

Council Meeting Agenda

Wednesday 26 May 2021 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

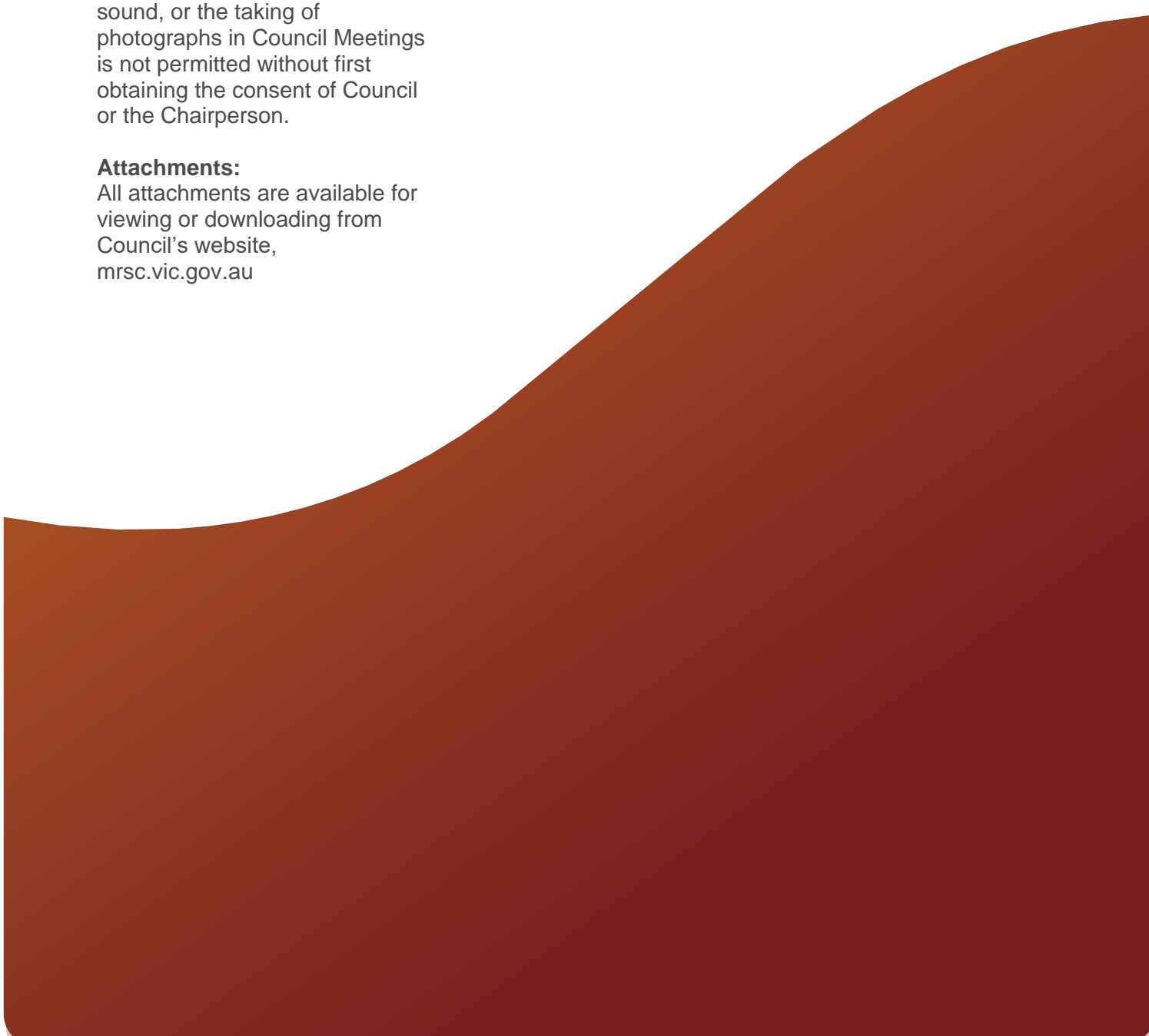


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ACKNOWLEDGEMENT OF COUNTRY

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

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.

As COVID density quotients are no longer in place, we have transitioned back to our pre-COVID seating arrangements in the gallery which allows space for members of the public to return to attend Council meetings in person. Welcome to those people who have joined us tonight.

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.

Scheduled Council Meeting: Wednesday 28 April 2021

Unscheduled Council Meeting: Tuesday 11 May 2021

Recommendation:

That the minutes of the Scheduled Meeting of the Macedon Ranges Shire Council held on Wednesday 28 April 2021 and the Unscheduled Meeting of the Macedon Ranges Shire Council held on Tuesday 11 May 2021 as circulated be confirmed.

8. RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF – MAY 2021

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;
 - 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
	Tuesday 27 April 2021 at 9.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Anne Moore Cr Geoff Neil Cr Janet Pearce (via Zoom) Cr Bill West
	Present – Officers	Angela Hughes John Hausler Shane Walden Stephen Pykett Travis Harling Christo Crafford Awais Sadiq Rob Ball Allison Watt Damian Hodgkins Bob Elkington
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none">• Key dates for legislative requirements• Draft Councillor Budget discussions• Surplus (Councillor only)• Planning Matters including<ul style="list-style-type: none">- Planning Practice Note 23 Applying the

	<p>Incorporated Plan & Development Overlays</p> <ul style="list-style-type: none"> - PLN/2021/49 –115 Main Street Romsey (call in) • Review of 28 April Council Meeting agenda
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated that he would remove himself from the discussion on the Gisborne Futures Project because of a perceived apprehension of bias. The matter was not discussed.</p> <p>Did they leave the meeting? No, because the item was not discussed.</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

2.	Date / Time	Type of Meeting
	Wednesday 28 April 2021 at 5.10pm	Pre-Briefing before Scheduled Council Meeting
	Venue	Gisborne Administration Centre
	Present – Councillors	<p>Cr Jennifer Anderson (Mayor)</p> <p>Cr Mark Ridgeway (Deputy Mayor)</p> <p>Cr Dominic Bonanno</p> <p>Cr Annette Death</p> <p>Cr Rob Guthrie</p> <p>Cr Anne Moore</p> <p>Cr Geoff Neil</p> <p>Cr Janet Pearce</p> <p>Cr Bill West</p>
	Present – Officers	<p>Angela Hughes</p> <p>John Hausler</p> <p>Shane Walden</p> <p>Stephen Pykett</p> <p>Kate Young</p> <p>Christo Crafford</p> <p>Damien Hodgkins</p> <p>Rob Ball</p> <p>Bob Elkington</p> <p>Allison Watt</p>
	Presenters	Nil
	Items discussed	Scheduled Council Meeting agenda for Wednesday 28 April 2021
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Neil declared a conflict of interest in agenda item CX.1 about the awarding of a contract for the Romsey Ecotherapy Park on the basis that he is a member of the Park Committee. The matter was not discussed.</p> <p>Did they leave the meeting? No, because the item was not discussed.</p>

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

3.	Date / Time	Type of Meeting
	Tuesday 4 May 2021 at 9.45am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	Cr Jennifer Anderson (Mayor) Cr Mark Ridgeway (Deputy Mayor) Cr Dominic Bonanno Cr Annette Death Cr Rob Guthrie Cr Geoff Neil Cr Janet Pearce Cr Bill West
	Apologies – Councillors	Cr Anne Moore
	Present – Officers	Angela Hughes Shane Walden John Hausler Sarah Noel Stephen Pykett Travis Harling Allison Watt Bob Elkington Rob Ball Leanne Khan Gary Randhawa Steve Skinner
	Presenters	Nick Byrne (REMPAN)
	Items discussed	<ul style="list-style-type: none"> • Review of Final Councillor Draft Documents Prior to Public Consultation on Draft Budget and Revenue and Rating Plan • Draft Economic Development Strategy 2021-2031 for Councillor Feedback • Planning matters: <ul style="list-style-type: none"> - Amendment C127 - PLN/2020/540 Bowen Street, Malmsbury • Road Management Plan
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	N/A Did they leave the meeting? N/A

