

Council Meeting Agenda

Wednesday 16 December 2020 at 7.00pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

Recording of Council Meetings:

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

Attachments:

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

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ACKNOWLEDGEMENT OF COUNTRY

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

1. RECORDING AND LIVE STREAMING OF THIS COUNCIL MEETING

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

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

While Councillors are attending this meeting in person, in line with current directions by the Chief Health Officer, face-to-face Council Meetings are not to be held with members of the public in attendance. As such, there is no one present in the public gallery this evening. We welcome those of you watching from home.

Please note that face masks are required to be worn by those in attendance, but may be removed when a Councillor is speaking, as it is possible for masks to be removed for live broadcasting purposes.

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

Thank you

2. PRESENT

3. APOLOGIES

4. DECLARATION OF CONFLICT OF INTERESTS

Councillors' attention is drawn to Division 2 Sections 126-131 of the *Local Government Act 2020* and Part 5, Rule 48 of Council's Governance Rules regarding conflicts of interest.

Councillors are reminded that conflicts of interest must be disclosed in the manner required by Council's Governance Rules. The Councillor must make a full disclosure of the interest by either advising:

- the Council at the meeting immediately before the matter is considered at the meeting; or
- the CEO in writing before the meeting;

and

- whether the interest is a general conflict of interest or a material conflict of interest; and
- the nature of the interest

(If a Councillor advised the CEO in writing before the meeting, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting)

5. MAYOR'S REPORT

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

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

Recommendation:

That the Mayor's report be received.

6. PETITIONS

Pursuant to Council's adopted Governance Rules, a Councillor may present a petition or joint letter to the Council. A petition or joint letter tabled at a Council Meeting may be dealt with as follows:

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

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

7. ADOPTION OF MINUTES

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

Council Meeting: Monday 23 November 2020

Council Meeting: Wednesday 25 November 2020

Recommendation:

That the minutes of the meetings of the Macedon Ranges Shire Council held on Monday 23 November 2020 and Wednesday 25 November 2020 as circulated be confirmed.

8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – DECEMBER 2020

Summary / Purpose

The purpose of this report is to provide the record of meetings of Councillors and Council staff, which have been held since the last Council Meeting, so that they can be recorded in the minutes of a scheduled Council Meeting.

Policy Context

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

Background Information

Rule 31(b) specifies the meetings for which a written record will be kept and reported to the next practicable Council Meeting are as follows:

- (i) an advisory committee of the Council, if at least one Councillor is present; or
- (ii) a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:
 - (i) the subject of a decision of the Council; or
 - (ii) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committeebut does not include a meeting of the Council, a delegated committee of the Council, a meeting of the audit and risk committee, a club, association, peak body, political party or other organisation.

Rule 31(c) provides that the written record of meetings must include:

- (i) the names of attending Councillors, staff members and other persons;
- (ii) a short title of the matters discussed; and
- (iii) any conflicts of interest disclosed by Councillors or Council staff and whether they temporarily left the meeting whilst the subject matter of their disclosed conflict of interest was discussed.

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

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

Report

Outlined below are the details of meetings of Councillors and Council staff held since the last meeting.

1.	Date / Time	Type of Meeting
	19 and 20 November 2020 9.00am – 4.00pm	Councillor Induction
	Venue	Victorian Emergency Management Institute (VEMI), Mount Macedon
	Present – Councillors	Crs Anderson, Bonanno, Death, Guthrie, Moore, Neil, Pearce, Ridgeway, West
	Present – Officers	John Nevins, Shane Walden, John Hausler, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader, Leanne Manton
	Presenters	Mark Hayes, Maddocks; Phil Shanahan; Coral Ross
	Items discussed	<ul style="list-style-type: none"> • Mandatory councillor induction content • Delegations framework • Planning delegations and process and Macedon Ranges Planning Scheme • Gisborne Futures • Climate Change Strategy • Customer Service Charter • COVID-19 support • Council meeting and briefing times • Community engagement and support for Councillors
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Nil</p> <p>Did they leave the meeting? N/A</p>

Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A
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2.	Date / Time	Type of Meeting
	23 November 2020 6.15pm – 8.15pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bonanno, Death, Guthrie, Moore, Neil, Pearce, Ridgeway, West
	Present – Officers	John Nevins, Shane Walden, John Hausler, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Agenda review: <ul style="list-style-type: none"> - Councillor committee appointments - Quarterly Report July – September 2020 - Annual Report 2019/20 - Notices of Motion • Other matters: <ul style="list-style-type: none"> - Planning application process - Planning Committee models
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Nil Did they leave the meeting? N/A
	Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

3.	Date / Time	Type of Meeting
	25 November 2020 4.35pm – 5.40pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bonanno, Death, Guthrie, Moore, Neil, Pearce, Ridgeway, West
	Present – Officers	John Nevins, Shane Walden, John Hausler, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader, Harjinder Singh
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Statutory Planning Overview
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the	Nil Did they leave the meeting? N/A

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

4.	Date / Time	Type of Meeting
	1 December 2020 9.30am – 1.25pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bonanno, Death, Guthrie, Moore, Neil, Pearce (online), Ridgeway, West
	Present – Officers	John Nevins, Shane Walden, John Hausler, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader, Rob Ball, Michelle Wyatt, Harjinder Singh, Christo Crafford
	Presenters	Angela Clelland, Omera Partners
	Items discussed	<ul style="list-style-type: none"> • Omera Session for Permanent CEO Recruitment • Cool Changes Woodend 3442 • Macedon Ranges Sports Precinct & Macedon Ranges Shared Trails Project • Planning matters <ul style="list-style-type: none"> - PLN/2020/165 – 198 Mount Gisborne Road, Gisborne • Submitters Committee Agenda Review <ul style="list-style-type: none"> - PLN/2015/204 – 2-4 Davy Street, Woodend - PLN/2019/573 – Edgecombe Road, Kyneton • Council Meeting Agenda Review <ul style="list-style-type: none"> - Australia Day Awards - Notices of Motion - Proposal to name Kyneton laneway
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	Cr Anderson declared a conflict of interest in relation to Submitters Delegated Committee Agenda Review item PLN/2015/204. Did they leave the meeting? Yes
	Conflicts of interest declared by officers	Nil Did they leave the meeting? N/A

5.	Date / Time	Type of Meeting
	8 December 2020 9.00am – 12.45pm	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Crs Anderson, Bonanno, Death, Guthrie, Neil, Pearce (online), Ridgeway, West
	Present – Officers	John Nevins, Shane Walden, John Hausler, Angela Hughes, Sarah Noel, Kate Young, Lauren Reader, Gary Randhawa, Cam Macfarlane, Bob Elkington, Rob Ball, Isobel Maginn, Christo Crafford, Harjinder Singh, Travis Harling
	Presenters	Damien Wells, Danny McLean, Coliban Water
	Items discussed	<ul style="list-style-type: none"> • Asset Management Plan & Accounting • Draft Business Case & Master Plan – Woodend Community Centre • Kyneton Urban Design Framework UDF & Proposed Consultation Process • Proposed Naming of Kyneton Laneway • Proposed NBN Lease – Riddells Creek Recreation Reserve • Presentation by Coliban Water • Planning Matters: <ul style="list-style-type: none"> - PLN/2020/121 Hamilton & Lyle Street, Gisborne - PLN/2019/573 – Edgecombe Road Kyneton • Hanging Rock • Budget • Permanent CEO recruitment process
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	No Did they leave the meeting? N/A
	Conflicts of interest declared by officers	No Did they leave the meeting? N/A

Officer Recommendation:

That Council endorse the record of meetings of Councillors and Council staff as outlined in this report.

9. DEPUTATIONS AND PRESENTATIONS TO COUNCIL

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

PE.1	APPLICATION FOR EXTENSION OF TIME FOR PLANNING PERMIT PLN/2015/204 – 2-4 DAVY STREET, WOODEND CONSTRUCTION OF FOURTEEN (14) DOUBLE STOREY DWELLINGS, CONSTRUCTION OF ASSOCIATED BUILDINGS AND WORK (EARTHWORKS, ROADWORKS AND FENCING), AND REMOVAL OF VEGETATION INCLUDING TWO (2) NON-NATIVE TREES WITHIN THE DAVY STREET ROAD RESERVE, CONSTRUCTION OF WORKS WITHIN THE BLACK GUM RESERVE (OUTLET DRAINS AND RESERVE)
Officer	Christo Crafford, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Aerial locality Plan 2. Endorsed Plans 3. Current Planning Permit 4. VCAT decision 5. E-mails from prospective purchaser 6. E-mail advice from the NCCMA
Applicant	Fastnet Consulting
Date of Receipt of Application	15 May 2020
Trigger for Report to Council	Councillor call-in

Purpose and Overview

The application seeks to extend the time allowed under Condition 70 of Planning Permit PLN/2015/204 by two years to complete the approved development. The permit was issued on 11 January 2017 and is to expire on 11 January 2021 if the development has not been completed by this date.

Planning Permit PLN/2015/204 allows the development of the land for fourteen (14) double storey dwellings, construction of associated buildings and work (earthworks, roadworks and fencing), and removal of vegetation including two (2) non-native trees within the Davy Street road reserve, construction of works within the Black Gum Reserve (outlet drains and reserve). The permit was issued on 11 January 2017 at the direction of the Victorian Civil and Administrative Tribunal (VCAT).

The application has been referred to the North Central Catchment Management Authority (NCCMA).

Key issues to be considered are whether there there have been any changes to relevant planning controls or planning policy, the likelihood of a permit being granted if a fresh application was made for the proposal, the total elapsed time, taking into account whether the originally imposed time limit was adequate, whether the landowner is seeking to 'warehouse' the permit (that is, store the permit without intending to act upon it) and intervening circumstances which bear upon the grant or refusal of the extension request.

Officers have assessed the application and consider it appropriate. It is recommended that the request for an extension of time be approved.

Recommendation

That Council approves an extension of time to Planning Permit PLN/2015/204 for a period of two years.

Existing conditions and relevant history

Subject land

The subject site is located on the north-west side of High Street, bounded by Davy Street to the north-west and an un-named fire track to the south-east. The site abuts the Five Mile Creek corridor and a range of recreational facilities to the north of the Creek.

The site comprises six lots and has a total area of 6778m². The site is currently vacant and has a fall towards Five Mile Creek. Groups of exotic vegetation exist at the site's edges. A stand of pines towards the south east corner and clusters of poplar trees along the northern and south-western boundaries have been removed since original approval of this application.

Surrounds

The site is well located in terms of its proximity to the Woodend Town Centre, being about 250 metres from the town centre.

The site and adjoining land to the north-east are zoned Neighbourhood Residential Zone Schedule 2 and 3 whilst the land to the south and west is in the Public Conservation and Resource Zone. High Street to the south east is in the Road Zone Category 1.

Relevant Planning Permit History

Planning Application PLN/2015/204 was approved by officers acting under delegation. A Notice of Decision to Grant a Permit (NOD) was issued on 22 April 2016.

This NOD was appealed to the Victorian Civil and Administrative Tribunal (VCAT) by an objector to the application. The matter was heard on 2 and 3 November 2016. Following this hearing, VCAT ordered that Council's decision be upheld and that a planning permit be issued for the development. This planning permit was issued on 11 January 2017.

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

Condition 70 of this planning permit relates to the permit expiry. This condition states:

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

- (a) The development is not commenced within 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 expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.”

At the time the planning permit was originally issued, the applicant/land owner had until 11 January 2019 to commence the development and 11 January 2021 to complete the development.

As the planning permit allows for tree removal and development, the removal of the trees from the site and in the Davy Street road reserve was sufficient to 'commence' the approved development. The act of undertaking these works means that the development allowed under the planning permit has commenced, even though no buildings and works have occurred on the site to date.

Proposal

It is proposed to extend the time allowed under Condition 70 of the planning permit by two years to complete the development.

Officer Assessment

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

- 1. Whether there have been any changes to relevant planning controls or planning policy.*
- 2. The likelihood of a permit being granted if a fresh application was made for the proposal.*
- 3. The total elapsed time, taking into account whether the originally imposed time limit was adequate.*
- 4. Whether the landowner is seeking to 'warehouse' the permit (that is, store the permit without intending to act upon it).*
- 5. Intervening circumstances which bear upon the grant or refusal of the extension request.*
- 6. The economic burden imposed on the landowner by the permit.*

Changes to planning controls or planning policy

Since the approval of the planning permit, the zoning of the land has changed from General Residential Zone 1 (GRZ1) to Neighbourhood Residential Zone Schedule 2 (NRZ2) (the High Street side of the site) and Neighbourhood Residential Zone Schedule 3 (NRZ3) (the Davy Street side of the site). The zoning has changed under Amendment C98. The VCAT, when approving the application, specifically noted that it is satisfied that the proposal achieves a built form outcome that is consistent with the strategic objectives for Woodend encompassed within Amendment C98 (Paragraphs 22 to 37 of the VCAT decision). Amendment C98 was a seriously entertained planning proposal at the time of the VCAT decision and the zoning changes occurred on 15 June 2017.

Likelihood of permit issuing upon fresh application

The development complies with the Planning Scheme and this is confirmed by the VCAT decision. The Woodend Flood Study has been recently updated and the flood levels for the site are still satisfactory.

Advice was sought from the North Central Catchment Management Authority (NCCMA) with regards to this particular application. This authority's updated advice states that:

"In addition I have reviewed the draft Woodend Flood Study results in more detail. I provide the following updated advice to Council.

- Change in Flood Risk - based on Mr Bishop's expert opinion and my review of the new flood modelling it is unlikely that flood risk on the site will be increased. Therefore, the previous modelling undertaken by Water Technology to assess the appropriateness of development on the site is still relevant.*
- Guidelines for Development in Flood Affected Areas - The existing flood risk on the site does not achieve the safety criteria outlined in the Guidelines for Development in Flood Affected Area by DELWP and notionally development should be avoided in this area. However the applicant has been able to demonstrate through extensive works on site that the safety criteria for new development as per the guidelines can be achieved without adversely affecting neighbouring properties.*
- Climate Change - Climate change scenario modelling has yet to be undertaken, however given that a freeboard of 600mm above the existing 1% AEP flood levels is proposed, it is highly likely that the new development will be sited above the worst case climate change scenario flood levels.*

In summary, through a more detailed review of the updated modelling North Central CMA advises that the flood risk on the site is unlikely to increase as a result of modelling practice changes. Therefore, from a flood risk perspective, North Central CMA would not object to Council granting an extension on time on the proposed development."

Given the advice from the NCCMA, which is a Section 55 Recommending referral authority in this instance, is likely that NCCMA would support a fresh application if lodged now.

As such, it is likely that should a fresh application be made, the development would be approved at this stage.

Time lapse

The permit approval was issued on 11 January 2017.

Works have commenced on site by virtue of the removal of some trees.

The total timeframe for works to be completed has been four years to date. While it is considered that this is a reasonable timeframe for works to have been completed, the scale of the development affords some consideration. The applicant has advised that a purchaser will commence construction works on approval of extension of the permit.

Warehousing of permit

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

Intervening circumstances

There are no intervening circumstances that supports the refusal of the application.

Economic burden

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

Officer declaration of conflict of interest

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

Conclusion

The development generally complies with the relevant parts of the Planning Scheme, and meets the tests set out in VCAT decision *Kantor v Murrindindi Shire Council* (1997). The extension of the permit is further appropriate given the updated advice of the NCCMA.

For this reason the application for an extension of time is supported.

PE.2	APPLICATION FOR PLANNING PERMIT PLN/2019/573 – EDGECOMBE ROAD, KYNETON SUBDIVISION OF FOUR (4) LOTS INTO FORTY THREE (43) LOTS AND DRAINAGE RESERVE IN FOUR (4) STAGES, CREATION OF A VEHICULAR ACCESS TO A ROAD ZONE, CATEGORY 1, REMOVAL OF NATIVE VEGETATION AND CREATION OF THREE (3) EASEMENTS
Officer	Christo Crafford, Coordinator Statutory Planning
Council Plan Relationship	Improve the built environment
Attachments	1. Locality – Aerial plan 2. Applicant’s planning report 3. Subdivision plans 4. Biodiversity assessment report 5. Flood risk assessment 6. Stormwater management plan
Applicant	David Lock Associates
Date of Receipt of Application	3 January 2020
Trigger for Report to Council	Councillor call-in

Purpose and Overview

The application is to subdivide the land, currently in four lots with an area of 65ha. The land is partly in a commercial zone and partly in a rural residential zone. The subdivision is proposed to comprise 25 commercial lots and 18 rural living lots. However two of the rural living lots will be required to be consolidated into one lot resulting in an overall forty two (42) lot subdivision.

The application was advertised and fifteen (15) submissions were received. This includes ten objections and five submissions in support.

Key issues to be considered relate to the suitability of the proposed lots sizes and lot layout, the impact of the subdivision upon the surrounding land including the use of the land for agriculture and generation of traffic. Future development of these lots will be the subject of further approvals and does not form part of this application.

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

Recommendation

That Council issue a Notice of Decision to grant a planning permit for the Subdivision of four (4) lots into forty two (42) lots and drainage reserve in four (4) stages, creation of a vehicular access to a Road Zone, Category 1, removal of native vegetation and creation of easements for the land at Lot 1 PS 331532T, Lot 1 PS 439378A and Lots 1 & 2 PS 315372D, Edgecombe Road, Kyneton subject to the following conditions:

- 1. Prior to the certification of the Plan of Subdivision for Stage 1 under the *Subdivision Act 1988*, three copies and an electronic copy of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Douglas Gow, titled Retail Fuel Developments, dated 12.06.20, but modified to show:**
 - a) An amended plan of subdivision showing the proposed Lot 265 and Lot 266 consolidated to form a single Lot.**
 - b) Landscape plans as required under Conditions 2 and 3.**
 - c) An amended plan of subdivision showing all the engineering plan changes as required under Condition 10.**
 - d) A detailed dimensioned Tree Protection Plan that illustrates the tree protection zone of all trees and patches of native vegetation to be retained as required under Condition 26.**

- 2. Prior to the issue of a Statement of Compliance for Stage 1 and in conjunction with the Functional Layout Plan functional layout, three hard copies and a digital copy of a Landscape Masterplan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape Masterplan is to be prepared by a suitably qualified and experienced landscape designer. It is to be drawn to scale and must show:**
 - a) The landscaping theme and graphical concepts to be developed for the subdivision.**
 - b) The locations of street tree planting in various stages of the subdivision. Trees are to be spaced at a minimum of one tree per lot or every 12 metres, whichever is the lesser, for both Rural Living and Commercial Zones.**
 - c) Topography and existing features, including contours for the subject land and any affected adjacent land.**
 - d) The location of all trees existing on the site, including any that overhang the site from adjoining land.**
 - e) Details of tree protection zones for all trees to be retained on site.**
 - f) Any trees proposed for removal from the site clearly designated.**

- g) All areas which will be available for landscaping.
 - h) All proposed entrance treatments, paths (other than footpaths) and proposed amenities. Consideration should be given to providing an amenity area within one of the proposed reserves.
 - i) The principles and graphical concepts of the proposed treatment of any open space and drainage reserves.
 - j) How any landscape requirements or guidelines within Council's Design Guidelines for Industrial & Commercial Development are proposed to be implemented.
3. Prior to the issue of a Statement of Compliance for each stage of the sub-division, three hard copies and a digital copy of a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The detailed landscape plan is to be prepared by a suitably qualified and experienced landscape designer. It is to be generally in accordance with the endorsed Landscape Master Plan but is to focus on the details of any reserve areas and streetscape plantings relevant to each stage. The plan is to be overlaid on the approved Engineering plans to ensure coordination with services and other infrastructure. When approved, the plan will be endorsed and form part of this permit and is to include:

Street trees

- a) Street tree species selection is to tie in with the existing surrounding character and be a mix of native and indigenous species to the approval of the Responsible Authority
- b) Typical cross-sections for each street type, dimensioning tree locations, services offsets as set out in Council's Tree Management Policy, 2019 and any other spatial requirements
- c) A table of offsets for all utility services and street trees.
- d) The following notations:
 - *Tree planting is to occur between April & September to maximise establishment and survival.*
 - *Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.*
 - *Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation*
 - *It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.*
- e) An advanced Tree Planting Detail with a minimum 52L Greenwell water saver and three (3) hardwood stakes.

