 (P3) grant is available for Macedon Ranges Shire Council. This grant provides approximately \$2.88M from the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications (DITRDC). LRCIPP3 stipulates 18 months for delivery from 1 January 2022, with a hard close of 30 June 2023.

### Recommendation

**That Council approves the following project candidates for the Local Roads and Community Infrastructure Program Phase 3:**

- (a) Sheedy Road, Gisborne Rehabilitation**
- (b) Hamilton Street, Riddells Creek Upgrade**
- (c) Red Brick Hall Phase 3 Works**
- (d) Riddells Creek Public Space Picket Fencing**

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### Background

Council has partaken in the previous two rounds of the LRCIP process. These grants have benefited the community, with many projects currently underway or completed. The projects range from road upgrades to Electric Vehicle Charging Stations, a bus stop and building upgrades.

This program supports local councils to deliver priority LRCIP projects across Australia, supporting jobs and the resilience of local economies, to help communities bounce back from the COVID-19 pandemic. LRCIPP3 will continue to support local jobs and businesses when needed most.

The LRCIPP3 provides an opportunity to continue delivering outcomes for the community over and above those available through Council's budget processes.

Road projects could include any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and

- road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible. They are typically considered publically accessible if they are in a location that is:

- generally publically accessible to the wider public undertaking a specific activity (for example council operated sporting fields); or
- generally publically accessible for a limited age group of the community as a whole, i.e. a kindergarten building; or
- used for the provision of an essential service or community service, as determined by the Department, and the amenity of the asset is publicly accessible and benefits the community.

All projects carried out on council-owned land, or another type of public land must benefit the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- community/public art associated with an Eligible Project (Eligible Funding Recipients will need to provide a clear description of the conceptual basis of the artwork);
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

In reaching their recommendation, officers reviewed three worklists to identify projects. These worklists included an updated list of organisationally identified emerging priority projects, the list of unbudgeted projects from the Financial Year 2021/22 budget process and the Councillor list of unfunded projects.

Officers have already registered Council's interests in participating in the LRCIPP3 grant. In considering this report, Council is asked to approve which projects officers will present for review by the DITRDC for formal grant approval.

## Discussion

In considering the three lists, officers first reviewed projects for their eligibility and their shovel readiness. Officers prioritised the remaining projects based on:

- community benefit
- organisational benefit
- risk reduction

- financial benefit
- links to adopted strategies and policies
- environmental benefits
- asset renewal requirements



The projects reviewed included:

Projects	Brief Description
Hamilton Street, Riddells Creek	Upgrade (including Fitzgerald Street)
Sheedy Road, Gisborne	Asset rehabilitation
Red Brick Hall Phase Three	All abilities - upgrade works
Electric Vehicle Charging Stations	New infrastructure at six locations
Five Mile Creek Pathways, Romsey	Part of master plan implementation
Riddells Creek Public Space Fencing	Asset rehabilitation
Kyneton Museum Roof Works	Asset rehabilitation
Kyneton Showgrounds Master Plan Implementation	Masterplan works
Lauriston Hall – Stage 3	Stage 3 asset renewal works
Riddells Creek exercise equipment	Installation
Riddells Creek Tennis Club – modular change rooms	Asset replacement

After the officer review, the following projects are nominated for consideration:

Projects	Brief Description	Estimated Grant Sum
Hamilton Street, Riddells Creek	Upgrade (including Fitzgerald Street)	\$591,835.00
Sheedy Road, Gisborne	Asset rehabilitation	\$1,906,236.00
Red Brick Hall Phase Three	All abilities - upgrade works	\$335,000.00
Riddells Creek Public Space Picket Fencing	Asset Rrehabilitation	\$49,361.00
<b>Total</b>	<b>(Equalling Total Grant Available)</b>	<b>\$2,882,432.00</b>

These recommendations include consideration of the prioritisation and balancing the organisational capacity to deliver additional capital works projects. Officers recommend nominating a few large projects rather than many smaller projects. Many smaller projects would stretch the organisation's resources and potentially increase the delivery and financial risk to Council and the community.

### Consultation and engagement

In preparing this report, officers sought input from each department in the organisation. Including unfunded budget projects and unfunded Councillor identified projects ensures that the community's perspectives are incorporated in officer considerations.

- Sheedy Road is the subject of numerous community reports and complaints.
- Hamilton Street works are required due to the upgrade of the Riddells Creek Train Station carpark. The Department of Transport is also providing some funds for these works.
- The Red Brick Hall was previously a Local Roads and Community Infrastructure project which was deferred (with funding diverted to another project). It's a project which has had previous community input. The work is required to complete the upgrade of this building.
- The Riddells Creek Picket Fences have been a topical issue in the community for some years and the subject of many complaints. This year's budget provided a small amount of funding, but it was insufficient to complete the task.

**Collaboration**

Officers have collaborated with the Department of Transport on the Hamilton Street upgrade. The Department is providing some funding to assist with this upgrade.

**Innovation and continuous improvement**

Innovation and continuous improvement has been considered as part of the project plan for each project.

**Relevant law**

The projects will follow the legislation required. The primary legislation applicable to the projects is the *Disability Discrimination Act 1992* and the *Charter of Human Rights and Responsibilities Act 2006*.

**Relevant regional, state and national plans and policies**

The LRCIPP3 grant does not directly relate to regional, state and national plans and policies, noting that the grant intends to support local economies' jobs and resilience to help communities bounce back from the COVID-19 pandemic.

**Relevant Council plans and policies**

There are no specific Council plans or policies related to this grant application process.

**Financial viability**

If the officer recommendations are approved, the nominated projects reduce the direct financial impact on the community for the nominated asset upgrades or rehabilitation.

**Sustainability implications**

The individual project scopes will address specific sustainability implications.

**Officer declaration of conflicts of interest**

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

**15 NOTICES OF MOTION AND RESCISSION**

Nil

**16 URGENT BUSINESS**

**17 CONFIDENTIAL REPORTS****Recommendation**

That pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020*, Council closes the meeting to the public to consider the confidential report(s) listed below, which are confidential on grounds provided in Section 3(1) of the *Local Government Act 2020*:

**17.1 Kindergarten Strategic Direction for endorsement**

**17.2 Australia Day Awards and Township Celebration Grants 2022**

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**Confidential reasons****17.1 Kindergarten Strategic Direction for endorsement**

This matter is considered to be confidential under Section 3(1) - a and h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

**17.2 Australia Day Awards and Township Celebration Grants 2022**

This matter is considered to be confidential under Section 3(1) - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.