Conflicts of interest declared by officers	<p>Sarah Noel declared a conflict of interest as she lives next door to one of the properties affected by amendment C127 and left the meeting at 12.45pm.</p> <p>Did they leave the meeting? Yes</p>
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4.	Date / Time	Type of Meeting
	Tuesday 11 May 2021 at 10.30am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	<p>Cr Jennifer Anderson (Mayor)</p> <p>Cr Mark Ridgeway (Deputy Mayor)</p> <p>Cr Dominic Bonanno</p> <p>Cr Annette Death</p> <p>Cr Rob Guthrie</p> <p>Cr Anne Moore</p> <p>Cr Geoff Neil</p> <p>Cr Janet Pearce</p> <p>Cr Bill West</p>
	Present – Officers	<p>Bernie O’Sullivan</p> <p>John Hausler</p> <p>Angela Hughes</p> <p>Shane Walden</p> <p>Sarah Noel</p> <p>Kate Young</p> <p>Allison Watt</p> <p>Rob Ball</p> <p>Leanne Khan</p> <p>Isobel Maginn</p> <p>Christo Crafford</p>
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Unscheduled Council Meeting Agenda Review • Delegations Framework, Policy and Procedures • Malmsbury – Private sponsored amendments • Planning matters: <ul style="list-style-type: none"> - Holgates Brewery - PLN/2020/540 Bowen Street, Malmsbury • 26 May Council Meeting agenda outline • Gisborne Futures – Response to submissions
	Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated that he would remove himself from the discussion on the Gisborne Futures Project because of a perceived apprehension of bias and left the meeting at 2.23pm.</p> <p>Did they leave the meeting? Yes</p> <p>Crs Anderson, West and Pearce declared a conflict of interest in item PE4 on the 26 May Council</p>

	<p>Meeting Agenda (Application for Planning Permit PLN/2020/159 – Use and development of the land for a dwelling and outbuilding (garage) – 1427 Rochford Road, Newham). The item was not discussed.</p> <p>Did they leave the meeting? No, because the matter was not discussed.</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

5.	Date / Time	Type of Meeting
	Wednesday 12 May 2021 7.00pm	Delegated Submitters Committee Meeting
		Agenda and minutes have been made publicly available on Council's website.

6.	Date / Time	Type of Meeting
	Tuesday 18 May 2021 at 9.48am	Councillor Briefing
	Venue	Gisborne Administration Centre
	Present – Councillors	<p>Cr Jennifer Anderson (Mayor)</p> <p>Cr Mark Ridgeway (Deputy Mayor)</p> <p>Cr Bill West</p> <p>Cr Janet Pearce</p> <p>Cr Geoff Neil</p> <p>Cr Rob Guthrie</p> <p>Cr Dominic Bonanno</p> <p>Cr Anne Moore</p>
	Apologies	Cr Janet Pearce
	Present – Officers	<p>Bernie O'Sullivan</p> <p>Shane Walden</p> <p>Angela Hughes</p> <p>Sarah Noel</p> <p>Allison Watt</p> <p>Rob Ball</p> <p>Michelle Wyatt</p> <p>Corey Ramsay</p> <p>Wendy LeBrocq</p> <p>Christo Crafford</p> <p>Leanne Khan</p> <p>Stephen Pykett</p> <p>Danielle Findlay</p> <p>Isobel Maginn</p>
	Presenters	Nil
	Items discussed	<ul style="list-style-type: none"> • Environment Strategy update

	<ul style="list-style-type: none"> • Customers, Communication and Engagement • Procurement Policy • Planning matters <ul style="list-style-type: none"> - PLN/2020/356 Station Road/Stern Way Gisborne - PLN/2020/441 – 28 Hill View Rise, Gisborne • Woodend Community Centre Master Plan and Business Case • Riddells Creek/Amess Road Workshop • Gisborne Futures
Conflicts of interest declared by Councillors and record of them leaving the meeting when the matter about which they declared the conflict of interest was discussed	<p>Cr Guthrie stated he would remove himself from the discussion on the Gisborne Futures Project because of a perceived apprehension of bias and left the meeting at 2.05pm</p> <p>Did they leave the meeting? Yes</p>
Conflicts of interest declared by officers	<p>N/A</p> <p>Did they leave the meeting? N/A</p>

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 PLANNING PERMIT PLN/2020/335 – USE AND DEVELOPMENT OF THE LAND FOR GARDEN SUPPLIES AND ALTERATION TO ACCESS TO A ROAD ZONE CATEGORY 1 – 136 MAIN ROAD, LANCEFIELD
Officer	Yousef Taibeh, Senior Statutory Planning Officer
Council Plan Relationship	Improve the built environment
Attachments	1. Statement of Planning Policy 2. Plans
Applicant	Stephan P Kosa & Associates Pty Ltd
Date of Receipt of Application	1 September 2020
Trigger for Report to Council	Councillor Call in

Purpose and Overview

It is proposed to use and develop the land at 136 Main Road, Lancefield for garden supplies and alteration to access to a Road Zone Category 1.

The application was advertised. One objection has been received to date.

Key issues to be considered relate to the impact of the proposal on the agricultural land and the genuine need for the proposed use on the land to enhance the agricultural production.

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

Recommendation

That Council issue a Notice of Refusal for the use and development of the land for garden supplies and alteration to access to a Road Zone Category 1 for the land at Lot 19 on PS 220532D P/Lancefield 136 Main Road, Lancefield VIC 3435, on the following grounds:

- 1. The proposal is contrary to the Planning Policy Framework, most importantly 14.01-1S and 14.01-2S as it will result in the removal of productive agricultural land from the agricultural base.**

2. **The proposal is contrary to Clause 21.07-1 of the Local Planning Policy Framework as it fails to demonstrate and provide adequate justification that it is required for or to support sustainable agricultural pursuits and it does not relate to the productive use of the land for agriculture and will impact the quality of agriculture land.**
3. **The proposal will introduce quarry materials and heavy vehicle movement to the site, which will potentially impact the soil and water quality for agricultural pursuits.**
4. **The proposal is contrary to the purposes and decision guidelines of the Farming Zone as it will exacerbate the fragmentation of existing farming land and holdings; remove land from agricultural use; and facilitate an opportunity of a non-agricultural use, that would be incompatible with and adversely affect the adjoining and nearby land uses for agriculture.**
5. **It is considered that the use of the land is not consistent with the MSS requirements in relation to protect agricultural land, facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.**
6. **There is no connection between the proposal and the farming activity on site therefore the proposal will not be supportive or ancillary to the agricultural use of the site.**
7. **The proposal will be located within close vicinity of residential zoned land resulting in detrimental amenity impacts including noise, dust, and traffic.**
8. **The car parking provided in association with the use is not compliant with Clause 52.06 (Car Parking) of Macedon Ranges Planning Scheme.**

Existing conditions and relevant history

Subject land

The subject site is located at the north-eastern edge of the Lancefield Township. It is a vacant lot, located over two titles, comprising a total of 35.07 hectares. The site has an irregular shape with a frontage of 214.44m along Main Road.

The site is used for general farming, providing for:

- Broad acre farming – Lucerne, pasture and hay making
- Cattle and sheep livestock
- Richmond Park Rural

Two seasonal waterways traverse the south-eastern portion of the property from south to north.

Surrounds

The allotment abutting the site to the north is within the same ownership as the subject site. It comprises 54 hectares in area and contains a dwelling and associated outbuildings. This site is also used as a garden supply business, which operates as 'Lancefield Garden Supplies.' This business has been operating for a number of years.

Main Road includes mature trees on the median strip and an asphalt sealed service road with kerb and channeling on the western side. The immediate abutting lot to the south is also in the Farming Zone. It is developed with an accommodation and associated outbuildings used by Karinya Home, a supported residential services facility for the residents with mental and physical disabilities. The rest of the Farming Zone to the north and east includes lots with relatively large areas.

Allotments to the south and directly opposite across Main Road are zoned General Residential, presenting smaller lot sizes. Lots further south and north-west are zoned Low Density Residential and the lots to the south-east are zoned Rural Living. The residential areas are generally characterised by single dwellings and associated outbuildings established in a rural township setting. One lot opposite to the site (No. 95 Main Road) is zoned as Commercial 2 Zone and is used for a concrete batching plant.

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

The title provided with the application shows that the property is not encumbered by any Covenants, Section 173 Agreements or any other restriction.

Previous planning permit history

The site has no previous planning permit history.

Proposal

It is proposed to use and development the land for Garden Supplies and alter access to a Road Zone Category 1. The site area for the proposed use will cover approximately 21% of the overall site area. The area dedicated for the proposal will be fenced with a 1.8 m high, post and wire fencing.

The garden supplies will be largely an open area with sheds and a number of concrete partitioned areas around the northern and eastern perimeters of the site. These areas (31 in total) will hold topping materials with each measuring 6m x 4.5m x 1m, comprising combination of concrete panels and blocks to separate the various materials to be offered.