Reserves (including basins):

- f) Large canopy trees are to be provided to the perimeter of (but not within) any basin areas with a preference for locally indigenous species.
- g) Trees proposed within lawn areas are to be a minimum of three metres apart (including mulch/waterwell) to facilitate mowing machinery or consolidated within mulched garden beds.

- h) All grassed areas are to be a minimum grade of 1:5, preferably 1:6, to allow for maintenance by mowing machinery.**
- i) Any gradients 1:4 and greater are to be planted with a mix of native and indigenous grasses and groundcovers at a sufficient density to discourage weed growth.**
- j) Species for gradients adjacent to and, within waterways and basins must be locally indigenous.**
- k) Seed for grassed reserves (areas to be mowed) is to be a 'drought tolerant mix' including a summer species, such as Kikuyu, with Ryegrass as a base.**
- l) Seed for retarding basins is to be a native species mix tolerant of periodic inundation.**
- m) All interfaces to public areas are to be separated by bollards or post and rail fencing with access provided e.g. removable bollard or gate for maintenance vehicles.**

Reserve Furniture

- n) All reserve furniture is to be submitted and shown in a Schedule to Parks and Gardens for final approval along with the Landscape plan.**
- o) Details of all proposed bollards, fencing and access for maintenance are to be provided and approved as part of the endorsed Landscape package.**

Landscape Maintenance

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

Notes:

- Information regarding Council's preferred street trees, fencing, furniture style and materials can be requested from the Parks and Gardens Unit.**
- In addition to the Landscape Plans, applicants must submit for approval a proposed maintenance schedule and projected costs. This schedule will also be used to ensure the proposed maintenance program is consistent with Council standards and to calculate a 35% Landscape Maintenance Liability bond. It will also be useful for the developer in preparing budget projections for the 2 year maintenance requirement.**
- Council must be notified in writing 2 weeks before landscape construction is planned to commence to arrange a pre-construction site meeting/inspection. This is to ensure the areas set aside for open space and tree planting are consistent with those on approved plans, that the site is adequately prepared to protect significant features, and to establish a schedule of inspections during the development phase.**

- **An additional site inspection will occur when construction is completed, to establish Practical Completion of the works and mark the commencement of the two (2) years maintenance period. This inspection will ensure that the site was developed according to the approved plan. Council must be notified of, and approve any changes to the approved works which are identified as necessary during the construction period. As constructed drawings will be required if any changes are made to the approved works.**
 - **Council will inspect the works thereafter at intervals throughout the maintenance period however must be notified in writing 3 months prior to the end of the maintenance period to schedule a final site inspection. Any defects identified during the final inspection will be detailed and forwarded to the applicant for rectification. The developer must undertake rectification works if the site has not been maintained to Council's satisfaction.**
 - **Final hand over will occur with the developer providing Council with, the maintenance history of the site.**
- 4. Prior to the issue of a Statement of Compliance for each Stage the landscaping works shown on the endorsed plans must be carried out, completed and thereafter maintained to the satisfaction of the Responsible Authority.**
- 5. Prior to the issuing of the Statement of Compliance for each Stage of the subdivision, the owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision stage pursuant to Section 18 of the *Subdivision Act 1988*.**
- 6. Before the Statement of Compliance for the Plan of Subdivision for Stage 1, the owner of the lot must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**
- a) No native vegetation as identified in the Tree Protection Plan and forming part of permit PLN/2019/573 may not be removed unless with the prior written consent of the Responsible Authority.**
 - b) Wildlife friendly fencing only is to be installed for boundary fencing between Lots 257, 258, 259 and 260 in consultation with the Council's Environment Unit unless with the prior written consent of the Responsible Authority.**
 - c) At the time buildings are constructed on residential lots, potable water for domestic use and firefighting purposes must be provided on each residential lot.**
 - d) Within 6 months of the development operating on Lot 104, Lot 105 and Lot 106, a post development Transport Impact Assessment report must be submitted to and approved by Macedon Ranges Shire Council and the Department of Transport. The Transport Impact Assessment must include the following:**
 - i. An assessment on the operation of Edgecombe Road and the intersection of Edgecombe Road-Saleyards Road-Pipers Creek Road.**

- ii. **Identify any mitigation measures that may be required to improve operation of Edgecombe Road and the intersection of Edgecombe Road-Saleyards Road-Pipers Creek Road.**

Within 18 months of the development operating, or any such time as agreed with the Macedon Ranges Shire Council and the Department of Transport, the mitigation measures as outlined in the post development Transport Impact Assessment must be constructed to the satisfaction of and at no cost to the Macedon Ranges Shire Council and the Department of Transport or any other Responsible Authority.

- e) **Res No.1, Lot 102, Lot 103, Lot 104 and Lot 105 are to be designed and developed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).**
- f) **The ongoing implementation of the Waterway Management Plan as required under Condition 30.**

Prior to a Statement of Compliance being issued:

- a) **Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act.**
- b) **The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.**

7. The owner of the land must enter into an agreement with:

- a) **A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- b) **A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

8. Before the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- b) **A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can**

demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

- 9. Measures must be undertaken to minimise any loss of amenity to the neighbourhood from the development caused by dust, noise, the transport of materials to and from the land and the deposit of mud and debris on public roads, to the satisfaction of the Responsible Authority.**

MRSC Engineering Conditions

- 10. Prior to the certification of the Plan of Subdivision for the Stage 1, an amended Subdivision Layout Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and submitted electronically as a PDF. The plan must be generally in accordance with the submitted plan but modified to show:**
- a) A relocated drainage reserve along the southern boundary of Lot 106. The Kyneton Commercial Estate Stormwater Management Plan, Revision C prepared by Water Modelling Solutions Pty Ltd dated August 2020 must be amended to comply with Clause 53.18 of the Planning Scheme.**
 - b) Western boundary of Lot 104, Lot 105 and Lot 106 is modified such that future signalised intersection upgrade can be accommodated in accordance with Drawing No. V149970-06-P1 prepared by GTA Consultants.**
 - c) Northern boundary of Lot 103 is modified to accommodate sufficient road verge width within the Pipers Creek Road reserve.**
 - d) Reconstruction of Pipers Creek Road is included in Stage 1.**
 - e) Road cross sections as shown on the Landuse Masterplan are amended.**
- 11. Prior to the submission of Engineering Plans and certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or the stage of subdivision must be submitted to and approved by the responsible authority. When approved the Functional Layout Plan will be endorsed and will then form part of the permit. The Functional Layout Plan must be drawn at a scale of 1:500 to acceptable standards and an electronic copy (PDF) must also be provided. The functional layout plan must generally incorporate the following:**
- a) A fully dimensioned subdivision layout, including proposed street names, lot areas, lot numbers, open space areas, and widths of street reservations.**
 - b) Topography and existing features, including contours for the subject land and any affected adjacent land.**
 - c) Identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.**
 - d) Details of tree protection zones for all trees to be retained on site.**
 - e) Any trees proposed for removal from the site (including dead trees) clearly designated.**

- f) **Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.**
 - g) **Intersections with interim and/or ultimate treatments.**
 - h) **A table of offsets for all utility services and street trees.**
 - i) **Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.**
 - j) **The proposed minor drainage network and any land required for maintenance access.**
 - k) **The major drainage system, including any basin, wetland, silt pond, and/ or piped elements showing preliminary sizing.**
 - l) **Provision of a gross pollutant trap (GPT). The GPT must be located within the development site and will be become the responsibility of the land owner to maintain.**
 - m) **Overland flow paths (1 in 100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.**
 - n) **In the case overland flow (1 in 100 year ARI) is draining into Edgecombe Road, written consent must be obtained from Department of Transport.**
 - o) **Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.**
 - p) **Preliminary location of reserves for electrical kiosks.**
 - q) **Works external to the subdivision, including both interim and ultimate access requirements.**
 - r) **Proposed linkages to future streets, open space, regional path network and surrounding land.**
 - s) **The location, height, width and form of all retaining walls.**
 - t) **Splays on all corner lots.**
12. **Prior to the commencement of works for each stage of the subdivision, Engineering Plans for the relevant stage of works must be submitted to and approved by Responsible Authority including plan checking and supervision fees. The Engineering Plans will not be considered until the Functional Layout Plans for the relevant stage have been approved by the Responsible Authority, landscape plans have been submitted to the Responsible Authority, the plan of subdivision has been lodged for certification with the Responsible Authority and the locations of other relevant authority services have been provided to the satisfaction of the Responsible Authority. The plans must include:**
- a) **All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.**
 - b) **Details of works must be consistent with the approved functional layout plan, submitted landscape plan and lodged plan of subdivision.**
 - c) **Details of any cut and fill earthworks including retaining walls.**
 - d) **Fully sealed pavements with kerb and channel, to dimensions generally in accordance with the approved functional layout plan, including traffic management devices where appropriate.**
 - e) **Provision of concrete footpaths/shared paths in all streets and reserves.**

- f) Any traffic management or traffic calming devices.
 - g) Traffic management measures to discourage vehicle entering into residential area from the commercial subdivision.
 - h) Underground drains incorporating features to prevent litter, sediments and oils from entering the drainage system and/or cut-off drains to intercept stormwater runoff from adjoining properties.
 - i) Underground stormwater drainage to each lot in the subdivision within own boundaries.
 - j) Water sensitive urban design measures.
In the case any wetlands or drainage basin incorporates embankment wall, ANCOLD dam standard must be satisfied.
 - k) Provision for all services and conduits (underground) including alignments and offsets.
 - l) Provision of public street lighting and underground electricity supply within all streets and reserves where appropriate.
 - m) A new sealed crossover for each lot. Crossovers should be a minimum of 10 metres from any intersection, 1 metres from any power pole, sign or service pit and an absolute minimum of 3 metres from any street tree.
 - n) Vehicle exclusion measures within reserves while maintaining maintenance vehicle access.
 - o) Temporary turnaround areas within the site for waste collection vehicles at the temporary dead end of any road.
 - p) Traffic control measures including street name signs.
 - q) A separate signage and line marking identifying the road layout, proposed signs, line-marking, RRPMS and a sign schedule.
 - r) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zone.
 - s) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid.
 - t) Splays at all intersections, to suit the road functions.
13. Prior to issue of a Statement of Compliance for each stage of the subdivision, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
14. Prior to the commencement of works, an “Asset Protection Permit” must be obtained from Council for any of the following circumstances:
- a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - b) Occupying a road for works.
 - c) Connecting any land to a stormwater drain.
 - d) Opening, altering or repairing a road.
 - e) Opening, altering or repairing a drain.
 - f) Accessing a building site from a point other than a crossover.
 - g) Construct/repair/widen/remove any crossover.
15. At least 14 days prior to commencement of works for each stage of the subdivision, a Site Management Plan must be submitted to and approved

by the Responsible Authority. The Site Management Plan must contain the following:

- a) Name and contact details of appointed Civil Contractor and Superintendent.**
- b) Existing condition survey of all existing assets including private properties**
- c) Construction Management Plan**
- d) Traffic Management Plan**
- e) Environmental Management Plan**
- f) Occupational Health & Safety and Job Safety Analysis Plans**
- g) Council issued Asset Protection Permit**
- h) Council approved Engineering Plans**

All works must be carried out generally in accordance with measures set out in the above documents approved by the Responsible Authority.

- 16. The subdivision is to be provided with a drainage system to a design approved by the Responsible Authority and such that:**
- a) The subdivision as a whole is provided with a legal point of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage.**
 - b) Stormwater runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.**
 - c) All drainage courses or outfall drainage lines required to the legal point of discharge and which pass through lands other than those within the boundaries of the subdivision must be constructed at no cost to the Responsible Authority.**
 - d) All drainage courses located within allotments must be contained within expressed drainage easements.**
 - e) The flow paths of a 1 in 100 year ARI storm need to be determined and the subdivision designed such that no private property is inundated.**
 - f) The drainage system must have provision for runoff from the upstream catchments and include any downstream works necessary to manage flows from the subdivision.**
 - g) Objectives of the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999) are satisfied.**
- 17. Prior to the issue of Statement of Compliance for Stage 1 of the subdivision, a Maintenance Management Plan must be submitted to and approved by the Responsible Authority where appropriate for all Water Sensitive Urban Design infrastructure. The Maintenance Management Plan must include:**
- a) A schedule of assets.**
 - b) A maintenance regime for the maintenance period of two (2) years.**
 - c) A record of the maintenance works undertaken during the maintenance period must be submitted to the Responsible Authority prior to handover.**

Any defects occurring during the maintenance period must be repaired by the operator of this Permit to the satisfaction of the Responsible Authority.

- 18. Prior to the issue of a Statement of Compliance for each stage of the subdivision, all land to be filled and to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.**
- 19. Land required for road widening or right of way flaring for the ultimate design of any intersection or roadway must be transferred to or vested as 'road' in Macedon Ranges Shire Council at no cost to the acquiring agency.**
- 20. Prior to the issue of a Statement of Compliance for each stage of the subdivision, the following 'as-constructed' documentation for road, drainage and public open space assets must be submitted to and approved by the Responsible Authority:**
 - a) As-constructed drawings in hardcopy A3 format that include all alterations made during construction.**
 - b) As-constructed drawings in AutoCAD (2000) and Acrobat PDF formats that include all alterations made during construction.**
 - c) Asset information in digital format and in the form of a schedule of quantities.**
- 21. The subdivision is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).**
- 22. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must be employed throughout the development works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995) to the satisfaction of the Responsible Authority.**

Note:

- The Defect Liability Period for drainage and road infrastructure assets commences from the date of Acceptance of Works and extend for a minimum period of 12 months or other agreed period.**

Environment Unit Conditions

Remnant native vegetation

- 23. Prior to the issue of a Statement of compliance for Stage 4, the identified patches of native vegetation within 4 metres of a shared property boundary on lots 257, 258, 259, 260 must be offset with native vegetation offsets. A DELWP Native Vegetation Removal report must be submitted to offset the native vegetation. Refer to <https://nvim.delwp.vic.gov.au/>**

Remnant Native Vegetation Conservation Management Plan

24. Prior to certification of the Plan of Subdivision for Stage 1, the applicant must submit a Conservation Management Plan for the remnant native vegetation proposed to be retained on the property. The Plan must include:
- Weed control program
 - Pest animal control program
 - Fencing plan

Wildlife Friendly Fencing

25. Wildlife friendly fencing is to be installed for boundary fencing for lots 257, 258, 259 and 260 in consultation with the Council's Environment Unit.

Tree Protection Plan

26. Prior to certification of the Plan of Subdivision for Stage 1, a detailed dimensioned Tree Protection Plan must be submitted that illustrates the tree protection zone of all trees and patches of native vegetation to be retained.
27. Prior to subdivision development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. The temporary vegetation fencing must be erected to the satisfaction of the Responsible Authority. This fence must be erected at:
- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.
 - c) The tree protective fencing must be constructed of start pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all subdivision works are completed and must be erected around areas to be retained to protect surrounding vegetation. The tree protection fencing must form a visual and physical barrier and include signage clearly marked "Vegetation Protection Zone – No Entry" on all sides. Any trees, vegetation or waterways near the development site and/or construction areas must be included in the tree protection zone.

Tree Management Plan

28. Prior to subdivision development commencing a Tree Management Plan (TMP) must be submitted that sets out the tree protection measures for all retained native vegetation. The measures must be followed through all phases of demolition and construction. It must include details of construction staging, an assigned project arborist, and an inspection timeframe with a compliance checklist demonstrating how this will be undertaken to minimise potential impact upon any native vegetation to be retained.

Waterway Restoration Plan

29. Prior to certification of the Plan of Subdivision for Stage 1, a Waterway Management Plan must be submitted to the Responsible Authority. The plan must outline restoration actions for Post Office Creek for the two lots, including the removal of noxious weeds, revegetation and pest animal management. The associated works in the plan must be completed prior to the sale of any lot.

The Waterway Restoration Plan must include:

a) **Native Vegetation**

- A mapped site plan detailing native vegetation identified along the riparian zone and in the waterway
- A plant survey of Post Office Creek along the riparian zone and within the waterway
- A plant species list of identified native plants

b) **Revegetation Plan**

The revegetation plan must include:

- Plant species list (pre 1750 EVC Benchmark)
- Density of plantings per sqm
- Location of plantings (plant species specific)
- Details of how the site will be prepared prior to planting
- Revegetation equipment – e.g. tree protection guards and stakes
- Two year management schedule
- Wildlife friendly fencing along waterway where fencing is proposed

c) **Weed Management**

- A mapped site plan showing noxious weeds along the riparian zone and in the waterway
- A plant species list of the identified noxious weed species
- Method/s of control for each species
- A schedule of weed control works
- A two year post weed removal maintenance program

d) **Pest Control**

- Survey of rabbit burrows and populations
- Proposed rabbit control, including timing
- A two year or ongoing treatment program

e) **Fencing**

- Setback at least 20 metres from both sides of the Post Office Creek, calculated from the waterway top of bank. To align with the boundary fencing where appropriate.
- Stock exclusion fencing is to be installed along the waterway corridors. Boundary fencing must not cross over the waterways as to provide a continuous corridor.

f) **Compliance Reporting Framework and Checklist**

- A Reporting Framework and Checklist consistent with the table included in the the MRSC Land Management Plan. Refer to

<https://www.mrsc.vic.gov.au/Live-Work/Environment/Land-Management/Sustainable-Land-Management#section-4>

Waterway Management Plan

30. Prior to the commencement of works, a Waterway Management Plan must be submitted for the ongoing management of Post Office Creek and be secured on title with a Section 173 Agreement. The plan is to include a program of works for the purchaser to undertake on an ongoing basis, including noxious weed removal and pest animal management.