No trees are proposed to be removed as part of the application. Hours of operation for the business will be Saturdays (8am to 2pm) or by appointment. The traffic flow will be predominately via small tipper undertaking deliveries. The facility is to be run as a family business with anticipated staffing of a maximum of two (2) people. The proposed buildings include a shipping container that has been fitted with roller doors to be used for material storage. Two metal sheds will located next to the southern boundary of the site north of Karinya Home which will accommodate the office/ lunchroom and storage.

Relevant Macedon Ranges Planning Scheme controls
Planning Policy Framework

Clause No.	Clause name
11	Settlement
11.03-3S	Peri-Urban Areas
14.01-1S	Protection of Agricultural Land
14.01-2S	Sustainable Agricultural Land Use
17	Economic Development

Local Planning Policy Framework

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

Zoning

Clause No.	Clause name
35.07	Farming Zone

Overlay

Clause No.	Clause name
43.01	Heritage Overlay (Schedule 64) A permit is not required under this overlay as the proposal is not located within the overlay area.

Particular Provisions

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

General Provisions

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

Cultural Heritage Management Plan assessment

	Assessment criteria	Assessment response
1	Is the subject property within an area of cultural heritage sensitivity as defined within the cultural heritage sensitivity mapping or as	No

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

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

The process to date

Referral

Authority (Section 55)	Response
Department of Transport	No objection subject to conditions.

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

Advertising

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987. One objection has been received, raising the following concerns:

- Noise impacts from trucks and tippers potentially impacting amenity;
- Increased traffic on road;
- Potential Health impacts from dust (specifically silica dust);
- Potential disturbance in the neighbourhood due to noise impacts on the Karinya Home.

Officer assessment

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

The proposed use and development of the land for garden supplies is not in keeping with the purposes of the zone and is inconsistent with the objectives of both Planning and Local Policy. The information submitted with the application does not reasonably demonstrate the protection of the agricultural land, the economic benefit, and/or the proper amenity impact mitigation.

Planning Policy Framework

In both direct and indirect references, the Planning Policy Framework (PPF) strongly discourages fragmentation and loss of productive agricultural land. The policies seek to protect Victoria's agricultural base as an important component of the State's economy.

Throughout the PPF, preventing dispersed settlement in rural areas, limiting or reducing fragmentation of agricultural land, and discouraging incompatible land uses are the predominant themes in relation to agriculture.

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

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

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

Clause 17.01-1S Diversified economy, aims *"to strengthen and diversify the economy."* The relevant strategies associated with this objective also aim to:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*
- *Support rural economies to grow and diversify*

It is considered that insufficient information has been submitted with the application to justify the need for the use on site. The proposal does not relate to a genuine need to facilitate agriculture.

It is also considered that the proposal will not result in an economic benefit to balance out the negative impact as it will not result in increasing employment in the area or promote businesses.

Local Planning Policy Framework

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

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

The “Strategic Framework Plan” associated with this clause identifies the site as an area for high quality agricultural land. Development in these areas should not prejudice the agricultural activities because they contribute to the character and economy of the Shire.

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

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

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

Various strategies associated with these objectives generally encourage the use and management of land for agriculture, discourage conversions of productive agricultural land to non-productive purposes, ensure new development relates to the productive use of the land and ensure any use of the land for other activities is secondary or ancillary to the primary agricultural use of the land. Non-agricultural developments are generally discouraged unless it can be demonstrated it is required to facilitate or enhance the ongoing primary use of the land for productive, sustainable agriculture.

In *Plenty Investments Pty Ltd v Macedon Ranges SC* [2016] VCAT 864, Member Harty emphasised the importance of farm management plan and objectives specified under Clause 21.07-1 of the Macedon Ranges Planning Scheme where no farm plan was provided by commenting:

“The other issue relates to the timing of producing a whole farm plan/land management plan. No such plan formed part of what was presented to me as information that would demonstrate the ongoing primary use of the land for productive sustainable agriculture as an outcome of the proposed subdivision. Both Mr Phillips and Mr Morris suggested and sought a requirement for such by way of permit conditions on any permit that might be granted. I note that Clause 21.07-1 includes requirements for applications relevant to a subdivision as proposed for the following:

An application to use or develop land must be accompanied by the following information, as appropriate:

A report that comprehensively justifies the proposed development is required for the continuation or enhancement of the agricultural use of the land. This justification must include how the land is to be used for sustainable, productive agriculture, including details of the proposed stock or crop, stocking rates, type and location of fencing, paddock rotations, pasture species, weed control and other management activities, as appropriate.

A ‘whole farm plan’. This plan must demonstrate how the land is to support sustainable agriculture as the primary land use. The plan must include such initiatives as fencing that relates to land units, fencing of remnant vegetation, fencing of gullies and waterways, revegetation of hill tops, gullies and waterways, revegetation of areas prone to erosion and revegetation of areas prone to groundwater discharge, as appropriate.

The above application requirements were not provided. Given the above, I am unable to make considerations as to how well the proposed lots would result in sustainable or more efficient land management. I find this is a failure of the proposal and strikes as an element that indicates the proposal fails to satisfy the policy objective.”

No farm plan has been provided to demonstrate that proposal is required to enhance the agricultural use of the land. It will result in a non-agricultural use which is contrary to the objectives of Clause 21.07. It is not considered that it has been demonstrated that the agricultural outcome would improve on the site.

Both Planning and Local planning policies emphasise the importance of preserving and maintaining agricultural productivity and viability of rural areas. The subject land is located outside the established townships, at the periphery of Lancefield. It is in an area consisting of rural allotments, with lots east and north of the site mainly utilised for various agricultural purposes.

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

Farming Zone

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

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

- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

The garden supplies land use will result in loss of productive agricultural land. The subject lot is part of a larger site including an abutting 54 hectares lot to the north. The land holding includes an existing dwelling and is already sustaining an ongoing agricultural operations in the form of broad-acre farming (Lucerne, pasture and oaten hay making) and Cattle and sheep livestock. The proposed use does not relate to the ongoing agricultural use on the land and will result in loss of agricultural land as it will result in cutting an area of 130m by 56m from the agricultural use.

As discussed above, no farm plan has been submitted to ascertain that the use is required to support an agricultural use. The decision guidelines of the zone states that any use and development should demonstrate how it is going to support the agricultural use. No such justification has been provided to demonstrate how it will result or enhance the agricultural capability of the land.

The frequent access of the site with heavy vehicles and the surface storage of quarry materials is anticipated to significantly impact the quality of the land and its suitability for future agricultural uses. The proposed use will result in an irreversible damage to an otherwise productive agricultural land.

Karinya Home is located to the south of the subject site, which is a supported residential services facility for the residents with mental and physical disabilities. The existence and operation of the proposed garden supplies land use is expected to have detrimental impacts on the amenity and, potentially the health, of the Karinya Home residents. This includes noise impacts from vehicle movements, loading, and unloading activities.

Bringing the facility next to the street as proposed, may provide better access; however, it will make the land use more visible from the street and the surrounding properties. It is not considered that the presentation and image of the buildings and works will relate to the rural character of the area. With the high metal mesh fencing and the vast dirt surfaces, the proposal will have an industrial feel, which is better suited in such zoning area.

For the reasons discussed above, the proposal would further fragment the agricultural landscape character; impinge the opportunity to use this land for more productive, sustainable agriculture and eventually have an adverse impact on use of the land for agriculture.

Car parking

In accordance with Clause 52.06 of the Planning Scheme, ten percentage of the area proposed to be used for the garden supplies is to be set aside for car parking. The application shows that a gravel surfaced car park is to be provided at the front of the site, but does not show the area of the carpark.

Land adjacent to a Road Zone, Category 1

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

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

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

It is considered that this application does not demonstrate that the proposal will be able to preserve the productive agricultural land and to protect the amenity of the neighbours and that the application should be refused.

PE.2	APPLICATION FOR PLANNING PERMIT PLN/2020/421 – SUBDIVISION OF THE LAND INTO TWO (2) LOTS – 5 SUSANNE COURT, ROMSEY
Officer	Awais Sadiq – Coordinator Statutory Planning
Council Plan Relationship	Improve the Built Environment
Attachments	1. Locality plan 2. Plan of subdivision 3. Statement of Planning Policy
Applicant	Chris Smith & Associates (Lucy Lingard-Smith)
Date of Receipt of Application	20 October 2021
Trigger for Report to Council	Councillor call-in

Purpose and Overview

It is proposed to subdivide the land into two (2) lots. The proposed Lot 1 will be irregular in shape having a total area of 1,299m² and Lot 2 will have a battle-axe layout having a total area of 1741m².