Construction Environment Management Plan

31. Before on-ground works commence, a Construction Environment Management Plan is to be submitted to the satisfaction of the Responsible Authority. The development must be conducted in accordance with the endorsed plan. The environmental management plan is to include but is not limited to:
- Overview of construction methods including management zones and construction zones, site preparation, access, construction activities, schedule and timing of works, and contractor briefing
 - Management Structure and Roles including an environmental audit process
 - Applicable planning and legislative requirements
 - Environmental considerations; management of and/or mitigation of impacts on:
 - Surface water pollution
 - Erosion and sediment
 - Waterway crossings
 - Terrestrial ecology
 - Aquatic ecology
 - Land management, reinstatement and rehabilitation
 - Visual impacts
 - Dust, odour and air quality
 - Noise and vibration
 - Waste management
 - Hazardous materials
 - Environmental incidents and emergencies
 - Fire hazards

Health Unit Conditions

32. A further LCA for each lot that is not connected to reticulated sewerage will be required to determine the site suitability for primary or secondary wastewater disposal and to determine the sizing and siting of the septic system and effluent irrigation lines.
33. Once each of the proposed residential lots is to be developed, an 'Application to install a septic tank' must be submitted to Council's Environmental Health Department to ensure the proposed wastewater treatment and disposal system is installed as per the LCA and the EPA Code of Practice – Onsite Wastewater Management 891. 4 (2016).

Note:

- **The Land Capability Assessment (LCA) by Provincial Geotechnical Pty Ltd dated 27 February 2020, reference 13756A, has been conducted for the site. The assessor has concluded that wastewater can be managed on each of the proposed allotments and either primary or secondary wastewater disposal is suitable (depending on the lot).**

Coliban Water Conditions

34. **Prior to the Statement of Compliance being issued, the proposed Lot 265 and Lot 266 must be consolidated to form a single Lot.**
35. **Prior to the Statement of Compliance being issued, a Landscape Management Plan (LMP) must be provided for Lot 102, and for the new single Lot formed by 265 and 266. The LMP must include:**
 - a) **Management actions for the removal of the Gorse infestation within the identified riparian area of Post Office Creek and the converging waterway.**
 - b) **Revegetation of the riparian area, including a planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).**
 - c) **A timeline of actions for the completion of weed management and revegetation works within 5 years of the development starting.**
36. **Prior to the Statement of Compliance being issued, the owner shall enter into an agreement placed on proposed Lot 102, and the new single Lot formed by consolidating Lots 265 and 266, with the Responsible Authority under Section 173 of the *Planning and Environment Act* requiring that:**
 - a) **The actions provided for in the endorsed Land Management Plan must be carried out and thereafter maintained to the responsible authority's satisfaction.**
37. **Prior to the Statement of Compliance being issued, the owner shall enter into an agreement placed on proposed Lots 210, 250, 251, 252 and 264 with the Responsible Authority under Section 173 of the *Planning and Environment Act* requiring that:**
 - a) **A suitably formatted Landscape Plan must be included with a development application to provide for enhancement of the biodiversity of the area, including to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries.**
 - b) **The Landscape Plan must provide a planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC) and a timeline for the completion of works.**
38. **The owner shall be responsible for all costs and fees applicable for the preparation and the registration of the agreements on the relevant titles created by the subdivision of the land, and must provide evidence of**

registration of the Agreement to Coliban Water within three months of this occurring.

Note:

- **Coliban Water will require a new or amended Land Capability Assessment with site specific details for any development applications to treat wastewater onsite.**

Goulburn-Murray Water Conditions

39. **Any plan submitted for Certification must show that lots in close proximity to Post Office Creek have suitably sized wastewater disposal areas which meet setback distances of at least 100m from Post Office Creek.**
40. **Prior to the Statement of Compliance being issued the proposed Lot 265 and Lot 266 must be consolidated to form a single Lot.**
41. **Prior to the Statement of Compliance being issued a Landscape Management Plan must be provided for Lot 102 and the new single Lot formed by 265 and 266. The LMP must include:**
 - a) **Management actions for the removal of the Gorse infestation within the identified riparian area of Post Office Creek and the converging waterway.**
 - b) **Revegetation of the riparian area including a planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).**
 - c) **A timeline of actions for the completion of weed management and revegetation works within 5 years of the development starting.**
42. **Prior to the Statement of Compliance being issued, the owner shall enter into an agreement placed on proposed Lot 102 and the new single Lot formed by 265 and 266 with the Responsible Authority under Section 173 of the *Planning and Environment Act* requiring that:**
 - a) **The actions provided for in the endorsed Land Management Plan must be carried out and thereafter maintained to the responsible authorities' satisfaction.**
43. **Prior to the Statement of Compliance being issued, the owner shall enter into an agreement placed on proposed Lots 210, 250, 251, 252 and 264 with the Responsible Authority under Section 173 of the *Planning and Environment Act* requiring that:**
 - a) **A suitably formatted Landscape Plan must be included with a development application to provide for enhancement of the biodiversity of the area, including to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries.**
 - b) **The Landscape Plan must provide a planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC) and a timeline for the completion of works.**

44. The owner shall be responsible for all costs and fees applicable for the preparation and the registration of the agreements on the relevant titles created by the subdivision of the land and must provide evidence of registration of the Agreement to Coliban Water and Goulburn-Murray Water within three months of this occurring.

Notes:

- Goulburn-Murray Water will require an amended Land Capability Assessment with site specific details for any development applications to treat wastewater onsite.
- A separate Works on Waterway permit for any works within the bed and banks of any designated waterway must be obtained directly from the North Central Catchment Management Authority. Please contact North Central CMA on telephone (03) 5440 1896 to obtain a full understanding of the North Central CMA's requirements.

North Central Catchment Management Conditions

45. Prior to certification a waterway management and drainage easement must be created in favour of North Central CMA and registered on title. The easement must be located generally in accordance with the 1% AEP flood extent provided in the Kyneton Commercial Estate Floor Risk Assessment (2020). No buildings are permitted within this easement, with the exception of the approved buildings on lots 104 and 105.
46. Prior to certification a suitable restriction must be placed on title stipulating that fencing must be open style post and wire or post and rail in areas that are in the waterway management and drainage easement.
47. Prior to certification a suitable restriction is to be placed on the title which specifies the minimum floor level of any new dwelling(s) on any allotment that is affected by the 1% AEP flood extent. The minimum floor level must be no lower than 600 mm above the applicable 1% AEP flood level(s).
48. Prior to commencement of works, plans of any culverts under the access road off Pipers Creek must be submitted to the North Central CMA and the responsible authority for approval.
49. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, the proposed development must not reduce the available flood storage on the site. A cut and fill balance ratio of 1.3:1 must be achieved on the site. That is, the volume of cut shall exceed the fill by 30%. Any proposed cut must be self-draining. Prior to the commencement of works detailed plans and computations demonstrating how this condition will be achieved must be provided to the North Central CMA for approval.
50. Prior to the Statement of Compliance being issued a Landscape Management Plan must be provided for Lots 102, 265 and 266. The LMP must include:

- a) **Management actions for the removal of the Gorse infestation within the identified riparian area of Post Office Creek and the converging waterway.**
- b) **Revegetation of the riparian area including a planting schedule of all proposed trees, shrubs and ground covers of the appropriate Ecological Vegetation Class (EVC).**
- c) **A timeline of actions for the completion of weed management and revegetation works within 5 years of the development starting.**

Note:

- **Flood levels for the 1% AEP (100-year ARI) flood event have been estimated for this area under provisions of the *Water Act 1989*. The applicable 1% AEP flood level for the location described above grades from 510.0 metres AHD down to 506.5 metres AHD, which was obtained from Kyneton Commercial Estate Floor Risk Assessment (2020), which was prepared by Water Modelling Solutions.**

CFA Conditions

Roads

51. **Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
52. **Proposed roads must have a suitable trafficable width to allow the unimpeded access of emergency fire fighting vehicles (notwithstanding any parking restrictions that Council may apply) to the satisfaction of CFA.**
53. **Dead end roads and cul-de-sac's more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided); T or Y heads of dimensions specified by the CFA may be used as alternatives.**
54. **The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**
55. **Curves must have a minimum inner radius of 10 metres.**

Notes:

- **CFA is unaware if a reticulated water supply is to be provided to this development.**
- **CFA advises that a fire hydrant system within the road reserves on a reticulated water supply (should it be provided) will not provide satisfactory coverage to these allotments.**

Powercor Conditions

56. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

57. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

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

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

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

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

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

60. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new power lines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

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

Downer Condition

61. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

Department of Transport (VicRoads) Conditions

62. Before the plan of subdivision is submitted to the Responsible Authority for certification under the Subdivision Act 1988:
- a) The functional layout plan (FLP) of the Heathcote-Kyneton Road (Edgecombe Road) must be submitted to and approved by the Department of Transport (Head, Transport for Victoria).
The FLP must be generally in accordance with the plans (By GTA Consultants, dated the 20th August 2020) to show (but not limited to) the following:
 - i. The removal of the southernmost proposed pedestrian crossing facility into the service station.
 - ii. Extension of the pedestrian path into the fast food restaurant and relocation of the arterial road crossing facility to not cross onto the existing crossover of 55 Edgecombe Road, Kyneton.
 - iii. Removal of the proposed right turn treatment (immediately north of the southbound Saleyards Road right turn lane) and the proposed service road entry point.
 - iv. Relocation of the local side road pedestrian crossing points to be located away from the arterial road (at the narrow section of the corner splays).
 - v. The provision of two, Auxiliary Left Short (AUL(S)) turn treatments at the proposed northern most intersection and the service road entry point (located immediately south of the northern side road) in accordance with Austroads (2017) Guide to Road Design Part 4A, Figure 8.3.
 - vi. A footpath from the northern proposed road to link to the existing
 - vii. Indicative flag lighting in accordance with AS1158.
 - viii. All existing and proposed line marking, signage, services, vegetation, accesses (including the removal of all redundant access gates) etc.
 - ix. The swept path analysis of the following vehicles turning to and from subject land with Edgecombe Road:
 - (1) A 19-metre length single articulated truck with 0.5 metre clearances on both sides of the vehicle; and
 - (2) A 26-metre length b-double (without clearances).All swept path turning movements must be made from within the respective turn lane.
 - b) All proposed arterial road intersections must have a minimum 5 metre by 5 metre splay.
 - c) Any land set aside as Road must be labelled “ROAD” on the plan of subdivision; and
 - d) All land to be vested as road or reserve, for which the:

- i. **Responsible Authority is to be responsible, must be vested in the name of the *Macedon Ranges Shire Council*; or**
- ii. **Head, Transport for Victoria is to be responsible, must be vested in the name of the *Head, Transport for Victoria*.**

63. Prior to the issue of a Statement of Compliance:

- a) **A Road Safety Audit must be undertaken upon the Department accepting the FLP and prior to the commencement of the Detailed Design Plan in accordance with VicRoads' Road Safety Audit Policy. The audit findings and the consultant's responses to the findings must be provided to the Department for review and approval. Any mitigating works arising out of the audit must be carried out to the satisfaction of and at no cost to the Department.**
- b) **The following works must be completed to the satisfaction of and at no cost to the Department:**
 - i. **All right and left turn treatments (north of Pipers Creek Road).**
 - ii. **Any required relocation of services.**
 - iii. **Any required vegetation removal.**
 - iv. **Any required flag lighting as required under AS1158.**
 - v. **Any other works as required by the Department.**

Notes:

- ***The increase in discharge of any drainage onto the arterial road reserve from the subject land is not permitted unless approved in writing by the Department of Transport (Head, Transport for Victoria).***
- ***Separate 'detailed design' approval (fees and charges apply) and the specifications of these are required under the Road Management Act. For the purposes of this application the works will include provision of:***
 - ***Channelised Right (CHR) and Auxiliary Left Short (AUL(S)) turn treatments; and***
 - ***Any other works in the arterial road reserve.***
- **Please forward details marked attention to Paul Diss on:**
nr.mailbox@roads.vic.gov.au
Further information regarding Department of Transport' consent to work within the road reserve can be found on the Department of Transport Website:
<https://www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve>
or by telephoning Tracy Kearns on (03) 5434 5148.

Expiry condition

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

- a) **The plan of subdivision for Stage 1 is not certified within two years of the date of this permit.**

- b) The plan of subdivision for Stage 2 is not certified within four years of the date of this permit.**
- c) The plan of subdivision for Stages 3 and 4 is not certified within six years of the date of this permit.**
- d) The plan of subdivision for each Stage is not registered at Land Registry within five years of the certification of the subdivision for that Stage.**

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

Existing conditions and relevant history

Subject land

The site is located on the north-east corner of the Calder Freeway on ramp (inbound) and Edgecombe Road. The site also has a frontage to Baynton Road to the south. Pipers Creek Road intersects the site and provides access between Edgecombe Road and Baynton Road.

The size of the subject site is 65ha. The site currently contains 4 lots in two parts that are distinguished by zones. The first part is land located on the western side and is contained within the Commercial 2 Zone (C2Z). This forms part of the broader Kyneton north commercial/industrial growth area. The second part is located on the eastern side and is contained within the Rural Living Zone (Schedule 2) (RLZ2) that forms an extension of the broader rural living area to the north east of the Kyneton township.

The site is also subject to the Environmental Significance Overlay Schedule 4 (ESO4) and identified as an area of cultural heritage sensitivity.

The site is an open, gently undulating rural landscape comprising fenced paddocks with two existing buildings and a scattering of isolated trees. Clusters of trees are located along the southern boundary where the site adjoins the Calder Freeway on-ramp. Post Office Creek intersects the southern portion of the site and runs in an east-west direction. The creek is sparsely vegetated on the commercial portion of land but is well vegetated on the residential portion.

Surrounds

The northern and eastern boundaries of the site are defined by completed residential development within the Rural Living Zone Schedule 2 (RLZ2) (apart from 43 Baynton Road). The lot pattern in the area around the site generally consists of 2 to 4 hectare lots.

To the east is the Kyneton Golf Course.

To the south-east, the site abuts 43 Baynton Road containing an orchard.

The western side of the site is bound by Edgecombe Road which is a Department of Transport (VicRoads) controlled road. Land on the opposite side of Edgecombe Road contains an isolated cluster of operational and non-operational commercial and

industrial activity including a small vehicle servicing centre and the former Frew abattoir land.

A pocket of industrial development is located 1km further west of the site, with some standalone businesses located between the site and the industrial precinct, along Saleyards Road. The southern boundary abuts the Calder Freeway slip lane and Freeway. Across the Freeway to the south is residential land (zoned Neighbourhood Residential Zone, Schedule 1) forming the periphery to the established area of the Kyneton township.

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

Current copies of the titles have been provided with the application which shows no Covenants, Section 173 Agreements or restrictions registered on the titles to this property.

Previous planning permit history

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

Permit No.	Description
PLN/2019/571	Development of land for Trade Supplies/Restricted Retail Premises, Signage, Removal of Native Vegetation, and Creation and Alteration of Access to a Road Zone - Category 1.
PLN/2019/572	Use and Development of Land for Service Station and Associated Retail (Convenience Store) and two Restaurants

Proposal

The application is to subdivide the land in a combined commercial and rural residential subdivision as follows:

- A commercial development of 25 lots and a common property lot
- The commercial lot sizes range from 1695m² to 6.417ha.
- A rural residential subdivision of 18 lots. Two of the rural living lots will be required to be consolidated into one lot resulting in an overall forty two (42) lot subdivision.
- The rural residential lot sizes range from 2.0ha to 3.476ha.
- Creation of three electricity easements and drainage and sewerage infrastructure
- Set land set aside as a drainage reserve
- No buildings and works are proposed as part of this proposal
- The existing dwelling will be retained on the east portion of the land
- All commercial and rural residential lots will front onto roads
- The commercial and rural residential subdivision accord with the zone boundaries
- The residential subdivision will be in four (4) stages and commercial subdivision is proposed to be in three (3) stages
- Two trees and a small patch (0.022ha) are considered lost (although not to be removed) due to infrastructure impacts.

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

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

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.03	Vision - Strategic Framework Plan
21.05	Environment and Landscape Values
21.07	Natural Resource Management
21.09-2	Rural residential
21.10-1	Commercial and Industry

Zoning

Clause No.	Clause name
34.02	Commercial 2 Zone
35.03	Rural Living Zone Schedule 2
36.04	Road Zone Category 1

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay Schedule 4

Particular Provisions

Clause No.	Clause name
52.02	Easements, Restrictions and Reserves
52.17	Native Vegetation
52.29	Land Adjacent to a Road Zone, Category 1
53.01	Public Open Space Contribution and Subdivision

General Provisions

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

Cultural Heritage Management Plan assessment

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

A Cultural Heritage Management Plan approved under Part 4 of the *Aboriginal Heritage Act 2006* has been submitted and has formed part of the overall assessment of this application.

Permit Triggers

Clause No	Details
34.02-3	A permit is required to subdivide land in C2Z
35.03-3	A permit is required to subdivide land in RLZ2
42.01-2	A permit is required to subdivide land in an ESO4
52.02	A permit is required to remove and create and easement
52.17-1	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation
52.29-2	A permit is required to subdivide land adjacent to a road in a Road Zone, Category 1

The process to date

The application was referred to the following authorities:

Authority (Section 55)	Response
Coliban Water	No objection subject to conditions
Goulburn Murray Water	No objection subject to conditions
Powercor	No objection subject to conditions
Downer	No objection subject to a condition
Department of Transport	No objection subject to conditions

CFA	No objection subject to conditions
NCCMA	No objection subject to conditions

Authority (Section 52)	Response
MRSC Strategic Planning	No objection
MRSC Engineering	No objection subject to conditions
MRSC Environment	No objection subject to conditions
MRSC Parks & Gardens	No objection subject to conditions
MRSC Health	No objection subject to conditions
MRSC Economic Development	No objection

Advertising

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

Fifteen (15) submissions have been received in response to notification. Of these, ten (10) object or provide suggestions whilst five (5) support the application.

The concerns of the objectors raised relate to:

- *Boundary fencing required to protect our livestock*
- *Increase in traffic and Pedestrian/cyclist access*
- *Too high density/ amenity; impact on privacy and natural screening required*
- *Native wildlife and Protection of native vegetation*
- *Noise and light emission*
- *Underground water supply*
- *Impact on character of the area*
- *Concern with the fuel service station/commercial development*
- *Impact on water connection/supply*
- *Impact on services*
- *Fire risk increased with Industrial zoning*

The submissions in support raised relate to:

- *Growth is necessary in Kyneton*
- *Proposal is in accordance with policy*
- *Provision of facilities not currently available*
- *No negative impacts are foreseen*
- *Sympathetic to environment*
- *Edgecombe Rd is a declared B-double route*
- *Will reduce our truck movements through Kyneton's main commercial area*
- *Economic benefits including generation of jobs, will attract more investment*
- *Stormwater run-off on Edgecombe Rd will be improved*
- *Existing wild life cause concerns for motorists*
- *Social and environmental benefits*

Comments on the submissions received will be provided further below.