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

Key issues to be considered relate to the impact of the proposal on the neighborhood character of the area in relation to the lot design/size and vegetation impact.

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

Recommendation

That Council:

Issue a Notice of Refusal to Grant a Permit for the Subdivision of the Land into Two (2) Lots at Lot 14 LP118592 P/Monegeetta 5 Susanne Court, Romsey on the following grounds:

- 1. The proposal is contrary to Clause 15.01-5S of the Planning Policy Framework of the Macedon Ranges Planning Scheme, as it does not protect neighbourhood character and sense of place by resulting in lot sizes that are inconsistent with the area.**

2. **The proposal is inconsistent with Clause 21.08 and Clause 21.13-4 of the Local Planning Policy Framework, which seek to encourage development that respects the preferred character and defining attributes of the area.**
3. **The proposal does not comply with the Romsey Residential Character Study, April 2012.**
4. **The proposal is inconsistent with the decision guideline of Clause 22.05 as it will be unable to retain and protect the existing vegetation and character of the area.**
5. **The proposal is contrary to the purpose of the zone as it fails to respect the neighbourhood character of the area.**
6. **The proposal is contrary to the design objectives of Design and Development Overlay (Schedule 18) in relation to the character and landscaping for the Established Area A Precinct.**
7. **The proposal does not meet the following objectives and standards of Clause 56 of the Macedon Ranges Planning Scheme:**
 - **Standard C6 – Neighbourhood character objective;**
 - **Standard C8 - Lot area and building envelopes objective.**
8. **The proposal contradicts the decision guidelines of Clause 65 of the Macedon Ranges Planning Scheme due to:**
 - **Inappropriate pattern of subdivision;**
 - **Excessive density;**
 - **Negative amenity impacts due to lack of respect of neighbourhood character.**

Existing conditions and relevant history

Subject land

The subject site is located on the southern side of Susanne Court, approximately 780 metres south-east from the intersection of Barry Street and Melbourne-Lancefield Road, the main intersection within Romsey Township.

The site is trapezoidal in shape and holds a centralised single storey brick dwelling with 18m front setback and along with a number of associated outbuildings within the lot. The site also includes existing vegetation along the front boundary and within the rear garden in addition to screen planting along the western (common) boundary. The site is generally flat with access provided by two (2) separate all-weather crossovers.

Surrounds

The surrounding properties within the court are all developed with single dwellings along with associated outbuildings. The neighbouring properties to the south are relatively smaller and are mostly developed with single dwellings with associated outbuildings.

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

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

Previous planning permit history

The site has no relevant planning permit history.

Proposal

It is proposed to subdivide the land into two (2) lots. The proposed Lot 1 (front lot) will be irregular in shape having a total area of 1,299m² with 31.9m frontage along Susanne Court and 37.6m depth. Lot 2 will have a battle-axe layout having a total area of 1741m² including around 36m deep shaft of 8m width. The depth of Lot 2 excluding the shaft is 29.9m, while the maximum length of the lot is 50m (along the rear boundary).

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

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

Local Planning Policy Framework

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

Zoning

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

Overlay

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

Particular Provisions

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

General Provisions

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

Cultural Heritage Management Plan assessment

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

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

The process to date

Referral

Authority (Section 55)	Response
Nil	
Authority (Section 52)	Response
MRSC Engineering	No objection subject to conditions.
Melbourne Water	No objection subject to conditions.

Advertising

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

In summary, the objectors raise the following concerns:

- Traffic;
- Noise and dirt on a poor conditioned road;
- Surface and stormwater drainage;
- Changing the nature of the peaceful and safe court that doesn't have established sidewalks;
- Contrary to neighbourhood character;
- Creating a precedent within the court, where future subdivision will follow and the court character would be lost;
- Potential increase to risk of theft and accordingly increased insurance premiums;
- Potential complaint from future residents on the ongoing activities on neighbouring lots.

Officer assessment

Planning and Local Policies seek to protect the built environment by allowing development that is consistent with the character of the area. This objective is reiterated in the purpose of the General Residential Zone and under Clause 56. The subdivision is not in keeping with the neighbourhood character of the area and will result in lot sizes that are not consistent with the lot sizes in the immediate area.

Planning Policy Framework

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

Clause 15 Built Environment and Heritage states the following:

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

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

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

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

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

The policies place emphasis on the need for new development to respond to the urban character and natural features, in order to maintain the attractiveness and amenity of towns. The development is not considered to respond appropriately in terms of either the existing or preferred neighbourhood character for this site as it will result in residential lots which is not consistent with the lot sizes in the area. No appropriate consideration has been given of the existing neighbourhood character, in terms of density, lot size and lot layout.

Overall, the proposal does not achieve a balance in the two fundamental components of the Planning Policy Framework whereby the dominant aspect of the proposal is for providing infill development which lacks an element of respect for the existing neighbourhood amenity, character and built form.

Specifically, the lot layout has not factored in high quality urban design in terms of landscaping and open spaces internal to the site.

Local Planning Policy Framework

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

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

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

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

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

- *Strategy 2.1 Encourage new extensions to residential areas to reflect existing street patterns and sub-division layouts and to harmonise with the surrounding environment.*
- *Strategy 2.2 Encourage development that respects the distinctive character and defining attributes of each settlement.*
- *Strategy 2.4 Identify appropriate locations for higher density urban development in town centre structure plans and outline development plans that do not detrimentally affect the heritage values, preferred neighbourhood character or landscape character of the Shire's towns.*
- *To ensure development and built form occurs in a sustainable manner (Clause 21.08-3 – Objective 3)*
- *To provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference (Clause 21.09-1 – Objective 1)*
- *To ensure housing development is considerate of its environment and local servicing capacities (Clause 21.09-1 – Objective 2).*

In terms of neighbourhood character, the local planning policy aims to promote development that respects, protects and enhances the rural character and high landscape values of the municipality. There is clear direction within the local policy for new development to respect existing character. The policy also seeks to ensure development occurs sustainably.

The proposal lacks design consideration reinforced within the local policy framework in terms of landscaping, future built form outcomes (inclusive of reduced dwelling spacing) and reduced open space to respect the established character and low density setting of the area.

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

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

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

Relevant strategy to achieve this objective is:

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

Relevant strategy to achieve this objective is:

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

The subject site is located within Established Area A as per the Romsey Residential Character Study, Design Guidelines April 2012 which aim to achieve following character for this area:

“This will be an area of limited change. New housing and lot size will generally reflect the existing character identified by the relevant character precinct, with a predominance of single storey building form. The subdivision of land within the established area A will be of generous dimensions and proportions to allow future buildings to reflect existing patterns of development (i.e. detached dwellings with substantial setbacks from boundaries and generous garden settings). Medium density infill development will not be encouraged, but where it occurs it will be well designed and accommodate generous setbacks from all boundaries, with buildings sited within generous garden settings. The sense of spaciousness and strong landscape character of Romsey’s established area A will remain as the most important elements of the preferred character.”

The proposed subdivision will not be able to achieve the preferred character as the subdivision will result in a battle axe lot to the rear which fails to reflect the existing pattern. The proposal will therefore contrary to the guidelines which are referenced under Clause 21.13-4. All the immediate surrounding lots along the court are greater than 3000m² (with the exception of 9A and 9B Susanne Court) comprising single dwellings with appropriate setbacks from the side and rear boundaries in a garden setting. Lot 2 will have future dwelling with limited landscaping options which is also a significant part of the character of the area.

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

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

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

Policy 22.05 of the LPPF relates to Battle Axe Allotments within General Residential Zone and is therefore directly relevant in regards to this application. On balance it is considered that the subdivision in general complies with the relevant standards of the clause. An 8m wide driveway shaft has been shown for Lot 2, which will provide for landscaping on both sides of the driveway.

It is however noted that one of the objective under this policy is *“to ensure that the spacing of access ways is compatible with the neighbourhood character.”* The proposal will be contrary to this objective as the surrounding area comprises wider lot frontages with adequate accessways. There is furthermore a tree located where the accessway has been proposed and the proposed accessway for Lot 2 will impact the tree which is contrary to the decision guidelines of this policy.

Clause 32.08 General Residential Zone (Schedule 1)

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

It is considered that the proposal has not been designed in a way that considers the character of the area in vicinity to the development and therefore will result in an overdevelopment of the site.