Officer assessment

General

The proposed subdivision is required to be assessed against the provisions of the PPF, LPPF, Rural Living Zone Schedule 2, the Environmental Significance Overlay Schedule 4 and the decision guidelines of Clause 65. Matters for consideration include the suitability of the proposed lots sizes and lot layout, the impact of the subdivision upon the surrounding land and the impact of the subdivision upon the use of the land for agriculture.

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

Planning Policy Framework (PPF)

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

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

The subject land has two areas that contain significant native vegetation. The first is located in the north-east of the site in lots 257 to 260 and the second is along The Post Office Creek waterway. The trees in these areas will all be retained and given they would be in private ownership will be protected during construction and in the future with legal agreements. The areas of the land with any significant biodiversity are therefore not impacted by the subdivision and any future development. Four trees in other areas will be lost and will be off set; this will be discussed in more detail below.

Clause 13.02-1S – Bushfire planning lays emphasis on areas subject to the Bushfire Management Overlay which does not apply to the subject property. However, areas included in bushfire prone areas are also required to have bushfire risk assessed in specified circumstances that include subdivisions creating more than (10) lots. The application was referred to the CFA, who raised no concerns in this regard.

Clause 14.01-2S - Protection of agricultural land seeks to encourage sustainable agricultural land use. The proposal for the subdivision is considered to be a sustainable and suitable use for the subject site, with the rural living lot sizes still of sufficient size to allow some agricultural use.

The subject land has further been identified in the planning scheme for rural living development. Development of the land will assist in satisfying demand for hobby farm development and thus reduce the pressure for such development in the Farming Zone thereby preserving productive farmland.

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

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.*

- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
 - *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
 - *Minimising or avoiding property servicing costs carried by local and state governments.*
 - *Maintaining an adequate buffer distance between rural residential development and intensive animal husbandry.*
- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

The proposal allows for the addition of eighteen new rural living lots, in close proximity to Kyneton, on suitably identified land and will afford opportunity and choice in an area where the current supply is limited.

Clause 17.02-1S – Business, has the objective to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. It is a strategy "to ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure".

The proposal to subdivide the commercial zoned land will meet this objective and strategy by providing 25 commercial lots in close proximity to Kyneton on land that is already zoned for commercial purposes. The proposal is therefore also considered consistent with State policy (Clauses 17.02-1S and 17.03-1S) that is to ensure the availability of an adequate supply of commercial and industrial land.

Local Planning Policy Framework (LPPF)

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

- *The Shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.*
- *Agriculture remains an important part of the character and economy of the Shire, especially the high quality soils in the east of the Shire and in the north where there has been less land fragmentation. Effective land management is a key priority.*
- *Protection of water quality, especially potable water supply is fundamental. Land use and development, particularly unserviced development in open water supply catchments, is minimised and managed to ensure water quality is not compromised.*

- *Native vegetation is retained and enhanced, balanced with fire protection considerations. Native vegetation is vital for the environmental health of the Shire and is a significant component of the Shire's character.*
- *Economic growth and development is encouraged to deliver jobs and reduce escape expenditure. This occurs in appropriate locations within the settlement boundaries, apart from agriculture based business.*
- *Rural living areas will be planned for well in advance and areas will be identified to achieve a fixed supply up to 2045 in well serviced areas with good internal connectivity and integration with external road and path networks.*

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

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

The vision is supported by specific policy objectives which aim:

- *To conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat (Clause 21.05-1 – Objective 1).*
- *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape (Clause 21.05-1 – Objective 7).*
- *To maintain and enhance the existing rural landscapes (Clause 21.05-2 – Objective 1).*
- *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape (21.05-2 – Objective 7)*
- *To protect agricultural land. (21.07-1 – Objective 1)*
- *To protect the quality soils of land with high capability for agriculture. (21.07-1 – Objective 3)*
- *To ensure land in rural areas is managed in a sustainable manner to improve the condition of the environment (Clause 21.07-2 – Objective 1).*
- *To retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater (Clause 21.07-3 – Objective 1).*
- *To increase local commercial and industrial employment opportunities within the Shire. (Clause 21.10-1 – Objective 1)*

Clause 21.09-2 seeks further to ensure rural residential development is sustainable and gives priority to the environment and landscape. The applicable strategies include avoiding rural residential development which does not adversely impact on current and future agricultural and economic activities and demonstrates site specific sustainability, including waste water. It is considered that the existing rural character will be maintained, given that the proposed lot sizes would be in the range of 2.0ha to 3.476ha and generally consistent with the surrounding lot sizes.

These provisions emphasise the need to develop rural living land so as to reduce the pressure from rural residential development on land in the Farm Zone. They also focus on the idea of a diversity of lot sizes to permit a variety of activities and lifestyle opportunities.

It is considered that the proposal is consistent with this strategic direction in that although the lot sizes are reduced they are still of sufficient size to offer different lifestyle opportunities and landscapes from low density residential to part time farming. It is further considered that the existing rural character will be maintained given that the proposed lot sizes would be consistent with the surrounding lot sizes.

The PPF anticipates that Kyneton will grow from a District Town (2011) to a Large District Town by 2036. The application for subdivision will support this growth outcome for Kyneton by providing suitably zoned commercial and rural living zoned lots. Improved services and facilities would be expected to lead to increased employment opportunities in growing towns and agricultural areas. These local jobs would deliver more sustainable employment into the future. The proposal to provide commercial zoned lots is therefore entirely consistent with Strategy 1.8 of Clause 21.10-1 (Commercial and Industry) to *“Provide sufficient commercial and industrial land to enable an increase in job containment in the Shire and to facilitate economic development.”*

The significant vegetation will be protected by legal agreements and land management plans to ensure that no development or works can be undertaken within these areas.

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

Rural Living Zone

The site is partly within the Rural Living Zone Schedule 2, which has a minimum lot size for subdivision of 2 hectare. The purpose of the Rural Living Zone is to provide for residential use in a rural environment; and to ensure no land use conflict between small scale agricultural pursuits and housing. The zone also seeks protection of natural resources, biodiversity and landscape amenity whilst ensuring development attributes to sustainable land management practices.

The proposed subdivision will result in rural living lot sizes having capacity to undertake small scale agricultural pursuits on the site which is suited and supported.

It is anticipated that the proposed rural living lots will not be out of character within the immediate areas. It is considered that the proposed subdivision will not impact on the amenity of adjoining lots as the proposed lots have the capacity to easily meet the setback requirements within the schedule, where no major land use conflict is envisaged.

The proposal is overall considered consistent with the purpose of the Rural Living Zone Schedule 2.

Commercial 2 Zone (C2Z)

The site is also partly in the C2Z. The purpose of the C2Z is:

- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

It is important to also recognise the Kyneton Structure Plan and Kyneton Industrial Masterplan. The Structure Plan, designates the broader area in two parts; an Industrial area and a commercial area, with the latter covering the subject land. The Kyneton Structure Plan incorporates the Kyneton Industrial Masterplan which provides guidance on the road and subdivision layout for the Site. The proposal is considered consistent with the key features of the Masterplan in design, and include:

- A variety of small, medium and large lots, generally regular in shape and ranging from:
 - less than 0.2 hectares;
 - 0.2 hectares - 0.5 hectares;
 - 0.5 hectares - 1 hectares; and
 - 1-2 hectares
- A conceptual road network including:
 - a north-south spine;
 - east-west connector roads that provide a connection to rural living land further east; and
 - a service road along Edgecombe Road.
- A waterway/drainage corridor along Post Office Creek
- Direct interface between commercial lots and surrounding residential land.

Lot 104 and Lot 105 are proposed to accommodate a Service Station (including a Convenience shop and a Convenience restaurant) and a standalone Convenience restaurant as part of a separate application PLN/2019/572. The current status of this application is request for further information. Lot 106 is proposed to accommodate a Trade supplies/restricted retail premises as part of a separate application PLN/2019/571. This application is currently on hold pending further advice as to how the proponent wants to proceed. It is however important to note that these proposed developments do not form part of this application and their future development will be considered separately under separate applications.

Overall, the proposal is considered consistent with the purpose of the C2Z in that it provides for *commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.* Commercial lots are sufficient in size to provide for commercially viable development opportunities in addition to providing 5m planted buffer areas at the interface with surrounding rural residential land.

Overlays

Environmental Significance Overlay Schedule 4

The subject site is affected by the Environmental Significance Overlay, Schedule 4 (ESO4). Schedule 4 relates to the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area.

Whilst the commercial zoned lots will be provided with reticulated sewerage, a land capability assessment (LCA) was provided for the future water treatment systems on proposed rural living lots. The LCA concluded that wastewater can effectively be disposed of on site for each lot and the relevant water authorities as well as Council's Health Unit are satisfied in this regard subject to conditions.

The proposal has been designed to avoid adverse interference with Post Office Creek. To ensure protection of the creek, the lot configuration provides the creek and associated riparian corridor to be wholly within two lots (Lot 102 and Lot 265). The application was referred to Goulburn-Murray Water and Coliban Water who had no objection to the proposal subject to conditions.

It is noted that both these authorities require the consolidation of Lots 265 and 266. The authorities advised that the proposal to create Lot 265, which will result in a developable Lot size of 0.6 ha, is not an appropriate planning outcome for catchment health and waterway quality. Additionally, they consider it critical for the need to provide land management outcomes that are aligned with planning outcomes that are provided for in the decision guidelines and the Victorian Planning Provisions relating to the enhancement of the environment from improved catchment and waterway health. Accordingly they require these two lots to be consolidated and this will be required by way of conditions requesting amended plans. A Land Management Plan is further required for Lot 102 as well as conditions to provide for the enhancement of the biodiversity of the area on proposed Lots 210, 250, 251, 252 and 264.

Each proposed lot that contains part of Post Office Creek will contain restrictions within the buffer area to be considered in accordance with the CHMP and referral authority requirements.

Clause 52.02 Easements, Restrictions and Reserves

The proposal includes an Easement E-1 and E-2 for an electricity line traversing Easement E-3 for drainage, carriage way and sewerage infrastructure.

The proposal also includes land set aside as a drainage reserve on Lots 102 and 265. With regards to stormwater drainage, the plan of subdivision proposes part of the subdivision to drain into a drainage reserve whereas the lots fronting Edgcombe Road are not.

Council's Engineering Unit do not support the arrangement of passing the stormwater detention responsibility to the future lot owners. To comply with Clause 53.18-4 of the Planning Scheme, stormwater runoff from the entire commercial subdivision should be restricted to pre-development level and should be provided as part of this proposal. Due to the topography of the land, this is likely to require the drainage reserve to be relocated to the southern side of Lot 106 and an amended subdivision layout plan will be required. This will be requested as a permit condition.

Clause 52.17 Native Vegetation

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

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

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

Clause 52.17 triggers a permit for vegetation removal. Vegetation removal has been avoided as far as possible. Two trees are considered lost due to road reserves encroaching more than 10% of the Tree Protection Zone (TPZ). Two other trees would not be able to be avoided by future development and will form part of a future separate application. A small patch (0.022ha) is also considered lost due to impacts of proposed internal roads.

Council's Environment Unit had no objection to the removal of the vegetation subject conditions on the permit.

52.29 Land adjacent to a Road Zone, Category 1

Edgecombe Road is controlled by the Department of Transport, who do not object to the proposal subject to conditions requiring changes to the functional layout plan (FLP) of the Heathcote-Kyneton Road (Edgecombe Road). A Road Safety Audit is also to be undertaken upon the Department accepting the FLP and prior to the commencement of the Detailed Design Plan in accordance with VicRoads' Road Safety Audit Policy.

Council's Engineering Unit has furthermore requested a Section 173 Agreement requiring that within 6 months of any development operating on Lot 104, Lot 105 and Lot 106, a post development Transport Impact Assessment report must be submitted to and approved by Council and the Department of Transport. These requirements will be included as conditions in any permit to issue. Traffic safety on Edgecombe Road is the responsibility of the Department of Transport and combined with Council's Engineering Unit's requirements will address traffic safety concerns.

Clause 53.01 Public Open Space Contribution

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

No Public Open Space (POS) is provided in the subdivision layout. The riparian areas adjacent to Post Office Creek are included in future private lots and ownership and not part of POS provision. Officers originally considered whether or not to seek to take the creek land as POS but ultimately decided not to based on it being encumbered land. Other parts of the creek are further within private ownership and therefore there is little benefit for Council in claiming the land. Claiming the land will also lead to additional maintenance costs for Council.

Maintenance will be the responsibility of the future land holders under strict permit conditions. The two Reserves are further considered encumbered land in that they provided for stormwater drainage and do not count towards POS. A 5% monetary contribution in lieu of POS will therefore be required as part of the permit conditions.

Objections

Fifteen (15) submissions have been received in response to notification. There were 10 objectors and 5 supporters.

The concerns of the objectors are summarised below with officer comment underneath:

- *Boundary fencing required to protect our livestock*

Boundary fencing to adjoining properties are a civil issue and are usually managed between the affected owners.

- *Increase in traffic and Pedestrian/cyclist access*

It is acknowledged that the application will lead to increased traffic movements in the area. The application was referred to VicRoads and the Council's Engineering Department and no objection was received subject to conditions. It is considered that the increase would not be unreasonable given the existing zoning of the land and the conditions imposed to address issue.

- *Too high density/ amenity; impact on privacy and natural screening required*

Where the new rural living zoned lots abuts existing rural lots the lots will all be in excess of 2ha and no unreasonable impact on amenity and privacy is expected. The lots are of sufficient size to allow for reasonable setbacks from boundaries and for screen planting.

- *Native wildlife and Protection of native vegetation*

The application was referred to the Environment Unit who suggested that conditions be imposed on any planning permit granted requiring wildlife friendly fencing in certain strategic locations, i.e. boundary fencing for lots 257, 258, 259, 260 and this will assist with the protection of wildlife. Minimal native vegetation will be removed and exiting patches including that along the riparian area will be required to be retained.

- *Noise and light emission*

Development on the created lots would require further planning permits and appropriate amenity permit conditions would be considered at that time.

- *Underground water supply*

The application was referred to the relevant water authorities and no concern was raised in this regard.

- *Impact on character of the area*

It is acknowledged that the character of the area would change as result of the proposal. The application is however considered to be in accordance with the existing zone provisions and the development/structure plan for this area.

- *Concern with the fuel service station/commercial development*

The concerns regarding future development of some of the lots, i.e. Bunnings, service station and fast food outlet, are not part of this application. The development applications for those lots will be separately considered.

- *Impact on water connection/supply*

It would appear that this supply line is in the Baynton Road road reserve. The application was referred to all the relevant service authorities and their conditions will be included in any permit to issue. No concerns were raised by the authorities regarding underground water supply or water connections.

- *Impact on services*

The application was referred to all the service authorities who had no objection subject to conditions.

- *Fire risk increased with Industrial zoning*

The application was referred to the CFA who had no objection subject to conditions.

The comments on the submissions in support are noted.

Officer declaration of conflict of interest

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

Conclusion

The proposal is consistent with the objectives of and meets the requirements of the Planning Policy Framework (PPF), Local Planning Policy Framework (LPPF), zoning and overlay provisions. The development is considered suitable within its context and in keeping with the neighbourhood character as there are a mixture of lot sizes and densities within the area. The referral authorities have made no objection subject to permit conditions. The proposal offers additional rural residential and commercial development opportunities on a site already zoned for these purposes. The proposal is considered to be providing appropriate amenity for its future residents as well as adjoining residents.

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

11. CHIEF EXECUTIVE OFFICER REPORTS

Nil

CC.1	CONTRACTS TO BE AWARDED AS AT 16 DECEMBER 2020
Officer	Corinne Farley, Coordinator Contracts
Council Plan Relationship	Deliver strong and reliable government
Attachments	Nil

Purpose and Overview

The following report sets out the details of contracts proposed to be awarded from the date of the last report to 16 December 2020 under a delegation from Council. Although this report recommends noting the delegated authority of Council officers, the Council has the power to:

- (a) direct that the Chief Executive Officer award the contract under the direct delegation from Council; or
- (b) specifically grant delegated authority to the Chief Executive Officer.

Recommendation

That Council note that the following contracts will be awarded by Council officers under delegated authority:

- **C21.1092 Romsey Structure Plan**
- **C21.1093 Black Hill Reserve Track and Drainage Works**
- **C21.1094 Shared Trails Project Cultural Heritage Management Plan**

Background

Council's delegation to the Chief Executive Officer (CEO) dated 14 July 2020 limits the CEO's power to award contracts to contracts having a value of \$1,000,000 or less.

The CEO has delegated that function to staff in accordance with an instrument dated 27 August 2020, subject to conditions that include compliance with Council's adopted Procurement Policy and its associated position-based financial thresholds.

Context

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

C21.1092 Romsey Structure Plan

This service contract is for the engagement of a consultant to prepare the Romsey Structure Plan in consultation with stakeholders in a way that is consistent with Council's Planning Policy.

The primary aim of the Romsey Structure Plan project is to prepare a strategically-justified structure plan that:

- is formulated with the involvement of the community
- is embedded with the values of the community and the Macedon Ranges Council
- is cognisant of the strategic directions of other relevant agencies and stakeholders.

The project will also ensure that the plan provides a vision for the sustainable development of Romsey to 2050 as well as the statutory tools to ensure that the plan can be implemented through the application of the Macedon Ranges Planning Scheme. The duration of this contract will be 18 months.

The Director Planning and Environment has delegated authority to award this contract. Funds for these works have been provided in the 2020/21 operating budget and future annual budgets.

C21.1093 Black Hill Reserve Track and Drainage Works

This is a works contract for the supply of civil construction for vehicle tracks, pedestrian paths, step and drainage repair, elevated walkways and re-vegetation services. The duration of the contract will be 12 months.

The Director Planning and Environment has delegated authority to award this contract. Funds for these works have been provided in the 2020/21 budget.

C21.1094 Shared Trails Project Cultural Heritage Management Plan

This is a service contract for the engagement of a cultural heritage consultant to develop a Cultural Heritage Management Plan (CHMP) for the Macedon Ranges Shared Trails Project to facilitate implementation of the trails.

The Plan must be consistent with the requirements of the *Aboriginal Heritage Act 2006*, associated regulations and Aboriginal Victoria's guidelines and templates for preparing Cultural Heritage Management Plans. The duration of the contract will be 12 months.

The Director Assets and Operations has delegated authority to award this contract. Funds for this work has been provided in the 2020/21 budget.

Consultation and Engagement

Nil

Strategic Alignment

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

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

Legislative Implications

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

Officer Declaration of Conflict of Interest

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

Conclusion

1. Contracts to be Awarded

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

- C21.1092 Romsey Structure Plan
- C21.1093 Black Hill Reserve Track and Drainage Works
- C21.1094 Shared Trails Project Cultural Heritage Management Plan

CC.2	AUSTRALIA DAY TOWNSHIP CELEBRATION GRANTS 2021
Officer	Trudy Campbell, Governance Officer
Council Plan Relationship	Promote Health and Wellbeing
Attachments	Nil

Purpose and Overview

To outline the process for seeking applications for Council's Australia Day Grants and to seek Council's consideration of the 2021 applications.