The proposal does achieve a mix of housing options available and allows for growth in the residential zone and suitable due to available service connections. Despite these attributes, the proposal lacks consideration as discussed above to the foremost purpose statement of the zone *“to encourage development that respects the neighbourhood character of the area.”* The proposal does not successfully offer a design and layout reflective of the existing built form, lot size and landscaping. Whilst the proposal itself does generally comply with prescriptive requirements set out in zone, there are a combined amount of inconsistencies. The key failing of the proposal is neighbourhood character which has not been considered to the full extent.

Design and Development Overlay Schedule 18 (DDO18)

A permit is required to subdivide land within DDO18. This overlay seeks to encourage design which reflects the valued character attributes of Romsey, which broadly consists of low scale dwellings with generous setbacks from front, rear and side setbacks, a dominance of landscaping and either low or no front fencing. It further seeks to protect residential amenity by ensuring development does not intrude on neighbouring dwellings and to ensure any fencing sited forward of a building is of a low height and accommodates a high degree of visual permeability. The subject site is located within the Established Area A precinct of Romsey.

DDO18 sets out further requirements in addition to the requirements of the General Residential Zone and clause 56. DDO18 also requires the following within the Established Area A precinct:

- The proposed Lot 2 (vacant lot) is greater than 1200m² and meets the minimum lot size required by the DDO18, however the lot layout in the form of battle-axe is not consistent with the lot design in the immediate area.
- Lot frontages will not reflect the existing lot patterns and configurations as the existing lots along the street have wide frontages whereas the proposal would result in a lot frontage of 8.1m for Lot 2.
- The building envelope has been shown for Lot 2 however the size of building envelope is large and covers almost the entire lot (apart from access) resulting in limited landscape opportunities, contrary to the landscaping design objectives of this overlay, which seek to avoid excessive hard surfaces and encourage buildings to be accompanied by substantial landscaping.
- The anticipated outcome is not considered to be in keeping with the area, with regard to density, bulk and character comprising larger lots with single dwellings in garden setting. It is noted that proposed Lot 2 has some vegetation which will be removed to facilitate any future development. The existing vegetation forms

part of the character of the area as the lots along the street are reasonably vegetated and removal of vegetation on the site would result in impact on the character.

Development Contribution Plans Overlay Schedule 1 (DCPO1)

If a planning permit is issued for this subdivision, a condition should be imposed on the permit requiring the land owner to enter into a Section 173 agreement to ensure payment of the DCPO1 levy prior to the construction of dwelling on Lot 2. The fee for each new dwelling is \$971.82.

Clause 53.01 Public Open Space Contribution and Subdivision

In this instance, a public open space contribution would not be required to be made for the proposed two lot subdivision. This is because if a permit was to be granted for this subdivision, it is unlikely that either of the new lots could be further subdivided due to the requirements of the Design and Development Overlay Schedule 18 – Established Area A precinct (1200m² minimum lot size).

Clause 56 Residential Subdivision

The accompanying subdivision application is considered to not comply with all the objectives and standards outlined in the Clause 56 assessment.

The design does not comply with the following standard of Clause 56:

- Standard C6 – Neighbourhood character objective
- Standard C8 - Lot area and building envelopes objective

The application's compliance with the relevant standards and objectives of this Clause for two lot subdivisions are discussed below.

(Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.6 are applicable to 2 lot subdivisions.)

Clause 56.03-5 Neighbourhood Character

The proposed subdivision is considered to be inconsistent with the existing pattern of development and will impact on the existing and preferred neighbourhood character. The proposed subdivision is not considered to respond to the surrounding urban environment, which mostly comprises large lots along Susanne Court with an average lot size of approximately 3000m² in the immediate area comprising single dwellings. For the reasons stated above, the proposed subdivision may set an undesirable precedent and undermine local character. This objective is therefore not considered to be met.

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

Relevant VCAT Decisions

The Tribunal highlights the significance of neighbourhood character by reinforcing that development should respect the character of the area in a number VCAT cases. The significance of backyard character is specifically and consistently highlighted in the following cases:

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

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

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

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

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

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

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

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

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

Clause 56.04 Lot Design

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

The subdivision will provide two varying lot sizes, with Lot 1 to contain the existing dwelling and Lot 2 being vacant with no development proposed as part of this application. Standard C8 seeks that lot dimensions and building envelopes should protect significant vegetation. The building envelope has been shown for vacant Lot 2 which would result in removal of vegetation on the land which contributes to the character of the area.

Servicing infrastructure such as reticulated sewerage will be easily available for connection as the site is within established residential area. The lots will have appropriate solar access, as well as providing for good solar access. There are no common areas being proposed as part of this subdivision.

Clause 56.06-8 Lot Access

The subject site is located within an area where allotments are of a low density size. The site is within the Romsey Township and is in proximity to the town centre. Both lots will have direct access from abutting road and is considered appropriate with regard to access and mobility.

Clause 56.07 Integrated Water Management

Reticulated water and sewerage will be provided to lots in accordance with the requirements of the relevant water authority. Lot 1 is already connected to all available services as it contains an existing dwelling. The additional lot can be supported by appropriate infrastructure, and the application was reviewed by MRSC Engineering Department to confirm this.

Clause 56.08 Site Management

Clause 56.08-1 relates to the protection of the surrounding area from contamination and damage through the construction phase. The subdivision is minor in nature and will necessitate minimal works as the land is relatively flat with no cut and fill required. As such it is considered that there will be no unreasonable impact from the subdivision in this regard satisfying Standard C26.

MRSC Engineering Unit has included conditions for engineering plans and subdivision to be done in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).

Clause 56.09 Utilities

The subdivision is located where existing services are provided such that there need be no constraint to timely connection of services. There is no opportunity to control the manner in which these facilities are provided insofar as the road reserve areas are already established so the objective is seen to be met.

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

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

PE.3	APPLICATION FOR PLANNING PERMIT PLN/2020/159 – USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND OUTBUILDING (GARAGE) – 1427 ROCHFORD ROAD, NEWHAM VIC 3442
Officer	Anthony McBride, Statutory Planning Officer
Council Plan Relationship	Improve the built environment
Attachments	1. Locality – Aerial Photo 2. Development Plans 3. Planning Report 4. Bushfire Management Plan 5. Statement of Planning Policy Assessment
Applicant	Tomkinson Group (A & J Nicolas)
Date of Receipt of Application	30 April 2020
Trigger for Report to Council	Councillor Call-In

Purpose and Overview

The application proposes the use and development of the land for single storey dwelling and an ancillary outbuilding (garage).

The application was advertised and two (2) objections were received.

Key issues to be considered relate to the principle of a dwelling within the Rural Conservation Zone, design and built form, rural and natural landscape values, environmental impacts and risk, and natural resource management.

The application has been assessed against the Macedon Ranges Planning Scheme and is considered appropriate. It is recommended that a Notice of Decision to grant a planning permit issue subject to conditions.

Recommendation

That a Notice of Decision to grant a planning permit is issued for use and development of the land for a dwelling at 1427 Rochford Road, NEWHAM subject to the following conditions:

- 1. Prior to the commencement of the approved development, copies of amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form**

part of this permit. The plans must be generally in accordance with the plans received and advertised but modified to show:

- (a) Details of the materials and colour finishes of water tanks utilising suitably muted and natural colour finishes to the satisfaction of the Responsible Authority.
 - (b) The driveway maintenance agreement required by MRSC Engineering Condition 10.
 - (c) Works on waterways consent from North Central Catchment Management Authority for the driveway alignment to cross designated waterways within the subject land.
2. The development and use allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason, unless with the prior written consent of the Responsible Authority.
3. Prior to the commencement of the approved development, the owners 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) All requirements and recommendations of the approved Land Management Plan endorsed as part of Planning Permit PLN/2020/159 must be implemented on an ongoing basis to the satisfaction of the Responsible Authority.

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

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

4. Prior to the occupation of the approved dwelling, the following buildings and works must be provided to the satisfaction of the Responsible Authority:
- (a) The provision of all-weather vehicle access from Highland Lane to the approved dwelling in accordance with the endorsed plans and incorporating adequate firefighting vehicle access requirements.
 - (b) The provision of an adequate water supply (rainwater tanks or reticulated water supply) for potable domestic use and firefighting purposes.
 - (c) Connection to reticulated electricity supply or an alternative energy source.
5. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.

6. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority. All external lighting for the approved dwelling and any ancillary buildings and works must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
7. The outbuilding hereby permitted shall not be used as a dwelling, as defined by the Macedon Ranges Planning Scheme, to the satisfaction of the Responsible Authority.

MRSC Environment Unit Condition

8. Prior to 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 star pickets and paraweb or similar, to the satisfaction of the responsible authority. The protection fence must remain in place until all 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.

MRSC Engineering Unit Conditions

9. Before the development commences an owner’s agreement with the owner of 25 Highland Lane for the common driveway maintenance must be submitted to and approved by the responsible authority.
10. 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 Council land to a stormwater drain.
 - (d) Opening, altering or repairing a Council road.
 - (e) Opening, altering or repairing a Council drain.

- (f) Accessing a building site from a point other than a crossover.
 - (g) Construct/repair/widen/remove any crossover.
11. Storm water runoff from the dwelling must be dissipated as normal un-concentrated overland flow clear of property boundaries and buildings in adjacent properties.
 12. 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 works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority.
 13. Prior to the commencement of use, potable water supply with a storage capacity of at least 10,000 litres must be provided to the dwelling for fire-fighting purposes to the satisfaction of the Responsible Authority.
 14. Prior to the commencement of use, the driveway to the dwelling must be constructed to meet the following requirements to the satisfaction of the Responsible Authority:
 - (a) The driveway, including any waterway crossing, must be constructed to a standard so that it is accessible in all weather conditions and be capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - (b) The driveway must have a minimum trafficable width of 3.5m, be clear of encroachments 4 metres vertically and have no obstructions within 0.5m either side of the formed width of the driveway.
 - (c) Curves must have a minimum inner radius of 10 metres.
 - (d) The average grade must be no more than 1 in 7 with a maximum of no more than 1 in 5 for no more than 50 metres.
 - (e) Dips must have no more than a 1 in 8 entry and exit angle.

MRSC Health Unit Conditions

15. Due to the site constraints and soil profile, as identified in the Land Capability Assessment (LCA) by Edwards Environmental, report v. 3 dated October 2020, all wastewater from the dwelling must be treated to a secondary standard of at least 20mg/L BOD and 30mg/L suspended solids and disposed of via pressure compensating subsurface irrigation.
16. The design, construction, sizing and siting of the treatment system and effluent irrigation lines must be in accordance with the requirements and recommendations of the LCA.
17. The wastewater disposal area must be located at least 100 metres from any potable waterways and 60 metres from any dams/non-potable waterways - these set-backs may be reduced by 50% if the effluent is treated to a secondary standard and a service contract is in place. Furthermore, the disposal area must be located 40 metres from any drainage lines and 20 metres from any bores.

18. The wastewater disposal area is to be free of stock, horses, buildings, driveways and service trenching (fencing around the disposal area is recommended).
19. 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).

Country Fire Authority and Bushfire Management Overlay Mandatory Conditions

20. The Bushfire Management Plan (Drawing No: 1156601-BMP (Rev C), dated 13/2/2020) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
21. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Goulburn Murray Water

22. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). 2. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
23. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
24. The wastewater disposal area must be located in accordance with the site plan prepared by Tomkinson Group (11566.1 – DRP, Rev 3).
25. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a minimum 3 bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.

26. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
27. No buildings are to be located within 30m of any waterways or dams on waterways.

Powercor Condition

28. 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).
Note: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

29. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.

30. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Note: To apply for a permit to work go to our website: <https://customer.portal.powercor.com.au/mysupply/CIWQuickCalculator> and apply on line through the No Go Zone Assessment.

Note:

- *It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link:
<https://customer.portal.powercor.com.au/mysupply/CIWQuickCalculator>*

Expiry of Permit – Use and Development

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Permit Notes:

- ***Future owners of the land must be made aware of the existence of this permit.***
- ***Removal, destruction or lopping of vegetation (whether native or non-native vegetation) is not permitted by this permit. Any removal, destruction or lopping of vegetation may be subject to planning permit under the provisions of the Macedon Ranges Planning Scheme. Please inquire with Council's Statutory Planning Unit in respect to any planning permit requirements for any vegetation removal.***

Existing conditions and relevant history

Subject land

The subject site is located on the western side of an unmade portion of Highland Lane approximately 1.4 kilometres south of Newham. The site is approximately 210 metres to the north of the Hanging Rock Reserve with views to and from the summit of Hanging Rock. The site is rectangular in shape and is 2.4 hectares in size. The property has a road frontage to Highland Lane which contains a driveway shared by a number of properties.

The site is currently vacant with the exception of a small shelter located in the central area of the southern boundary. It is relatively level and moderately vegetated with a concentration of native canopy trees and shrubs on the northern half of the lot. The eastern and western areas of the site also contain a significant extent of native vegetation. The site includes a dam located toward the north-west and a waterway that extends across the site from east to west. An overhead powerline runs through the cleared areas of the site along a parallel alignment approximately 25 metres north of the southern boundary.

Surrounds

The surrounding properties vary in size with lots ranging between 1.3 hectares to 5 hectares. The majority of properties in proximity to the site have been developed with single dwellings and associated outbuildings. Many properties nearby include areas of native vegetation, while others including small scale agricultural uses including wineries and other cropping, as well as animal keeping. Dwellings on the adjacent properties to the south are located within 40 metres from the southern boundary of the application site.

The nearby property at 71 Colwells Lane is currently vacant but has been granted planning approval for the construction of a dwelling. Beyond the immediate surrounds, larger properties with single dwellings and moderate agricultural uses on relatively cleared land is evident. As noted above, Hanging Rock is located in close proximity to the subject land with some locations on that landscape feature incorporating views toward the site.

Registered restrictive covenants and/or Section 173 Agreements affecting the site
No restrictive covenants or Section 173 Agreements are registered on the title of the subject land.

Previous planning permit history

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

Permit No.	Description
PLN/2006/204/B	Request to Amend previously approved Plans
PLN/2006/204/A	Request to Amend previously approved Plans
PLN/2006/204	Dwelling and shed
PLN/2004/452	2 lot re-subdivision
PLN/2001/319	Dwelling

Proposal

It is proposed to construct a single storey, three (3) bedroom dwelling and associated outbuilding on the site.

The proposed dwelling is to be oriented to the north and located at a setback of 103m from the eastern boundary, 3.5m from the southern boundary, approximately 90m from the western boundary and approximately 81m from the northern boundary. The proposed dwelling is to have a maximum length of 23m and a maximum width of 13.78m with a total floor area of 218m². The proposed dwelling is to be contemporary in design with a skillion roof of maximum height of 4.3m. The materials for the proposed dwelling include wall cladding with a combination of Cemintel 'Barestone', Colorbond 'Monument' and natural finished spotted gum with roofing of Colorbond 'Windspray'.

Access to the proposed dwelling is to include the extension of the private accessway within the Highland Lane road reserve with a driveway aligned to minimise vegetation impacts.

The proposed outbuilding is to be located to the east of the dwelling with setbacks of approximately 61m from the eastern boundary, 6m from the southern boundary, 140m from the western boundary and 87m from the northern boundary. The proposed outbuilding is to have a length of 14m and a width of 7m with a total floor area of 98m² and a total height of 4.08m to roof pitch. The proposed outbuilding is to be clad in Colorbond of 'Monument' colouring.

The proposal includes primary wastewater field to the immediate east of the dwelling and a secondary wastewater field to be the immediate north of the dwelling with a total area of 600m².

Relevant Macedon Ranges Planning Scheme controls

Planning Policy Framework

Clause No.	Clause name
11.03-3S	Peri-Urban Areas
12.01	Biodiversity

12.03	Water bodies and wetlands
12.05	Significant Environments and Landscapes
13.02	Bushfire
14.02	Water
16.01-5S	Rural Residential Development

Local Planning Policy Framework

Clause No.	Clause name
21	Municipal Strategic Statement
21.03	Vision – Strategic Framework Plan
21.04	Settlement
21.05	Environment and Landscape Values
21.06-3	Bushfire
21.07-3	Water
21.09-2	Rural Residential
21.13-7	Mount Macedon
22.01	Macedon Ranges and Surrounds

Zoning

Clause No.	Clause name
35.06	Rural Conservation Zone (Schedule 1)

Overlay

Clause No.	Clause name
42.01	Environmental Significance Overlay (Schedule 4)
42.02	Vegetation Protection Overlay (Schedule 9)
42.03	Significant Landscape Overlay (Schedule 1)
44.06	Bushfire Management Overlay

Particular Provisions

Clause No.	Clause name
52.17	Native Vegetation
53.02	Bushfire Planning

General Provisions

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

Cultural Heritage Management Plan assessment

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

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

Referral

Authority (Section 55)	Response
Goulburn Murray Water	No objection subject to seven (7) conditions

Authority (Section 52)	Response
MRSC Engineering	No objection subject to six (6) conditions
MRSC Environment	No objection subsection to one (1) condition
MRSC Health	No objection subject to five (5) conditions
Country Fire Authority	No objection subsection to one (1) condition
Powercor Bendigo	No objection subject to four (4) conditions

Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised with a sign on site facing Highland Lane and notice letters were sent to the following owner/occupiers of surrounding properties. Two (2) objections were received.