Four grant applications have been received. The maximum amount that can be awarded for any one event is \$500. Officers recommend funding all four events submitted at a total cost of \$2,000.

Three grant applications were received by Council's extended deadline of Sunday 8 November 2020. A fourth grant application was subsequently received from Baynton Hall Committee, which has previously been funded by Council under the grant scheme. Funding for all four grant applications can be met within existing resources.

Recommendation

That Council approve the allocation of \$2,000 in Australia Day Grants for the following four applications:

Group:	Lions Club of Kyneton
Event:	Australia Day Breakfast
Time:	8am
Town:	Kyneton
Venue:	Kyneton Mechanics Institute Reserve
Estimated participants:	200–300*
Amount requested:	\$500
Amount recommended:	\$500
Comment:	This event is worthy of receiving full funding
Details of event:	Free community breakfast

Group:	Tylden Hall Committee of Management
Event:	Australia Day Celebrations
Time:	8am
Town:	Tylden
Venue:	Tylden Park playground and barbecue area
Estimated participants:	100*
Amount requested:	\$500
Amount recommended:	\$500
Comment:	This event is worthy of receiving full funding
Details of event:	Free barbecue breakfast

Group:	The GREAT Association Inc.
Event:	Australia Day Celebration
Time:	9am
Town:	Gisborne
Venue:	John Aitken Reserve
Estimated participants:	200–300*
Amount requested:	\$500
Amount recommended:	\$500
Comment:	This event is worthy of receiving full funding
Details of event:	Free barbecue breakfast and entertainment

Group:	Baynton Hall Committee
Event:	Baynton Hall Australia Day Barbecue and Film Evening
Time:	5.30pm
Town:	Baynton
Venue:	Baynton Hall
Estimated participants:	100
Amount requested:	\$500
Amount recommended:	\$500
Comment:	This event is worthy of receiving full funding
Details of event:	Baynton Hall Committee hosts Australia Day celebrations from 5.30pm at Baynton Hall. Celebrations include a free traditional barbecue dinner, the annual Baynton Gift, singing of the national anthem, and a viewing of an iconic Australian movie.

***Note: The Australia Day Township Celebration Grants will be offered on the understanding that the recipient groups will adhere to COVID restrictions regarding attendances at each event. The recipient group will be required to prepare a COVID-Safe Plan for any event covered by this grant, and submitted to Council two weeks in advance of the event.**

Background

Each year Council offers Australia Day Grants that fund local celebrations conducted on Australia Day throughout the shire. Grants of up to \$500 are available to assist community groups to coordinate free public events in towns within the Macedon Ranges. These events provide an opportunity for residents to celebrate Australia Day together.

Applications for the grant program are sought between September and November each year, with Council determining the successful grant recipients.

Context

The Australia Day Township Celebration Grants assist community groups to provide free events for the community.

The grant applications are assessed based on the following conditions:

- Priority is usually given to events attracting a large number of participants.
- For 2021 Australia Day events, groups must adhere to COVID restrictions.
- The event must be free and open to all members of the public.
- The event must be held within the shire.
- Macedon Ranges Shire Council must be acknowledged as a sponsor.
- The event must be held on 26 January.

Consultation and Engagement

The Australia Day Grants were advertised in the local newspapers, on Council's website, and social media. Application forms were available on Council's website.

Strategic Alignment

The proposal aligns with Council's priority to promote health and wellbeing, specifically Council's strategies to support volunteers, and foster social connection and inclusion.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The allocation of grant monies is made prior to Australia Day each year and is provided for within existing resources. Any asset management implications and risks will be minimised by applicants completing and submitting an event notification form.

Policy and Legislative Implications and Risks

The proposal does not raise any policy or legislative risks.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental issues.

Charter of Human Rights Implications and Risks

The proposal does not infringe any human rights as outlined in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

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

Conclusion

Having considered the grant applications based on the conditions outlined above, officers support the four Australia Day Grant applications.

CC.3	2021 AUSTRALIA DAY AWARDS
Officer	Trudy Campbell, Governance Officer
Council Plan Relationship	Promote Health and Wellbeing
Attachments	Nil

Purpose and Overview

To provide Council with information about the 2021 Australia Day Award categories and provide Council with details of the nominations so that Council can determine the award winners in each category.

Recommendation

That Council:

- 1. consider the award criteria for each award category as outlined in this report**
- 2. consider the nominations received for the 2021 Australia Day awards**
- 3. determine award winners in each category**

along with any other confidential matters at the conclusion of the open part of this meeting in accordance with section 66(2)(a) of the Local Government Act 2020. For the purposes of section 66(5) of the Local Government Act 2020, the confidential information includes personal information about persons nominated for Australia Day, that if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Background

Each year, Council administers the Australia Day Award program to acknowledge and celebrate inspiring members of our community on Australia Day.

The Australia Day Award categories are:

- Citizen of the Year
- Young Citizen of the Year
- Community Achievement
- Community Event
- Arts Ambassador

Nominations for the awards are sought between September and November each year, with Council determining the successful award recipients. To maintain confidentiality, media releases will be issued the week preceding the awards and embargoed until 10am on 26 January 2021.

In 2021, the awards will be presented on Australia Day at the Kyneton Botanic Gardens in conjunction with a citizenship ceremony.

Context

Descriptions of each of the award categories follow. These descriptions constitute the criteria for assessing each award.

Award Criteria

Citizen of the Year

All residents of the Macedon Ranges Shire Council are eligible. Nominees must be 30 years of age or over on 26 January 2021.

This award can apply to significant service/achievements made in the past calendar year or acknowledge continued service to the community over a period of time.

Young Citizen of the Year

All residents of Macedon Ranges Shire are eligible. Nominees must be under the age of 30 on 26 January 2021.

Community Achievement

This award recognises significant contributions to community life within the Macedon Ranges.

The award can be conferred on an individual or a group and acknowledges:

- service to the community
- fund raising for a community/charity/event/project
- conducting a successful project
- an event or activity bringing credit or recognition to a community through cultural, environmental or sporting achievement.

This award can apply to service/achievements made in the past calendar year or acknowledge continued service to the community over a period of time.

Community Event

This award recognises the contribution a community event has made to civic life within the Macedon Ranges Shire over the past twelve months.

Arts Ambassador

This award recognises an individual or group within Macedon Ranges Shire that has actively worked in and/or promoted the arts.

Consultation and Engagement

Nominations for the 2021 Australia Day awards were advertised in the local newspapers, on Council's website, and via social media. Application/nomination forms were available on Council's website.

Strategic Alignment

The proposal aligns with Council's priority to Promote Health and Wellbeing, specifically Council's strategy to support volunteers.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The presentation of Australia Day Awards are made at an Australia Day event on 26 January each year and is provided for within existing resources. It is anticipated that there will be additional costs for the 2021 event due to costs associated with making events COVID-Safe. However, Council was successful in obtaining a grant of \$20,000 from the National Australia Day Council Ltd for undertaking activities to reduce the spread and lower the risk of COVID at Council's Australia Day event.

Policy and Legislative Implications and Risks

The proposal does not raise any policy or legislative risks.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental issues.

Charter of Human Rights Implications and Risks

The proposal does not infringe any human rights as outlined in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

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

Conclusion

Having considered the award criteria outlined above, it is recommended that Council consider the nominations received in the confidential section of the agenda and determine the award winners for Australia Day 2021.

CC.4	INTEGRATED STRATEGIC PLANNING AND REPORTING FRAMEWORK APPROACH
Officer	Travis Harling, Manager Finance and Reporting
Council Plan Relationship	Deliver strong and reliable Government
Attachments	Nil

Purpose and Overview

To provide an overview of the Strategic Planning and Reporting Framework as outlined in the *Local Government Act 2020* and the proposed plan in place for Council to meet these requirements and deliver a Council Vision, Council Plan, Financial Plan and Asset Plan utilising Deliberative Engagement processes.

Recommendation

That Council note the approach proposed to ensure compliance with the Local Government Act 2020 in relation to the Integrated Strategic Planning and Reporting Framework, and the approach to deliberative engagement.

Background

The Local Government Act [LGA] 2020 received Royal assent on 24 March 2020 and replaces to a large extent the Local Government Act 1989 in governing the way councils operate in Victoria.

The Local Government Act 2020 requires councils to take an integrated approach to strategic planning and reporting. The Act signals four key shifts in strategic planning and reporting arrangements that will require Council engagement and response including:

- **Community Vision** – the Act aims to bring community and its aspirations and longer term sustainable thinking to the core of policy and strategy development, planning and fiscal management.
- **Outcomes focus** – a deliberate move to a principles based Act shifts regulatory focus from prescriptive rules and defined processes towards broadly stated principles and strategic outcomes.
- **Community engagement** – rather than prescribing requirements for community engagement all councils must now develop appropriate consultation mechanisms (including deliberative engagement) in the context of their community and incorporate these into a policy to be adopted by 1 March 2021.
- **Additional requirements** – new medium and long term planning elements have been incorporated into the newly required Financial Plan, Asset Plan and Workforce Plan.

Referring to **Appendix 1** Integrated Strategic Planning and reporting framework model sourced from the Local Government Victoria Discussion Paper, this diagram demonstrates how each element might inform or be informed by other parts of the integrated framework. The Discussion Paper highlights that the Integrated Strategic Planning and Reporting Framework aims to ensure:

- All elements and parts of the framework are linked and interdependent
- There are both explicit and implicit linkages and interdependencies
- A cascade effect should be evident from higher order plans through resource allocation to performance monitoring and accountability mechanisms
- Each element of the integrated framework has one or more specific functions or purposes.

The key elements of the framework include:

- **Community Vision (s 88)** – The Council must develop, maintain and review a Community Vision with its municipal community using deliberative engagement practices. The Vision must have an outlook of at least 10 years and describe the municipal community’s aspirations for the future including social, economic, cultural and environmental aspirations which is due for adoption 31 October 2021 (has effect July 2021).
- **Council Plan (s 90)** – The Council must prepare and adopt a Council Plan for a period of at least the next 4 financial years by after a general election by 31 October 2021 (has effect July 2021). The Plan must be developed using deliberative engagement and other consultation processes, and must provide:
 - o The strategic direction of Council
 - o Strategic objectives for achieving that direction
 - o Strategies for achieving the objectives (for at least 4 years)
 - o Strategic indicators for monitoring achievement
 - o Description of initiatives and priorities for services, infrastructure and amenity.
- **Financial Plan (s 91)** – Council must develop, adopt and keep in force a Financial Plan with an outlook of at least 10 years. The community must be consulted and involved through deliberative engagement processes and the Financial Plan just be adopted by 31 October 2021 (has effect July 2021). The Financial Plan must:
 - o Describe the financial resources required to give effect to the Council Plan and other strategic plans of Council
 - o Provide information about decisions and assumptions on which it is based
 - o Outline any other resource requirements considered appropriate or contained in the regulations.

The Financial Plan is informed by and informs the Council Plan, the Asset Plan, the Budget, Rating and Revenue Plan, Workforce Plan and all other adopted major strategies and plans.

- **Asset Plan (s 92)** – Council must adopt and keep in force an Asset Plan which must have an outlook of at least 10 years. The community must be consulted and involved through deliberative consultation processes and the first Asset Plan must be adopted by 30 June 2022 and must include:

- information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning of each class of infrastructure under its control, and
 - Outline any other resource requirements considered appropriate
- **The Annual Budget (s 94)** – The Council must prepare and adopt a budget for each financial year and the subsequent three financial years. It should be a ‘rolling’ Budget with an outlook of at least 4 years. The community must be consulted and involved in the development of the budget in a manner consistent with Council’s adopted community engagement policy. The budget should be adopted by 30 June each year OR any other date fixed by the Minister.
- **Revenue and Rating Plan (s 93)** – Council must prepare and adopt a Revenue and Rating Plan for a period of at least 4 financial years representing a ‘block period starting on 30 June in the year after the general election (has effect July 2021).
- **Community Engagement Policy (s 55)** – to be determined by Council by 1 March 2021.

Whilst Council’s Community Engagement Policy is still going through a process of engagement, and which will outline the types of deliberative engagement that may be undertaken, it has been recommended to Council that Macedon Ranges Shire Council use a citizens panel in completing its deliberative engagement requirements of the LGA 2020.

In order to ensure Council is prepared and ready to be able to begin its deliberative engagement in 2021 and complete this process in a timeframe that is consistent with the new LGA 2020 timeframes, the process to engage support to recruit the deliberative panel is underway. The process methodology is explained in more detail below.

Context

To ensure compliance with the Strategic Planning and Reporting Framework as outlined in the LGA 2020 by delivering a Council Vision, Council Plan and Financial Plan utilising deliberative engagement processes by 31 October 2021. The following key components/aspects of the process are listed below. Note that the Asset Plan is not required to be adopted until 30 June 2022, but will also need to be done with deliberative engagement.

Community Membership on a Deliberative Engagement Panel

Council will undertake an expression of interest through a random selection process specifically ensuring the participants in the Deliberative Engagement Panel represent a mini public aligned to the demographic of the Macedon Ranges community.

A recent consultant report completed for Council outlines what a representative sample of Macedon Ranges Shire community should include:

- An equal split of gender (and should also be open to including non-binary)
- A mix of ages from 18 and up, this should take into consideration the population aged over 70 and ensure inclusion from this age group

- A mix of postcodes/location
- A mix of ratepayers, renters and business owners
- Inclusion of people whose first language is other than English
- Members who identify as parents/carers for children
- Members who identify with a disability and/or those caring for people with a disability.

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

Recommended form of Deliberative Engagement

As outlined within the background section, the Council Vision, Council Plan Financial Plan and the Asset Plan (2021) must be developed using deliberative engagement processes. In preparation for this requirement, Council engaged a consultant to assess the Deliberative Engagement methods available to Council and provide recommendations.

The consultant recommended a ***Jury (or Peoples Panel)*** as the best approach for Council to undertake deliberative engagement. This technique involves randomly selecting a group of people who are broadly representative of the community who would come together over a considerable period of time to learn, reflect, debate and then arrive at consensus on particular issues.

Methodology

Officers have designed the following process:

- Appoint a suitable consultant to implement and recruit a Deliberative Engagement Panel via a Request for Quotation (RFQ) process.
- Once appointed, assign responsibility to the consultant to complete the recruitment process including advertisement and appointment of the panel members ensuring representative demographic sample is reflected in the Final Deliberative Engagement Panel.
- Undertake a Request for Quotation (RFQ) process to appoint a suitable Consultant to undertake the facilitation process with the Final Deliberative Engagement Panel.
- Appoint a Project Working Group for the Integrated Strategic Planning and Reporting process implementation made up of key officers across Council with the necessary subject matter expertise to support the Final Deliberative Engagement Panel.
- Whilst the panel is being appointed a broad community consultation will be undertaken to capture ideas from the community regarding their Vision aspirations and Key Strategic Objectives.
- Induct the Deliberative Engagement Panel
- Hold a series of facilitated workshops incorporating 4 key stages being 'learning and understanding', 'dialogue and debate', 'deliberating' and finally 'deciding' with the Deliberative Engagement Panel over a period of time to allow the panel to deliberate effectively.
- Take the outcomes of the deliberative engagement process to Council in draft format for endorsement prior to broader community feedback, along with the Budget.¹

- Ensure the recommendations arising from the Deliberative Engagement Panel are made available for public consultation (similarly to the Public Exhibition of the Budget).¹
- Have a Submitters Committee.¹
- Have Council adopt the Vision, Council Plan, Financial Plan and Budget.¹

Notes: (1) The Budget does not require there to be deliberative engagement conducted in its preparation. The Budget and Financial Plan will have a direct correlation and the Vision and Council Plan will have a correlation if the adopted documents include actions or items that require funding. As such the development of the Budget ideally, should be completed in conjunction with the Vision, Council Plan and 10 Year Financial Plan to ensure the required synergies exist.

Timing

Council must adopt the Council Vision, Council Plan and Financial Plan by 31 October 2021, however the budget must be adopted by 30 June 2021. Given the budget process will be completed during the period leading up to 30 June 2021 the proposed timing to complete the Council Vision, Council Plan and Financial Plan through the Deliberative Engagement process has been planned to occur simultaneously. The Asset Plan requirement will be addressed separately at a later date as this is not due for adoption until 30 June 2022. The broad timeline is planned as follows:

Item	Key Dates:
Engagement of successful consultant to implement and recruit Deliberative engagement panel	In Progress
Consultant review of previous data and meeting with key staff	December 2020
Structure of process to recruit deliberative panel and determine advertisement and engagement process finalised	December 2020
Appoint Consultant Facilitator for Deliberative Engagement workshops with panel	January 2021
Form Project Working Group to coordinate Integrated Planning and Reporting process	January 2021
Close of Expression of interest for deliberative panel	January 2021
Review and select random deliberative panel	January 2021
Induct deliberative panel	January 2021
Broad public consultation on community Vision aspirations and Strategic Objectives	January – February 2021
Conduct Deliberative Engagement Workshop # 1 – Learning and Understanding and Workshop # 2 – Dialogue and Debate	February – March 2021
Budget Development Process with Councillors	February – April 2021
Conduct Deliberative Engagement Workshop # 3 ‘Deliberating’ and Workshop # 4 Dialogue and Debate (DE Panel recommendations)	March – April 2021
Public Consultation on the Council Vision, Council Plan, Financial Plan and Budget	April – May 2021

Submitters Committee	June Submitters Committee
Council Vision, Council Plan, Financial Plan and Budget considered for adoption.	June Council Meeting

The timeline clearly overlays the budget delivery timeframe and the inter-relationship between the budget process and the of the Deliberative Engagement process requirements. This will aim to ensure the Budget aligns with the strategic direction outlined in the Vision and Council Plan and also is consistent with the Financial Plan.

Consultation and Engagement

As noted, the Integrated Strategic Planning and Reporting Framework must be undertaken using Deliberative Engagement methods. Council will form a Panel representing the demographic of the Macedon Ranges Shire Council. In addition, Council will undertake public consultation on a broader level at the beginning of this process with regard to the community Vision aspirations and Strategic Objectives. This will provide input into the work of the Deliberative Engagement Panel. In addition Council will take the recommendations made by the Deliberative Engagement Panel to the public for consultation at the completion of the work by the Panel.

Strategic Alignment

The relevant sections of the *Local Government Act 2020* which outline the requirements within the Strategic Planning and Reporting framework include:

- Strategic planning principles (s89)
- Financial management principles (s101)
- Service performance principles (s106)
- Development or review of the Community Vision (s88)
- Preparation and adoption of the Council Plan (s90)
- Development, adoption and review of the Financial Plan (s91)
- Budget or Revised budget (s95 & 96)

The Act requires Council to develop and adopt a Community Engagement Policy (s55) and gives effect to Community Engagement Principles (s56), which guide requirements regarding the community engagement required.