A summary of the objections raised, and the officer's response to the objection, is detailed later in this report. **Officer assessment**

Planning Policy Framework and Local Planning Policy Framework

The relevant policies aim to manage land use and development in rural areas to protect agricultural farmland, environmentally significant landscapes (such as the Macedon Ranges), water catchments and biodiversity, while managing and minimising environmental risks, such as bushfire. The proposal is considered to accord with these policies, as will be discussed further below.

Clause 12 of the PPF *‘seeks to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.’* In this instance it is considered that the proposal will result in an outcome which improves that site from a biodiversity and native vegetation management perspective through the implementation of a land management plan.

Clause 14 seeks for the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Clause 16.01-5S 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 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 following vision:

- *The Shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.*

- *Protection of water quality, especially potable water supply, is fundamental. Land use and development, particularly un-serviced 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.*
- *Development complements the nature and character of the rural landscapes of the Shire. Landscapes, in particular the landscapes around Mount Macedon and Woodend, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the Shire.*

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 maintain and enhance the existing rural landscapes (Clause 21.05-2 – Objective 1).*
- *To maintain and enhance the ranges, major hills and ridges as significant visual backdrops to the Shire (Clause 21.05-2 – Objective 4).*
- *To preserve significant exotic and native vegetation as a fundamental component of the Shire's character and landscape (Clause 21.05-2 – Objective 7).*
- *To prioritise fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk (Clause 21.06-3 – Objective 1).*
- *To ensure that where development opportunities already exist, development in rural areas and on the fringes of urban areas is sited and designed to minimise risk from bushfire (Clause 21.06-3 – Objective 1).*
- *To ensure land in rural areas is managed in a sustainable manner to improve the condition of the environment (Clause 21.07-2 – Objective 1).*
- *To retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater (Clause 21.07-3 – Objective 1).*

Clause 21.09-2 seeks 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 also highlights that the Rural Conservation Zone is applied in areas of high conservation value to encourage use and development of the land that is consistent with sustainable land management practices.

Policy 22.01 (Macedon Ranges and Surrounds) requires that “*protection and utilisation of the resources of the policy area for water supply, tourism and recreation, and nature conservation must be the primary concern*” and “*all development in proclaimed water catchment areas and in elevated areas must be strictly limited and regulated to protect water quality, and maintain natural systems and landscape character.*”

The basis for these policies is *“the importance of the water resources of the policy area to urban and local water supply systems, together with the sensitive relationship between land use in water catchments and the quality of water produced from them.”*

It is considered that the development of the land for a dwelling will not adversely impact upon the environmental and landscape values of the area, with the siting and design of the proposal taking into consideration the constraints of the sites such as vegetation and visual impacts.

Overall it is deemed that the proposal is in accordance with the PPF and LPPF. The development of this site will be in keeping with the policies and maintaining the character of the area, and the proposal will significantly enhance the native vegetation on site and will not impact landscape values.

Clause 35.06 - Rural Conservation Zone Schedule 1 (RCZ1)

The application site is located within the RCZ1. The purpose of this zone, as outlined in the planning scheme, includes the conservation of native vegetation, water quality, flora and fauna and significant landscape values and to achieve sustainable agricultural practice. The RCZ1 provisions specify a number of matters for consideration in making decisions on planning permits in this zone.

A permit is required under this zone provision for the use and development of a dwelling, as well as for the construction of a building within 5 metres from a boundary, within 100 metres from a dwelling on adjacent properties, and within 100 metres from a waterway.

For a dwelling to be supported on land in this zone, the proposal must accord with the primary purpose of the zone being to ensure the protection and enhancement of environmental values of the land, as well as other matters outlined in the decision guidelines for this zone including rural, environmental, dwelling, and design and siting issues.

The subject land is relatively small in context of the standard 40 hectare minimum lot size within the RCZ1 provisions. However at 2.4 hectares in area, the land is generally consistent with the dimensions of surrounding properties, the majority of which have already been developed for residential occupation.

The site constraints, being areas subject to native vegetation as well as a waterway and wetland areas limit the potential development area to the cleared southern side of the site to avoid detrimental environmental impacts. The development of a dwelling and outbuilding within this area of the site would avoid removal of vegetation including any requirements for vegetation management required under the Bushfire Management Overlay applying to the site.

The proposed development would be appropriately set back from the waterway within the site. Consent would be required from North Central Catchment Management Authority in respect to the formalisation of driveway access within the site that would require approval for any waterway crossings. As discussed below, the proposal would avoid detrimental impacts to the Eppalock proclaimed catchment within which the site is located by the provision of adequate onsite effluent disposal.

The applicant has submitted a land management plan which includes recommendations for ongoing environmental management of the land including weed and pest control. A permit condition would require the land owner to enter into a Section 173 Agreement requiring ongoing compliance with the land management plan to ensure ongoing protection and enhancement of the conservation values of the land. The residential occupation of the land would facilitate environmental management that may not otherwise be achieved.

The siting, design and built form of the proposed dwelling and outbuilding is considered acceptable and not seen to be as visually intrusive to neighbouring properties, scenic views and landscape character of the locality. Although the dwelling would be located close to the southern boundary, the single storey height of the dwelling and the relatively low height of the outbuilding including shallow roof pitch would act to minimise the visual impact to surrounding properties. Vegetation within the site and surrounding properties would provide screening of the proposed buildings in the broader landscape.

In respect to the visibility of the proposed development from Hanging Rock, and with respect to the Significant Landscape Overlay provisions below, the proposed dwelling and outbuilding are relatively minimal in their dimensions, would be muted in colour finish and would be surrounded by vegetation for minimised visual impact. Other buildings in this locality are much larger and more visible than the proposed dwelling and outbuilding would be.

MRSC Engineers are supportive of the proposal subject to conditions relating to access (including agreement for shared management of the driveway within Highland Lane as well as firefighting vehicle access within the site), drainage, and water supply (both for potable water and firefighting supply). An additional permit condition would require the construction of access as well as the provision of water tanks and power supply prior to the occupation of the approved dwelling.

The proposal is suitably compliant with the purpose and provisions of the RCZ1.

Clause 42.01 – Environmental Significance Overlay (Schedule 4)

The land is affected by this overlay; the purpose of which is to identifying areas where the development of land may be affected by environmental constraints and ensuring that development is compatible with identified environmental values. Furthermore, Schedule 4 to this overlay ensures the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area.

As the proposal seeks to construct a dwelling which is not connected to reticulated sewerage, a permit is triggered for the development under this overlay. A referral to the relevant water authority is required pursuant to Clause 66.02-5. The application documentation includes a Land Capability Assessment demonstrating the adequacy of onsite effluent disposal for the proposed dwelling.

The proposal was referred to Goulburn Murray Water who provided no objection subject to conditions relating to effluent disposal. MRSC Environmental Health Unit is also satisfied with the recommendations of the Land Capability Assessment and has also provided permit conditions relating to effluent disposal. The Land Capability Assessment would be endorsed as part of an issuing planning permit.

Onsite effluent disposal as proposed would avoid detrimental impacts to the proclaimed water catchment, as would the avoidance of significant earthworks and vegetation removal. The proposal is appropriately compliant with the purpose and provisions of this overlay.

Clause 42.02 – Vegetation Protection Overlay Schedule 9 (VPO9)

The site is affected by this overlay, the purpose of which is to ensure the preservation of trees and other vegetation, recognition of vegetation protection areas as locations of special significance, natural beauty, interest and importance and the maintenance and enhancement of habitat and habitat corridors for indigenous fauna. VPO9 states its objective is to protect and enhance all remnant native vegetation for its role in biodiversity, natural resource management, and landscape and character.

The location of the proposed dwelling within a cleared area of the subject land avoids any potential removal of vegetation that might otherwise be required for defensible space management in accordance with the requirements of the Bushfire Management Overlay also applying to the subject land. The proposal therefore accords with the purpose and provisions of this overlay, which seeks to protect rather than remove native vegetation.

Clause 42.03 – Significant Landscape Overlay Schedule 1 (SLO1)

The site is subject to SLO1. The purpose of this overlay is to identify, conserve and enhance the character of significant landscape. The Schedule to this overlay is specifically for the mountain ranges and features of the Shire, with the site being in close proximity to Hanging Rock in particular.