Implications

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

The 2020/21 budget allocated \$150,000 for the work required to complete the Integrated Planning and Reporting Framework as this is a key project required to deliver reforms required under the LGA 2020.

Policy and Legislative Implications and Risks

Whilst the legislative provisions regarding the key high level requirements are now in place, along with timeframes for completion of the requirements, work continues on the more detailed requirements regarding the preparation of these legislated documents.

Local Government Victoria (LGV) are leading a co-design process and will provide further guidance in the future. Officers will continue to attend and be involved in discussions with the rest of the sector.

In terms of development of these new policy documents under a deliberative process, it is noted that there is risk in regards to ensuring there is clarity for the Deliberative Engagement Panel in terms of their role.

As identified above there is a specific scope for the Deliberative Engagement Panel which does not include legislative requirements relating to the Budget process. The required engagement process to the budget is different and will predominantly involve deliberation by Councillors in the first instance. Ensuing clarity in terms of the roles and scope of both processes will be important given their correlated outputs.

Also, if the Vision, Council Plan and Financial Plan are completed after the 2021/22 Budget is adopted and the adopted Integrated Strategic Planning documents impact on the Budget there is the risk of needed to complete a Revised Budget to make adjustments. As such officers have outlined a high level approach that overlays the Budget and Integrated Strategic Plan process.

Sustainability Implications and Risks (Social and Environmental)

Nil

Charter of Human Rights Implications and Risks

The proposal does not infringe any human rights as outlined in the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

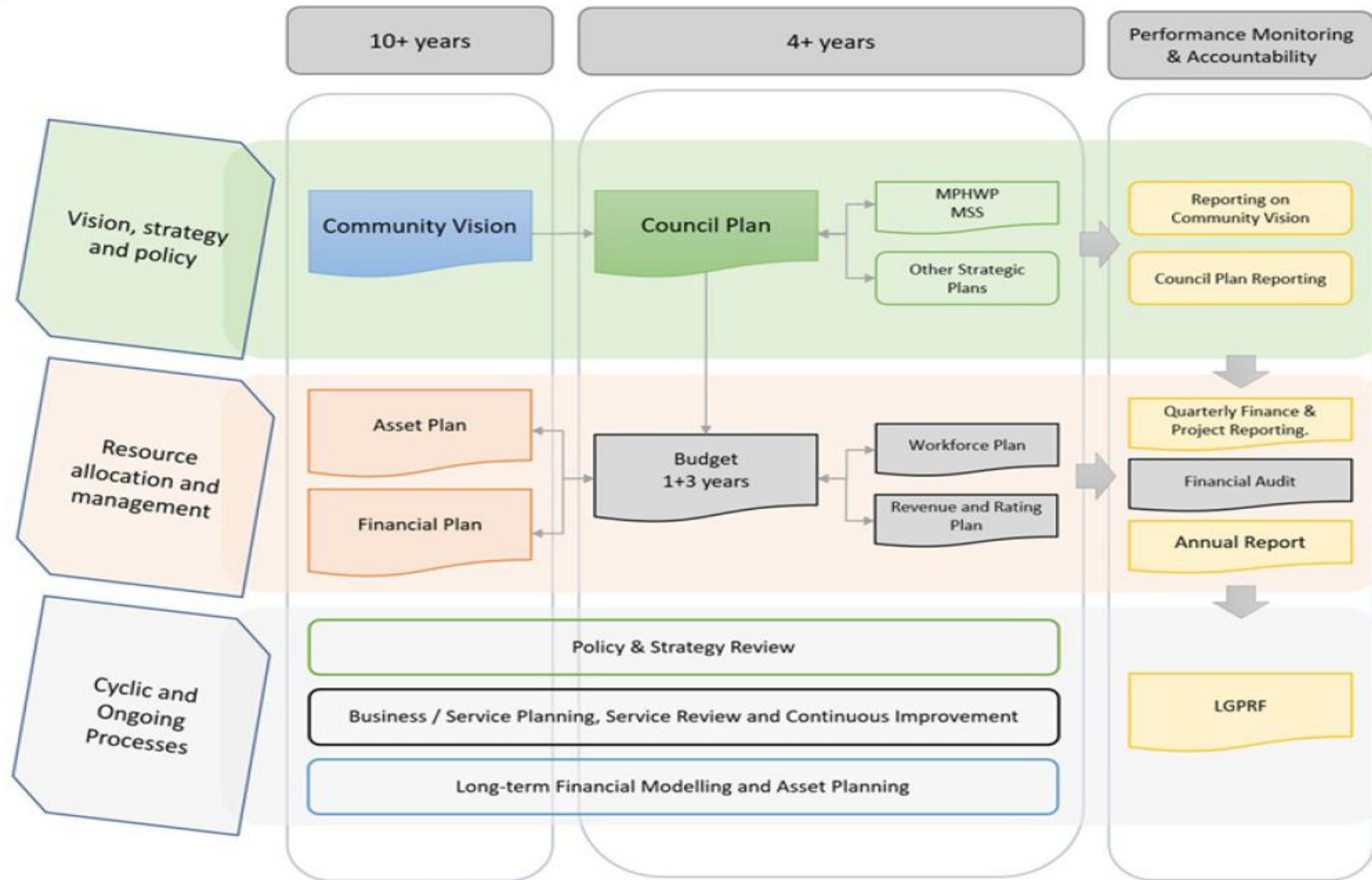
No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Conclusion

Council is required to implement the Strategic Planning and Reporting Framework to deliver a Council Vision, Council Plan and Financial Plan by 31 October 2021 and the Asset Plan by 30 June 2022. Council must ensure that these items are delivered utilising Deliberative Engagement methods whilst ensuring the interdependencies are clearly defined and consistent particularly within the Financial Plan to ensure alignment to the Budget which must be adopted by 30 June 2021.

Officers are seeking to inform Council of their intended approach, and to provide a high level outline of how Council's requirement to complete the Integrated Strategic Planning will be conducted in line with necessary deliberative engagement principles.

Appendix 1 – Integrated Deliberative Engagement Framework:



CC.5

REPORT FROM THE AUDIT AND RISK COMMITTEE MEETINGS, COMMITTEE MEMBERSHIP AND ANNUAL REPORT OF COMMITTEE

Officer

Travis Harling, Manager Finance and Reporting

Council Plan Relationship

Deliver strong and reliable governance

Attachments

Audit and Risk Committee Annual Report

Purpose and Overview

This report ensures Council transparently discloses a summary of the key matters discussed at the Audit and Risk Committee meetings on 16 September 2020 and 15 October 2020.

The report also ensures the requirements of the Audit and Risk Committee Charter are met by having the Chairperson of the Committee provide an Annual Report to Council inclusive of the Committee's self-assessment of its performance.

The Audit and Risk Committee Annual Report 2020 is attached and the Chairperson; Mr Brian Collins will attend the Council Meeting to present the Annual Report.

It is normal for Council to suspend standing orders, during item 9 (Deputations and presentations to Council) so that the Chairperson may do so.

Recommendation

That Council:

- 1. Note the report together with the minutes from the Audit and Risk Committee meetings on 16 September and 15 October 2020.**
- 2. Endorse the appointment of Independent Member, Peter Matthews as Audit and Risk Committee Chairperson from 1 January 2021 to 31 December 2021.**
- 3. Note that a recruitment process will begin for a new Independent Member in 2021, for a three year appointment.**
- 4. Direct the CEO to write to the outgoing Independent Committee Member, Brian Collins to thank them for their contribution to the Committee.**
- 5. Note the Annual Report of the Audit and Risk Committee and thank the Committee for the Report.**

Background

The Audit Committee was formally appointed under *Section 139 of the Local Government Act 1989* as an Advisory Committee to Council. From 1 September 2020 the Committee became known as the Audit and Risk Committee as per the requirements of the *Local Government Act 2020*.

Context

Audit and Risk Committee Meetings

A brief summary of key items discussed at the 16 September 2020 meeting appear below:

1. **Strategic Risk Presentation – People and Performance and OH&S** – the Committee received Strategic Risk presentations on the last two remaining key risk areas of council which concluded the program of risk presentations.
2. **Ethical Environment Update** – The Manager People, Culture and Performance delivered the annual Ethical Environment update including an update on the staff survey, bullying and sexual discrimination.
3. **Human Resource and Performance Management Internal Audit Report** – The Committee were presented with the final Internal Audit report for the Human Resource and Performance Management review including key findings and recommendations and Managements responses to those findings and agreed actions.
4. **LGV Work Plan Template review against MRSC Audit and Risk Committee Charter** – the Annual and Multi Year Work Plan was reviewed against the revised Charter incorporating an assessment of the Local Government Victoria sample work plan. The Committee adopted the revised work plan.
5. **VAGO Management Letter and Closing Report** – the Committee received an update of the status of the audit and finalisation of the Financial Statements and Performance Statements and noted that the audit was continuing however due to COVID-19 an extension was provided by the Minister for Local Government from 30 September to 30 November 2020, to submit the audited statements and the Annual Report.
6. **2019/20 Annual Report update** – The draft Annual Report was provided to the Audit and Risk Committee for review and feedback. The Committee recommended the acknowledgement of Country within the About Us section should be the opening statement of that section.
7. **Community Engagement Draft policy presentation** – The Committee were presented with the Draft Community Engagement policy and an overview of the requirements to deliver this policy as outlined in the Local Government Act 2020. The Committee praised the Council for the work undertaken thus far and noted the shift to authentic community engagement would be a significant body of work requiring monitoring over the coming years.
8. **Emergency Management Plan update** – The Manager Regulatory Compliance provided the Committee with a presentation on the revised Municipal Emergency Management Plan including key changes. The Committee provided feedback including updating the statistical information sourced from the Australian Bureau of Statistics to include data from 2019 and to include information in relation to associated committees.

A brief summary of key items discussed at the 15 October 2020 meeting appear below:

1. **Macedon Ranges Shire Council Closing Report and Management Letter-** RSD Audit provided an update on the Draft closing report which indicated the Financial Statements and Performance Statements were presented fairly and all matters raised had been finalised. In addition the Draft Management letter was discussed and it was noted no new management letter items were identified during the work undertaken to finalise the audit.

2. **Financial Statements and Performance Statement** - the Coordinator Accounting confirmed there were no changes to the financial results reported to the Committee at the August Committee meeting and there was only a minor change to one of the performance metrics.

Committee Membership

Membership of the Audit and Risk Committee is open to any resident, property owner or business operator in the Shire of Macedon Ranges. The Audit and Risk Committee is comprised of five members – two Councillors and three independent persons.

The Committee Members should collectively possess sufficient knowledge of audit, specific industry knowledge, IT, law, governance, and financial control. The Act has specific requirements about the Audit Committee collectively having expertise in financial management and risk, experience in public sector management, and precludes any person who is a member of the LGE staff from being a Committee Member.

Independent Committee Members shall be appointed for an initial term of up to three years. Independent members will be subject to a maximum consecutive term of 9 years.

Independent Committee member Brian Collins current term will expire on 31 December 2020. Brian has been on the Committee consecutively since 2015 and previously held a position from 2009 to 2013. Whilst this does not constitute a consecutive term of 9 years, it is understood that Brian will not seek renomination to the committee.

On this basis, Council will now conduct a process to recruit a new independent committee member.

Officers have recommended that the service by Brian on the committee be formally recognised by a letter of thanks from the Chief Executive Officer.

At the 3 December 2020 meeting of the Audit and Risk Committee, the Committee resolved to appoint Peter Matthews to the position of Chairperson from 1 January 2021 to 31 December 2021. Council endorsement of that appointment is now sought in line with the approach outlined in the Audit and Risk Committee Charter.

Audit and Risk Committee Annual Report

The annual report of the Audit and Risk 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 Audit and Risk Committee Charter to on an annual basis, provide an audit and risk report that describes the activities of the Committee. This report also includes an annual assessment of performance against the charter.

Consultation and Engagement

Nil

Strategic Alignment

The operation of the Audit and Risk 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.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

None over and above the current cost of resourcing the Audit and Risk Committee.

Policy and Legislative Implications and Risks

The Audit Committee was formally appointed under *Section 139 of the Local Government Act 1989* as an Advisory Committee to Council. From 1 September 2020 the Committee became known as the Audit and Risk Committee as per the requirements of the *Local Government Act 2020*

Officer Declaration of Conflict of Interest

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

Conclusion

That Council note the minutes of the Audit and Risk Committee meetings held on the 16 September and 15 October 2020, matters related to Committee membership and endorse the appointment of the Audit Committee Chairperson from 1 January 2021 to 231 December 2021.

The Annual Report of the Audit and Risk Committee is also presented for Council and officers would recommend it be noted.

CC.6	PROPOSAL TO NAME PART OF AN UNNAMED KYNETON LANEWAY “TURNERS LANE”
Officer	Lauren Reader, Coordinator Governance
Council Plan Relationship	Deliver strong and reliable government
Attachments	Aerial map – Kyneton laneway

Purpose and Overview

To present a proposal to name the southern part of an unnamed laneway that runs between High Street and Market Street, Kyneton “Turners Lane”.

Recommendation

That Council:

- 1. Approves the naming of the southern part of an unnamed laneway running between High Street and Market Street Kyneton - affecting land parcels Lot 1 TP318437, Lot 2 TP326174, Lot 3 PS441508 and Lot 1 TP22292 and ending at the southern boundary to Lot 2 TP584557 - as “Turners Lane”.**
- 2. Notes that, if approved, the naming will be submitted to the Registrar for Geographic Names for endorsement and gazettal.**
- 3. Notes that officers will write to the naming applicant, surrounding property owners and those community members who responded to the public consultation process to advise them of the decision.**

Background

In 2019, Council received two applications to name an unnamed laneway in Kyneton that runs across several land parcels between High Street and Market Street Kyneton “Turners Lane”. An aerial view depicting the laneway is provided in the attachment to this report.

Context

Council’s power to approve, assign or change the name of a road is provided for under schedule 10, clause 5(1)(a) of the *Local Government Act 1989*¹ and is a power delegated to Council officers. However, due to the complexity of the issues associated with this particular proposal, it is being presented for consideration at a Council Meeting.

¹ Note: this clause has not been repealed by the *Local Government Act 2020* and remains in operation.

The *Naming Rules for Places in Victoria* (the Naming Rules) from Geographic Names Victoria (GNV), part of the Department of Environment, Land, Water and Planning (DELWP), set out the process for the naming of “places”, that is roads, features and localities. The Naming Rules stipulate the processes to be followed for the naming of a public road or a private road.

Consultation and Engagement

As the laneway runs across several parcels of land, officers sought advice in relation to this proposal. Officers were advised the laneway is a “public highway” at common law and therefore a “public highway” and a “road” for the purpose of the *Road Management Act 2004* (RMA). Council has power to name such roads.

A public consultation process was undertaken in May 2020. Officers wrote to the owners of properties surrounding the laneway. Officers also undertook broader community consultation (including writing to emergency service providers and consultation via the Have Your Say and Public Notice pages on Council’s website, as well as placing notices in Council’s fortnightly composite newspaper advertisement).

Five (5) responses to the consultation process were received, three (3) of which were in support of the proposal to name the laneway “Turners Lane” and two (2) of which objected to the proposed naming. The two objections to the proposal were based on the view that the laneway is part of private property at 24 Market Street, Kyneton. However, this view is incorrect; the whole of the laneway is a public highway.

In considering the responses received in support of, and objecting to, the proposed naming, officers sought advice from GNV on whether a proposal to name only the southern section of the laneway would be possible. Officers were subsequently advised that it would be possible to do so, and are recommending this course of action.

If approved, the (named) southern section of the laneway will satisfy the request made by the naming applicant, but will exclude the section of the laneway to which objections to naming were received. As the northern section of the laneway is short, it is unlikely to cause confusion for emergency services should they be required to locate a person in any part of the laneway.

Strategic Alignment

The proposal aligns with Council’s strategic priority to deliver strong and reliable government.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The installation of any signage required for the laneway (if named) will be subject to discussion between the appropriate Council officers and the naming proponent, and will be managed within existing resources.

Policy and Legislative Implications and Risks

The proposal has been considered in view of Council's road naming powers in schedule 10, clause 5(1)(a) of the *Local Government Act 1989*, and in accordance with Council's *Naming Protocol* and GNV's Naming Rules.

Sustainability Implications and Risks (Social and Environmental)

The proposal does not raise any social or environmental implications or risks.

Charter of Human Rights Implications and Risks

The proposal does not limit, restrict or interfere with any human rights under the Charter of Human Rights and Responsibilities.

Officer Declaration of Conflict of Interest

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

Conclusion

Having received an application to name an unnamed laneway in Kyneton, and having considered advice and feedback received in relation to the proposal, officers present this matter and their recommendation to name the southern part of the unnamed laneway running between High Street and Market Street Kyneton, "Turners Lane" to Council for consideration.

CC.7	UPDATE ON THE PROPOSED TRANSFER OF EAST PADDOCK, HANGING ROCK
Officer	Hayley Drummond, Coordinator Property and Valuations
Council Plan Relationship	Deliver strong and reliable government
Attachments	Plan of East Paddock

Purpose and Overview

This report provides an update on the negotiations undertaken between the State Government and Council for the sale of the East Paddock, Hanging Rock, and seeks to gain approval to disclose the Council valuation of the site.

In a confidential report to Council presented in May 2020, it was recommended that Council reject an offer made by the Department of Environment, Land, Water and Planning (DELWP) to purchase the land. This report provides details on the valuation process and the reasons for Council's decision.

Recommendation

That Council:

- a. Approve the public disclosure of Council's valuation of the East Paddock site at Hanging Rock;**
- b. Continue to work with the Department of Environment, Land, Water and Planning (DELWP) to negotiate a satisfactory outcome to the proposed transfer of the East Paddock; and**
- c. That the outcome of discussions with DELWP be subject to a report back to Council for Council's consideration.**

Background

In 2018 the Hanging Rock Strategic Plan was prepared and a new Master Plan document developed between DELWP and Council. One of the issues raised in the Strategic Plan included addressing the future ownership of the East Paddock. The State Government had pledged as part of the review of Hanging Rock to purchase this land from Council to provide 'greater protection to the precinct.'

Several meetings and discussions have subsequently occurred between DELWP and Council officers regarding the proposed transfer of the East Paddock. Unfortunately, negotiations with DELWP have been unable to reach agreement on the current market valuation of the site. Details about the valuation process are outlined below.

The Property

The Hanging Rock precinct comprises six allotments, with a total land size of 92 hectares. The two lots containing the Rock formation are Crown land that was gazetted in 1870 (the Reserve). The Hanging Rock Reserve was permanently reserved for the purpose of “Public Recreation and for affording access to water” in the Government Gazette dated 28 November 1884. The Hanging Rock Reserve land is zoned Public Conservation and Resource Zone, which provides for the protection and conservation of the natural environment. Macedon Ranges Shire Council is the Committee of Management for these two lots.

The East Paddock is in the ownership of Macedon Ranges Shire Council. It was purchased by the former Newham and Woodend Shire Council in 1990. The site is approximately 22.95 hectares and is in four Crown allotments. The land is zoned Public Park and Recreation Zone, which recognises land for ‘public recreation and open space.’ This land is described in two titles – Volume 8134 Folio 836, comprising three Crown allotments and Volume 4017 Folio 814, comprising one allotment.

The East Paddock has become established as a regular concert venue for international artists including Rod Stewart, Bruce Springsteen and Leonard Cohen. Most recently, on the Australia Day weekend 2020 two successful Elton John concerns were held. The venue is used sparingly for world renowned artists with Hanging Rock providing a spectacular backdrop to these performances.

The Hanging Rock Strategic Plan (endorsed 27 September 2018) within section 5.3.4 – Tourism and Recreation, outlines under item T6 that events and concerts have a role at the Precinct, which are respectful of the Traditional Custodians, local community, environmental values of the Precinct, the natural landscape setting, and which promote the importance of the Rock.

Property improvements

Over the past four years, Council has improved the East Paddock property by undertaking the following works:

- North and south pavilions which incorporate electric barbeques, toilet facilities and undercover shelter areas;
- Depot area of approximately 1,200 square metres with four large concrete constructed soil and woodchip bays, gravel paved storage areas and perimeter security fencing and gates;
- A total of 1.65 kilometres of internal formed gravel roads, with drainage culverts and guide posts;
- Hardstand and stage area;
- Viewing mounds;
- Extensive landscaping and revegetation works;
- Twenty six (26) light towers and lamps;
- Underground power, data cabling and non-potable water throughout the East Paddock;
- Eleven electrical connection cabinets located in northern section;
- Site perimeter fencing constructed in 2018 comprising 1.8 metre plastic covered cyclone mesh with steel post incorporating multiple entrances and gates off Colwells Road and Straws Lane as well as entrances through the western boundary into the racetrack area.

Valuation Process

Council appointed an independent specialist valuer to undertake a valuation of the site. The specialist valuer was sought from the Valuer-General's list of approved contract valuers. This valuation report was completed in October 2019 and provided a current market valuation.

Council was advised by DELWP that the Valuer-General Victoria (VGV) had appointed a qualified valuer to undertake a valuation of the property.

A valuation conference occurred on 28 November 2019 between the valuers, however an agreement on the current market valuation could not be negotiated.

In February 2020 Council received a formal letter of offer from DELWP for the land. The offer was valid for three months from the date of the letter (17 February 2020). The offer also advised Council that DELWP were prepared to meet the reasonable professional expenses incurred in selling the property, subject to the provision of itemised tax invoices and to the costs claimed being substantiated.

DELWP have advised Council that it would like its valuation of the East Paddock, Hanging Rock and the offer made by DELWP to remain confidential.

Key valuation differences

At the valuer's conference it became clear that the main difference in value was the site improvements. The site improvements comprise the internal roads, street lighting, perimeter fencing, the works depot area and underground services including electricity, data and reticulation of non-potable water. The VGV valuation did not have any added value for these items. Council's valuer argued that these assets benefit the recreational use of the site, and facilitate the use of the property as a concert venue and location for public events. However, the VGV valuer did not agree and suggested that these improvements were insignificant and would not include these assets in the valuation.

After the conference, Council's valuer reviewed the valuations and advised Council that there would be no change to his valuation as he did not accept the argument by the VGV valuer. Council officers supported this position and believed it would not be in the ratepayers or the community's interest to accept the offer based on the VGV valuation as it does not adequately reflect the value of the site improvements or the investment that Council has made in the site for future public events.

In May 2020 the confidential Council report adopted the officer recommendation to reject the offer which was significantly below Council's valuation. Consequently, a letter was forwarded to DELWP on 13 May 2020 providing this information and an acknowledgment was received on 27 May 2020. There has been no further correspondence in relation to this matter.

Legislative requirements for the Sale

Should agreement be reached regarding the sale price for the transfer of the land, there are legislative requirements to consider.

Section 189 of the *Local Government Act* (LGA) 1989 refers to the Council's requirements prior to selling land. However there is an exemption to this process under Section 191 if it is a sale to the Minister or the Crown – as is the situation here.

Nevertheless, Council officers still recommend that Council proceed with the public consultation process under section 189 of the Act as this supports the principals of an open and transparent approach to the land transfer. It also enables community feedback prior to Council determining whether to proceed with the sale.

Section 189 of the Act requires councils to:

- Give at least four weeks public notice of an intention to sell or exchange land before selling or exchanging this land;
- Obtain a valuation of the land which is not more than six months prior to the sale or exchange; and
- Allow interested persons to make a submission under section 223 of the proposed sale or exchange.

In summary, section 189 requires all councils to:

- Consult ratepayers and residents on any proposal to sell or exchange land;
- Give ratepayers and residents an opportunity to have their views heard; and
- Have a current valuation for the land that is proposed for sale or exchange.

The public notice is required to:

- Clearly identify the land that is proposed for sale;
- The timeframe for the proposed sale;
- How the property is to be sold;
- How submissions can be made;
- That persons making a submission can request to be heard in person; and
- Contact details at the council if further information is required.

Please note that Section 189 and Section 223 of the Act are still in operation until 30 June 2021. From 1 July 2021, these provisions will be referred to in sections 112 – 116 of the *Local Government Act 2020*.

Sale of land – Public open space

In addition to the requirements under the Act, councils are also required to comply with Section 20 of the *Subdivisions Act 1988* when selling public open space.

Section 20(2) of the Subdivisions Act requires councils to use the proceeds from the sale of any public open space to:

- Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- Improve land already set aside, zoned or reserved (by the Council, Crown, a planning scheme or otherwise) for use for public recreation or public resort as parklands or for similar purposes; or
- With the approval of the Minister administering the Local Government Act, improve land (whether set aside on a plan or not) use for public recreation or public resort, as parklands for similar purposes.

Victorian Government Land Transactions Policy

For any sale or purchase of land where the land is valued at \$750,000 or more, the relevant State Department must obtain approval from the Victorian Government Land Monitor (VGLM). As the valuation for the East Paddock is over this amount, DELWP must seek approval from the VGLM to proceed with the purchase of the land from Council.

Hanging Rock Strategic Plan

The Hanging Rock Strategic Plan was produced following a State Government pledge to ‘introduce new protections for Hanging Rock to ensure the long-term protection and sustainable management of the precinct.’

The Strategic Plan provides a vision for the future uses of the Rock and its immediate surrounds for the next 50 years. It also:

- Provides objectives, strategies and actions to support implementation of the vision
- Provides a management plan to inform a governance model
- Identifies action priorities and timeframes.

The vision for Hanging Rock for the next 50 years to 2068 is (in part);

Hanging Rock will be renowned for its importance to our First Peoples, its dramatic geological form and its wider landscape setting within the Macedon Ranges.

Should the site be sold and transferred to DELWP, the strategy recommends that a revised management approach is required to recognise the ongoing connection of Traditional Owners to the site. The new governance structure is proposed to be a clear Committee of Management approach, with a formal partnership arrangement between Aboriginal Traditional Owners and Council.

Consultation and Engagement

As previously noted, should it be agreed that the land can be transferred to DELWP by agreement then Council is proposing to undertake a public consultation process via Sections 189 and 223 of the Act. This comprises publication of a public notice in the local newspaper and on Council’s website. This will enable the community to have input into the proposal prior to the land transfer.

In preparing this report officers have contacted DELWP to advise that this matter would be bought before Council. As noted above DELWP has requested that their valuation and offer for the land remain confidential.

Strategic Alignment

The proposal to transfer the East Paddock to DELWP aligns with the achievement of priorities set out in the Council Plan 2017 – 2027:

Our Priorities: Protect the natural environment:

We will protect our natural environment through proactive environmental planning, advocacy and policy to address climate change, support biodiversity, enhance water catchment quality and manage waste as a resource.

Our Priorities: Deliver strong and reliable government

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

Risk Implications

Council is under no obligation to accept the Victorian Government’s sale price under the Act or other legislation.

There are also implications for Council if it accepts a sale price lower than its current valuation. The Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land dated June 2009 published by the former Department of Planning and Community Development contains a general principle that land should be sold for not less than its market value. The risk should Council not comply with this general principle is that Council may be subjected to criticism by ratepayers or a third party investigator such as the Ombudsman or Auditor-General of Victoria.

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

Should the land be transferred by agreement with DELWP there are legislative requirements regarding what Council can use the funds for.

In accordance with Section 20 of the *Subdivisions Act* 1988, funding from the sale of the land would be required to:

- Buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- Improve land already set aside, zoned or reserved (by the Council, Crown, a planning scheme or otherwise) for use for public recreation or public resort as parklands or for similar purposes; or
- With the approval of the Minister administering the *Local Government Act* 2020, improve land (whether set aside on a plan or not) use for public recreation or public resort, as parklands or for similar purposes.

If the land was sold, the net proceeds of sale would be transferred to the open space financial reserves to be allocated to projects in future budgets.

Policy and Legislative Implications and Risks

Legislative implications have been considered and where relevant highlighted above. These comprise the:

- *Local Government Act* 1989;
- *Local Government Act* 2020;
- *Subdivisions Act* 1988; and
- *Planning and Environment Act* 1987.

Charter of Human Rights Implications and Risks

No human rights implications have been identified at this stage.

Officer Declaration of Conflict of Interest

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

Conclusion

This report provides an update on the status of negotiations between Council and the State Government for the proposed sale of the East Paddock. Council has written to DELWP advising that we do not accept their offer as it is significantly less than the valuation undertaken by Council's Valuer and does not adequately reflect the asset infrastructure that Council has invested in the site. This report also seeks to lift the confidentiality on Council's valuation of the site.

It is also recommended that Council undertake community consultation and consider submissions in accordance with Section 223 of the Act before determining to proceed with the sale.

AO.1

**CONSIDERATION OF A REQUEST FOR
INCLUSION OF ROAD ONTO THE PUBLIC
ROAD REGISTER – SERVICE ROAD OFF
BLACK FOREST DRIVE, WOODEND**

Officer

**Gary Randhawa, Manager Engineering and
Resource Recovery**

Council Plan Relationship

Improve the built environment

Attachments

Nil

Purpose and Overview

This report is in response to a customer request (CRM 201240) received by Council to add an approximately 200m long section of private road onto the Register of Public Roads. This section of road is a short service road located off Black Forest Drive, Woodend which currently provides access to two properties being 1002 and 1010 Black Forest Drive, Woodend.

The request was assessed in accordance with the Public Roads Procedure (2018). It is determined that the road would require significant upgrades to meet Council's minimum construction standards. It is therefore recommended that this section of private road not be added to the Register of Public Roads.

Recommendation

That Council:

- 1. Resolve not to include a service road located off Black Forest Drive, Woodend onto the Register of Public Roads.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

The subject 200m section of private road is a service road located off Black Forest Drive, Woodend. Black Forest Drive is an arterial road managed by Regional Roads Victoria. See Images 1 to 4 below.



Image 1 – Overview of Subject Road Precinct



Image 2 – View of Subject Road Looking South-East



Image 3 – View of Subject Road Adjacent First Driveway



Image 4 – View of Subject Road Looking North East

The gravel pavement of the road varies from 3.7m to 8m in width. It currently functions as two-way road. Right turns are currently prohibited into the northern access point of the service road due to double continuous lines along Black Forest Drive.

It appears that this service road was constructed or upgraded as part of the past duplication of Black Forest Drive / Calder Highway. However, the road does not appear to have been maintained and is in a state of disrepair. Significant loss of pavement material was observed at the northern leg of the service road due to erosion from run-off. See Image 5. Numerous significant potholes exist along the road. See Images 6 and 7.



Image 5 – Erosion



Image 6 – Series of Potholes



Image 7 – Large Pothole

Context

Council officers' assessment of the road against the Public Roads Procedure criteria for inclusion onto the Register of Public Roads is presented as Table 1 below:

Criteria	Response	Comments
1. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	Yes	The properties of 1002 and 1010 Black Forest Drive and associated dwellings utilise this road for access.
2. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	Yes	Land surrounding the subject service road is zoned Rural Conservation Zone 1. The residential use of the land is considered to be developed to its highest and best economic use.
3. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	
4. Whether the road connects into and forms a part of the wider network of public roads	No	The road is a short service road located off Black Forest Drive.
5. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	No	No significant change is anticipated into the future as adjacent properties are unlikely to seek access onto this road due to roadside vegetation.

Criteria	Response	Comments
6. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	The subject road would be regularly used by occupiers of 1002 and 1010 Black Forest Drive.
7. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	Yes	This service road should have been constructed / upgraded at public expense as part of Regional Roads Victoria/VicRoads past duplication of Black Forest Drive (Calder Highway)
8. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	The service road does not appear to have been managed by Council or Regional Roads Victoria given its current state of disrepair.
9. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	Yes	The properties of 1002 and 1010 Black Forest Drive have direct frontage onto this road and do not have alternative access to other roads.
10. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	No	There are no traffic control signs related to the subject road.
11. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	Review of past and available Planning Permit/s (2080466) indicates that no conditions were required for the road to be set aside for public use.
12. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
13. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
14. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	No	The road was most likely constructed by road authorities as part of the duplication of Black Forest Drive (Calder Highway). It should have been constructed to the road authority's standard at the time.

Criteria	Response	Comments
15. Whether the use is occurring “as of right”, in particular evidence of previous permission;	No	
16. Existing geometric standards and surface condition are in accordance with Council’s requirements;	No	The road surface lacks the correct geometry and its surface is on a significant state of disrepair. Also, it is not permitted to turn right into the northern part of this service road.
17. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	Yes	Telecommunication services are within the road reserve, close to the service road.
18. Whether the road has fencing, barriers, signage or associated safety devices.	No	

Table 1 – Assessment against Public Road Procedure Criteria

Given the results above, the subject road scored 6 out of 18 guiding principles and whilst triggering consideration for inclusion into the Public Road Register, it is not a strong result.

Further consideration is required to make an informed assessment which is included within this report.

Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

If the road was to be added to the Register of Public Roads, it will require significant repairs and upgrades to meet minimum Council standards including but not limited to:

1. Reconstruct the northern leg of the service road,
2. Upgrade northern entry point to permit right turns by service/emergency vehicles,
3. Add pavement materials and grade road to repair the remainder of the service road, and
4. Create table drains to provide proper drainage to the pavement to protect it.

The cost to undertake points 1, 2, 3 and 4 is estimated at approximately \$65,000-\$75,000.

The service road asset is not in an acceptable state for Council to accept as a gifted asset. Investment in the required improvement works would not provide best value for the community.

Policy and Legislative Implications and Risks

This recommendation is made through the application of the Public Roads Procedure (2018).

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a general or material conflict of Interest in this matter.

Conclusion

The request for a private road off Black Forest Drive, Woodend, to be added onto the Register of Public Roads was assessed by Council officers. The request was assessed in accordance with the Public Roads Procedure (2018) and it was found that the road would require significant repair and upgrades to meet Council's minimum construction standards. Officers deem it is not in the best interests of the wider community to undertake this work, to add this section of road onto the Register of Public Roads. Officers recommend that the request is declined.

AO.2	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER – HILLSBORO STREET, CARLSRUHE
Officer	Gary Randhawa, Manager Engineering and Resource Recovery
Council Plan Relationship	Improve the built environment
Attachments	Nil

Purpose and Overview

This report is in response to a request (CRM 200813) received by Council to add an approximately 40 metres long section of private road onto the Register of Public Roads. This road extends from the intersection of Pultney Street and Hillsboro Street to the eastern boundary of 49 Hillsboro Street, Carlsruhe.

The request was assessed in accordance with the Public Roads Procedure (2018). It is determined that the road would require significant upgrades to meet Council's minimum construction standards. It is therefore recommended that this section of private road not be added to the Register of Public Roads.

Recommendation

That Council:

- 1. Resolve to not include an extension of Hillsboro Street, Carlsruhe onto the Register of Public Roads.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

The subject 40m section of private road is an existing granitic sand/dirt track, extending from a bend at the intersection of Pultney Street and Hillsboro Street (both are public roads) to the eastern crossover of 49 Hillsboro Street, Carlsruhe. The section of private road under consideration forms part of a much longer 510m farm track that extends further to the north and then east. See Image 1 below.

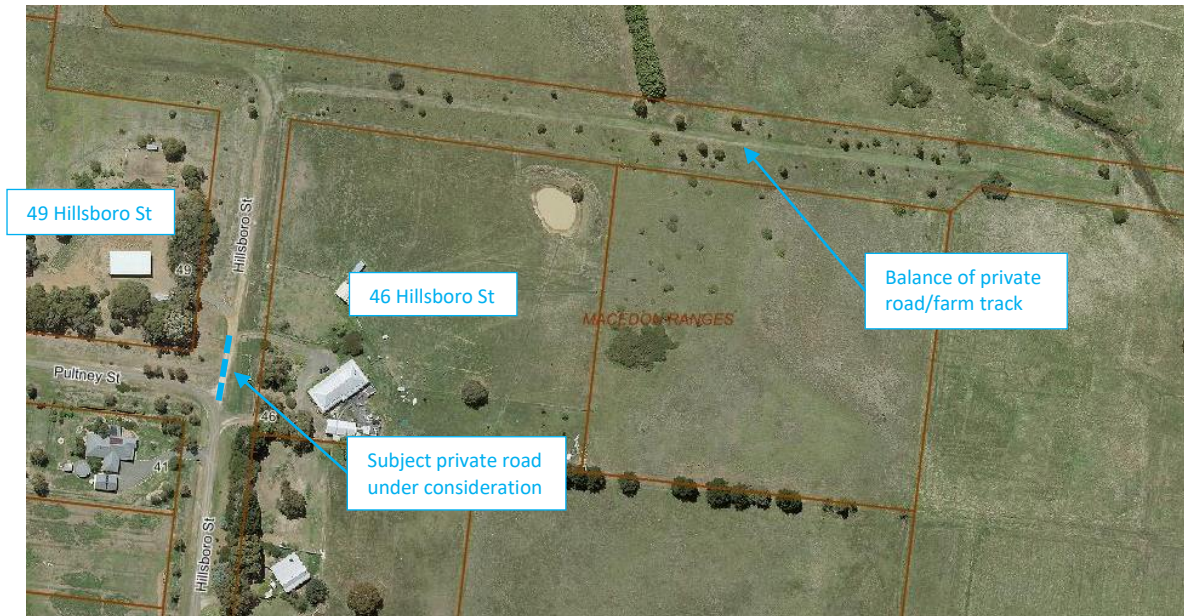


Image 1 – Overview of Subject Road Precinct

The requester is part owner of 49 Hillsboro Street who in 2019 constructed a dwelling on their property in accordance with Planning Permit PLN/2016/340/A. The permit did not include any conditions for the landowner to upgrade the subject section of road.

The subject private road would be regularly used by residents of 46 and 49 Hillsboro Street and occasionally by landowners to the north. See Images 2 to 4 below.



Image 2 – Overview of Subject Road Section



Image 3 – View of Subject Road Section



Image 3 – View North of Subject Road Section

The subject road has a carriageway width of approx. 2.7m with about half the road appearing to be comprised of granitic sand. The balance of the road and beyond appears to be dirt or not formed with pavement materials. Refer to Figures 4 and 5.

The granitic sand section of the road, whilst not meeting council road specifications, appears to be in good surface condition with moderate shape loss. The last 15m section of the subject road is observed to be rutted with numerous minor pot holes. See Figure 5 below.



Image 5 – View North Beyond Ganetic Section of Subject Road

Context

Council officers’ assessment of the road against the Public Rods Procedure criteria for inclusion onto the Register of Public Roads is presented below as Table 1:

Criteria	Response	Comments
19. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes.	Yes	Dwellings in 46 and 49 Hillsboro Street utilise this section of private road.
20. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use.	No	The land surrounding this section of road are zoned farming and appears mainly to consist of residential properties/hobby farms.
21. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value.	No	
22. Whether the road connects into and forms a part of the wider network of public roads.	No	The subject private road is a small extension of Hillsboro St.
23. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use.	No	The usage of this road should not significantly change into the future.

Criteria	Response	Comments
24. Whether the road is regularly required for both vehicular and pedestrian use.	Yes	It is currently used by the residents at 46 and 49 Hillsboro St. The road appears to be occasionally/rarely used by other landowners.
25. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense.	No	The subject road does not appear to have been constructed in the past at public expense.
26. Whether the Council has cared for, managed or controlled the road on a regular basis.	No	
27. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights.	No	49 Hillsboro St has alternative access onto Pultney Street but sought an amendment via Planning Permit PLN/2016/340/A to access the subject section of road. 46 Hillsboro St has direct access onto the public section of Hillsboro St but has a second access point off the private section of the road.
28. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road.	No	
29. Whether the road has ever been required to be set aside for public use as a condition of any planning approval.	No	
30. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation.	No	
31. Whether the road has ever been constructed under a special charge scheme or a private street scheme.	No	
32. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards.	No	About half of the subject road is not constructed.
33. Whether the use is occurring "as of right", in particular evidence of previous permission.	No	

Criteria	Response	Comments
34. Existing geometric standards and surface condition are in accordance with Council's requirements.	No	The road surface is deficient and carriageway width (2.7m) is inadequate. A minimum 4m carriageway width is required. No table drains have been provided. No turnaround area is available for service and emergency vehicles. The intersection of Pultney and Hillsboro St will need to be widened to permit service and emergency vehicle access.
35. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water.	Yes	There are existing electrical and sewerage services located within the road reserve.
36. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	The road reserve has fencing on both sides but no signage and other safety devices.

Table 1 – Assessment against Public Road Procedure Criteria

Given the results above, the subject road scored 4 out of 18 guiding principles and whilst triggering consideration for inclusion into the Public Road Register, it is not a strong result.

Further consideration was required to make an informed assessment which is included within this report.

Consultation and Engagement

No community consultation or engagement has been carried out due to the nature of the request.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

For this section of road to be considered for inclusion as a public road, it will be necessary to:

1. Reconstruct the road pavement to minimum width and standards,
2. Provide table drains for drainage of the pavement,
3. Construct a turnaround area for emergency and service vehicles, and
4. Upgrade the intersection of Pultney Street and Hillsboro Street to permit service and emergency vehicle access.

The cost to undertake 1, 2, 3 and 4 is estimated to cost approximately \$35,000-\$45,000. Investment in these works would not provide best value for the community.

The subject road asset is not in an acceptable state for Council to accept as a gifted asset. Investment in the required improvement works would not provide best value for the community.

Policy and Legislative Implications and Risks

This recommendation is made through the application of the Public Roads Procedure (2018).

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a general or material conflict of Interest in this matter.

Conclusion

This request for a short section of private road off Hillsboro Street, Karlsruhe, to be added onto Register of Public Roads was assessed by Council officers. The request was assessed in accordance with the Public Roads Procedure (2018) and it was found that the road would require significant upgrades to meet Council's minimum construction standards. Officers deem it is not in the best interests of the wider community to undertake this work to add this section of road onto the Register of public Roads. Officers recommend that the request is declined.

AO.3	CONSIDERATION OF A REQUEST FOR INCLUSION OF ROAD ONTO THE PUBLIC ROAD REGISTER – LOWE STREET, TYLDEN
Officer	Gary Randhawa, Manager Engineering and Resource Recovery
Council Plan Relationship	Improve the built environment
Attachments	Nil

Purpose and Overview

This report is in response to a customer request (CRM 202573) received by Council to add approximately 125m long section of private road onto the Register of Public Roads. This section of road, known as Lowe Street, extends from Maxwell Street to the driveway of a dwelling located at 34 Lowe Street.

The request was assessed in accordance with the Public Roads Procedure (2018). It is determined there is merit in this road being included onto the Register of Public Roads. The recommendation is that this section of private road be added onto the Register of Public Roads, subject to the rectification of defects by the requester.

Recommendation

That Council:

- 1. Resolve to include a 125 metre section of road extending from Maxwell Street, Tylden and known as Lowe Street, Tylden onto the Register of Public Roads subject to the rectification of defects by the requester prior to 16 December 2021.**
- 2. Resolve that the requester be advised of this Council resolution.**

Background

The subject 125m section of road is a gravel road extending from the end of Maxwell Street to the driveway of the dwelling located at 34 Lowe Street, Tylden. The requesters are the current landowners of 34 Lowe Street who constructed this road, to provide them with access to their property and a recently constructed dwelling. The private road was completed in December 2018 and the dwelling was completed in December 2019. Refer to Images 1 and 2 below.



Image 1 – Overview of Subject Road Precinct



Image 2 – Subject Road Looking North West

The application to build the subject road was first received in June 2018. After the initial receipt of this application, Council officers considered that the new road will benefit other existing properties (in particular 15, 36 and 38 Lowe Street which are undeveloped) and proposed to the requester for the road to be built to Council standards, where Council officer support will be given for a future road adoption request.

An inspection of Lowe Street Tylden was undertaken in May 2020. The road has been built with a uniform width of 3.5m with a 9m offset from the southern side of the 30m wide road reserve. A turn around area for cars only has been built at the end of the road.

Shape loss or deformation of the pavement was observed with rutting in the wheel paths. Minor loss of materials and minor pot holes were observed close to its connection to Maxwell Street. See Images 3 and 4 below.



Image 3 – Subject Road, Rutting and Roads Shape Loss



FIGURE 3

Image 4 – Subject Road, Pot Holes and Surface Damage

Context

Council officers' assessment of the road against the Public Roads Procedure criteria for inclusion onto the Register of Public Roads is presented as Table 1 below:

Criteria	Response	Comments
37. At least two or more properties and at least two or more permanent residents are abutting onto the road or requiring the road for access purposes	No	Only the existing dwelling at 34 Lowe St access this road. Three properties being 15-17, 36 and 38 Lowe St have benefited from the construction of this road.

Criteria	Response	Comments
38. Whether or not land abutting onto the road or requiring the road for access has been developed to its highest and best economic use	No	The properties of 36 and 38 Lowe St contain small sheds only, which is associated with existing dwellings in adjoining or immediately nearby properties.
39. The type of properties abutting onto the road, including public open space, community facilities, sporting facilities and car parking areas are of significant community value	No	
40. Whether the road connects into and forms a part of the wider network of public roads	Yes	The subject road forms part of the wider network of roads/road reserves in the Tylden township.
41. The usage patterns of the road in relation to the nature and frequency of past, present and likely future use	Yes	The properties of 15-17, 36 and 38 Lowe St have the potential for dwellings to be developed with appropriate permits in the future.
42. Whether the road is regularly required for both vehicular and pedestrian use;	Yes	It is currently regularly used by the requester/landowner at 34 Lowe St.
43. Whether the Council or any of its predecessors or any other public authority has constructed the road at public expense;	No	
44. Whether the Council has cared for, managed or controlled the road on a regular basis;	No	
45. Whether the properties which enjoy a frontage to the road or require the road for access purposes have alternative access rights;	Yes	Future developments in the properties of 15-17, 36 and 38 Lowe St can or will utilise this road for access. While the property of 15-17 Lowe St can use Harpers Street for access, the property is encumbered with a waterway. The subject road provides all-weather access to the southern half of this property.
46. Whether there are designated car parking facilities and traffic control signs attaching to any public use of the road;	No	

Criteria	Response	Comments
47. Whether the road has ever been required to be set aside for public use as a condition of any planning approval;	No	Council permission for the construction of the road was granted via Asset Protection Permit APP/2018/314. As part of negotiations with the requester, Council officers requested that the road be built to a public road standard.
48. Whether the road has ever been formally dedicated or proclaimed to be a public highway under the Local Government Act, 1989 or any predecessor legislation;	No	
49. Whether the road has ever been constructed under a special charge scheme or a private street scheme;	No	
50. Whether the road has been constructed by developer or private owner or entity to Council's minimum standards;	Yes	The road was built in general accordance with requirements as set out in Asset Protection Permit APP/2018/314.
51. Whether the use is occurring "as of right", in particular evidence of previous permission;	No	
52. Existing geometric standards and surface condition are in accordance with Council's requirements;	Yes	While the road has been built generally in accordance with past Council agreement, defects have been identified requiring rectification.
53. Whether the road contains assets owned and managed by public service authorities, gas, electricity, telecommunications, sewerage and water; and	No	The road reserve containing the private road/driveway does not appear to contain any public services assets.
54. Whether the road has fencing, barriers, signage or associated safety devices.	Yes	The road reserve has fencing on both sides. There is no signage or other safety devices.

Table 1 – Assessment against Public Road Procedure Criteria

Given the results above (the subject road scored 7 out of 18 guiding principles) and the Asset Protection Permit negotiations, this road merits consideration for inclusion onto the Public Road Register.

Consultation and Engagement

No community consultation or engagement is required due to the nature of the request. This is in line with Council's Community Consultation Framework.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

If the road was to be added onto the Register of Public Roads, it is considered necessary for the requester to rectify defects identified with the road including but not limited to:

5. Add pavement materials and grade road to strengthen/repair road pavement.
6. Widening of the road carriageway from 3.5m to 4m.
7. Creation of table drain/s to provide drainage to the pavement.
8. Construct a turnaround area for service and emergency vehicles.

The cost to undertake points 1, 2, 3 and 4 is estimated at approximately \$20,000-\$25,000.

If this report is endorsed as per the Officer recommendations, the defect rectification will be the responsibility of the requester and hence will not have any financial impact on Council.

Policy and Legislative Implications and Risks

This recommendation is made through the application of the Public Roads Procedure (2018).

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a general or material conflict of Interest in this matter.

Conclusion

The request for a private road extending off Maxwell Street to be added onto Register of Public Roads was assessed by Council officers. The request was assessed in accordance with the Public Roads Procedure (2018) and it was found that there is merit for the road to be included onto the Register of Public Roads. However, given that there are cost implications for Council to adopt the road in its current state, Council officers propose that the requester rectify defects before the road is transferred to Council.

The recommendation is written with a final date for when the rectification must be completed by the requestor in order for this resolution to either be resolved by this time or close out.

AO.4	PETITION RESPONSE – SEALING OF MOWBRAYS ROAD, CADELLO
Officer	Istvan Marton, Coordinator Engineering Designs and Investigations
Council Plan Relationship	Improve the built environment
Attachment	Petition

Purpose and Overview

A petition was presented to Council on 18 August 2020 signed by 38 persons requesting Council seal Mowbrays Road, Cadello, between James Road and Anderson Road.

At the 26 August 2020 Ordinary Council Meeting, Council resolved:

“That a petition signed by approximately 38 persons requesting the sealing with bitumen of Mowbrays Road, Carlruhe be received and lay on the table until a future meeting of Council at which a report on the matter will be presented.”

This report is provided in response to this Council resolution. It recommends that officers undertake an investigation and consultation process and present a further report to the April 2021 Ordinary Council meeting detailing the outcomes of the investigation and consultation.

Officer Recommendation:

That Council:

- 1. Note this report on the tabled petition – Sealing of Mowbrays Road, Cadello;**
- 2. Direct that a further report be provided to the April 2021 Scheduled Council Meeting complete with the results of the consultation and analysis of the updated traffic count; and**
- 3. Responds to the first named petitioner advising of this Council resolution.**

Background

Council officers have undertaken a desktop review of Mowbrays Road, Cadello and provide the following information:

Length of road proposed to be sealed	1.40 km
Proposed sealed road width	6.4 m
Existing traffic volume (approximately, last count undertaken in 2013)	45 vehicles per day
Number of properties fronting Mowbrays Road	6
Total estimated capital cost of the sealing works	\$1,045,000 excl. GST

A map indicating the proposed road for sealing is provided below as Image 1.



Image 1 – Subject Section of Mowbrays Road

Mowbrays Road is scheduled for inspections four times per year in accordance with the Road Management Plan. The proposed level of development in the area is minimal. It is anticipated that traffic volume will not increase notably on Mowbrays Road in the near future.

Council does not currently have a proactive and prioritised funded capital works program for the sealing of unsealed roads. Council maintains and renews gifted assets to the standard in which they were gifted. The process for sealing unsealed roads is delivered through the facilitation of a Special Charge Scheme.

The provisions of the special charge require that benefiting property owners are required to pay a monetary contribution towards the capital road upgrade works.

Context

The process for which a Special Charge Scheme is instigated and then implemented, is detailed within Council's current Special Charge Scheme for Infrastructure Works Policy. This process includes a number of consultation activities with affected residents, determination of the benefit derived for identified parties and the greater community and final approval by Council.

Prior to the instigation of a Special Charge Scheme, majority support for the project must be reached with the affected residents on the road length. Majority support is deemed to be achieved when 66% of property owners agree to the scheme in the first instance.

Preliminary cost estimates for the construction of Mowbrays Road, Cadello, via a Special Charge Scheme are likely to be as follow:

Property Owners Contribution	\$ 66,000 excl. GST
Council Contribution	\$ 979,000 excl. GST
Total	\$1,045,000 excl. GST

This is based on preliminary information which will need to be confirmed by a formal design and cost estimate. This initial analysis indicates each property owner may need to contribute the maximum allowed within the policy which is \$11,200.

The scope for the next steps within the Special Charge Scheme for Infrastructure Works process include:

- Collection of traffic data to identify breakdown of through traffic and local traffic. Although there has not been an increase in development since 2013 (last traffic counts) it is recommended current traffic data be obtained;
- Writing to all affected property owners on Mowbrays Road requesting an indicative response of the support for a proposed scheme based on predicted individual contribution requirements;
- A review and analysis of the survey data and updated construction estimate; and
- Reporting back to Council.

This work would be undertaken between now and the end of February 2021 to enable a report to be provided to Council in April 2021.

Consultation and Engagement

Officers will undertake consultation directly with the six (6) identified property owners abutting this section of Mowbrays Road, Cadello. This consultation will take the form of written advice of the outcomes of this Council report. If Council resolves to undertake the actions as per the recommendation of this report, the correspondence will include seeking feedback on the resident's appetite for a Special Charge Scheme for Infrastructure Works. If a response is not received as a result of correspondence, verbal consultation will be undertaken.

Strategic Alignment

This recommendation does not have any direct or indirect policy and legislative implications.

Implications

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

The actions recommended by officers in consulting and undertaking traffic monitoring are able to be undertaken within current resourcing.

Regardless of the outcomes of investigation and final response to the petition, any future sealing of Mowbrays Road, Cadello, would be subject to budget and Special Charge Scheme for Infrastructure Works processes.

Policy and Legislative Implications and Risks

This recommendation is presented having reviewed the petition document presented to 26 August 2020 Ordinary Council Meeting and Council's Special Charge Scheme for Infrastructure Works Policy.

Sustainability Implications and Risks (Social and Environmental)

This recommendation does not have any direct or indirect sustainability implications.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

No officers involved in the preparation of this report have a general or material conflict of Interest in this matter.

Conclusion

The petition is a request to seal a portion of Mowbrays Road, Cadello, between James Road and Anderson Road. The current mechanism for the sealing of roads is through a Special Charge Scheme process. This report recommends that Council officers undertake consultation on the Special Charge Scheme for Infrastructure Works process, and assess the appetite of residents to participate in this scheme. It also recommends officers undertake an updated traffic count to better understand the current traffic movement in this area.

An analysis of the results of both the consultation and the traffic counts will be undertaken and a report will be provided to Council at the April 2021 Scheduled Council Meeting.

14. NOTICES OF MOTION

Notice of Motion No. 4/2020-21 – Councillor Neil

That Council direct the Chief Executive Officer to prepare a formal report for consideration at the 24 February 2021 Scheduled Council Meeting on the establishment of a Planning Delegated Committee of Council, including advice regarding the necessary resources to implement, and the relevant delegated powers, duties and functions such a committee would require.

Notice of Motion No. 5/2020-21 – Councillor Ridgeway

That Council direct the Chief Executive Officer to prepare a formal report for consideration at the March 2021 Scheduled Council Meeting on the declaration of a Climate Emergency, including advice regarding the necessary resources to implement, how such a declaration would sit with the Council's current policy platform and any adjustments that would need to be made to policy and strategic priorities

Notice of Motion No. 6/2020-21 – Councillor Bonanno

That Council

- 1. Notes written and video correspondence received from 738 people including school students, principals, and teachers from numerous schools requesting the Gisborne Skate Park be upgraded and expanded;**
- 2. Notes the specific requests for the development of more challenging elements at the skate park, a pump track, the installation of water taps and the installation of lighting; and**
- 3. Refers these requests to the 2021/22 Council Budget process for consideration**

Notice of Motion No. 7/2020-21 – Councillor Anderson

That Council:

- 1. Directs the Chief Executive Officer to write to the (new model) Municipal Emergency Management Planning Committee to request that the Committee consider allowing one Councillor to permanently sit on it.**
- 2. Direct the Chief Executive Officer to include in this letter the context for the request which is that Macedon Ranges Shire Councillors represent the community, and are keen to ensure that their input and knowledge of the area and community is represented on this new Committee.**
- 3. Notes that Council officers thanked the members of the former (old model) Municipal Emergency Management Planning Committee at their last meeting in November 2020.**

Notice of Motion No. 8/2020-21 – Councillor Neil

That Council:

- 1. Undertake an audit of school bus stops to ascertain what steps are required to provide weather relief to students; and**
- 2. Seek a report, no later than the February Council Meeting, to install a bus bay and shelter in the vicinity of Reynolds Grove and Melbourne-Lancefield Road Service Road, Romsey. This report should include potential funding options and detail time lines to finalise design, seek relevant approvals and deliver the project before May 2021.**

15. URGENT BUSINESS

In accordance with Council's adopted Governance Rules, business which has not been listed on the agenda may only be raised as urgent business by resolution agreed by Council.

16. CONFIDENTIAL REPORTS

16.1 Australia Day Awards 2021 – Nominees