A permit is required to construct a building or construct or carry out works. The decision guidelines for applications under this schedule include consideration of the format and siting of development for minimised visual impact, environmental impacts including vegetation and erosion and the need to provide landscape planting for visual screening.

The proposed buildings are relatively modest in their design and dimensions and would be clad with suitably muted and natural colour tones for visual recessing within this locality. The area in close proximity of the subject land is relatively level and in conjunction with the extent of native vegetation within the site and surrounding properties the development would be visually screened from the broader locality.

The minimal earthworks required for the development and avoidance of native vegetation impacts would also act to reduce the visual impact of the proposed buildings. The buildings would be somewhat visible from Hanging Rock but would avoid obtrusiveness by the combination of their minimised dimensions, muted colour tones and the proximity of vegetation within the immediate and broader locality.

A permit condition would require the submission of details for muted colour finishes for water tanks (details not shown on the submitted plans).

The proposal is appropriately responsive to the purpose and provisions of the Significant Landscape Overlay (SLO1) by ensuring that the proposed development would be visually recessive within this locality, particularly given the close proximity of Hanging Rock to the subject land.

Clause 44.06 - Bushfire Management Overlay (BMO) and Clause 53.02 (Bushfire Planning)

The land is subject to the BMO. The purpose of this overlay is to ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire. An application for a planning permit is triggered under this overlay for buildings and works associated with the use of the land as accommodation.

The application includes a Bushfire Management Plan as required by this overlay and which responds to the requirements of Clause 53.02 in respect to appropriate bushfire protection for the proposed development, being the designation of a defendable space area, firefighting water supply (water tanks including a minimum 10,000 litre supply solely for firefighting purposes) and firefighting vehicle access. The defendable space area for the proposed dwelling avoids vegetated areas of the site other than one isolated tree which the vegetation management provisions for defendable space permit to be retained. The avoidance of vegetation removal for bushfire safety requirements is consistent with other zone and overlay provisions applying to the site which seek to retain and protect vegetation.

The application was referred to the Country Fire Authority as required by Clause 66.03 who did not object, subject to a permit condition requiring the submitted Bushfire Management Plan to be endorsed as part of the planning permit, in addition to a standard condition required by the BMO that requires ongoing compliance with the endorsed Bushfire Management Plan.

The proposal is appropriately compliant with the purpose and provisions of the BMO.

Response to objections:

Concern	Response
Contrary to the purpose of the zone	The proposal is generally consistent with the purpose of the Rural Conservation Zone (RCZ1) by proposing a dwelling that is designed to minimise impacts on the environmental values of the land and will contribute to those values by ongoing active land management of land that is currently under managed.
Fails to minimise visual intrusion in accordance with the SLO.	The Significant Landscape Overlay (SLO1) does not prohibit development but rather provides a tool to manage the visual impact of development within the landscape. Existing built form is a common component of the landscape to the immediate

	north of Hanging Rock. The design of the proposed dwelling utilises natural features, provides articulated facades and is of low scale and bulk to obscure the visual presence of the proposal within the Hanging Rock surrounds.
Contrary to objective of Statement of Planning Policy.	The proposal accords with the Statement of Planning Policy by retaining native vegetation and rehabilitating the land, protecting water quality, designing the development to minimise visual impacts and providing development within an established area.
Minimal setback to southern boundary.	The minimal setback to the southern boundary is required to avoid impacts to native vegetation and on-site waterways on the balance of the site.
Location of wastewater envelope and potential impacts to watercourses and adjacent properties.	The proposed wastewater envelopes have been amended and thoroughly investigated by the MRSC Environmental Health Unit and Goulburn-Murray Water with the size and location of the wastewater envelopes deemed sufficient to manage wastewater treatment within the boundaries of the lot. The accurate location of the on-site waterway was determined during investigations and has been addressed in an amended LCA.
Amenity impacts including noise, lighting and privacy.	The proposed dwelling is to be oriented to the north with highlight windows from habitable rooms on the southern façade toward adjacent properties to the south. The alfresco area and large windows from habitable rooms are obscured by the L-shape of the proposed dwelling. A standard condition regarding the baffling of external lighting will be included on any permit granted.
Adverse impacts to Hanging Rock.	The impacts to Hanging Rock have been addressed above and overall the proposal is considered to provide benefits to the land with minimal visual impacts to the Hanging Rock surrounds.
Strategic direction states 'dispersed' dwellings.	The location of the proposed dwelling is considered to maintain the dispersal of dwellings with a setback of 60m to the nearest dwelling. As the site is the last vacant lot with no further subdivision of lots less than 40 hectares permitted, the dispersed nature of the dwellings within the area will remain.
Land prone to flooding.	The site does not include any data indicating flooding potential and no flooding overlays are included on the site. No flooding issues have been identified by the relevant water authorities or the MRSC Engineering Unit.
Concern regarding	The submitted Land Management Plan will be

implementation of Land Management Plan.	required to be registered on the title of the subject land to ensure on-going implementation.
Impacts to outlook from adjacent property.	The siting of the proposal on the large site minimises outlook impacts to neighbouring properties.
Proximity of proposal to powerline.	The application has been referred to Powercor and a response was received with no objection to the issue of permit subject to conditions.
Concern regarding potential for alternate design.	Any alternate dwelling design would be subject to an application to amend a permit and would be fully assessed in a similar manner to this application.

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 compliant with relevant policies and provisions of the Macedon Ranges Planning Scheme. The proposal is suitably responsive to planning scheme policies and provisions relating to settlement, built environment, environmental values, landscape, natural resource management, environmental risk, amenity, transport and infrastructure.

It is recommended that the proposal be supported and that Council resolve to issue a Notice of Decision to Grant a Planning Permit.

PE.4	EXPLORATION LICENCE APPLICATION EL007504 (BAYNTON)
Officer	Leanne Khan, Coordinator Strategic Planning
Council Plan Relationship	Relates to priority area: Protect the natural environment
Attachments	1. Exploration Licence Application overview & map 2. Council submission to Exploration Licence Application No. EL007504 (Baynton)

Purpose and Overview

The purpose of this report is to inform Council of a submission made to Earth Resources Regulation, regarding a notice of application for an exploration licence in the Baynton area.

Recommendation

That Council note the submission made to Earth Resources Regulation regarding Exploration Licence Application EL007504 (Baynton).

Background

Notice of an exploration licence application was made on 25 March 2021 by way of direct notification to Council. The application is being made by Currawong Resources Pty Ltd. The proposed exploration area includes areas of Baynton, Baynton East and Sidonia, as shown in Attachment One. It is a smaller subset of the exploration area proposed under Exploration Licence Application No. EL007260 (Lancefield), as outlined in the relevant report to the Scheduled Council Meeting of 16 September 2020. The current exploration area comprises the north-eastern portion of EL007260.

Under the *Mineral Resources (Sustainable Development) Act 1990*, objections or comments on the application were required to be submitted to Earth Resources Regulation within 21 days of publication of the notice (i.e. by 15 April 2021).

Due to the short timeframe it was necessary for Council officers to prepare and submit comments on the application prior to seeking Council's direction on this matter.

Context

The application proposes to give the licence holder rights to explore for minerals within the exploration area. If granted, the licence would not permit mining to occur, nor does it guarantee that a licence for mining would be granted in future.

Currawong Resources Pty Ltd is required to enter into agreements/obtain permission from private land holders before accessing privately owned land, as well as obtaining permission from the Department of Environment, Land, Water and Planning before accessing Crown land, and obtaining permission from Council before accessing any Council land, including roadsides.

The application is not being made to Council, nor is Council responsible for deciding the application. Council does have the right to make an objection or provide comments to Earth Resources Regulation regarding the application. Given the potential for impact on significant landscapes and biodiversity, it is considered prudent for Council to provide comment on the application.

It is important that Earth Resources Regulation, while assessing the application, is aware of the environmental and cultural sensitivity of the designated area.

Specifically:

- That Macedon Ranges has been declared a distinctive area and landscape under the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*.
- The Aboriginal cultural heritage value present in the proposed designated area.
- Council's adopted strategies, specifically the Biodiversity Strategy (2018) and Landscape Assessment Study (2019).

These considerations are outlined in greater detail in Council's submission (Attachment Two).

Consultation and Engagement

Given the short timeframe to prepare a response to the notice, the submission was based on information provided through previous Council consultations, including the Macedon Ranges Landscape Assessment Study 2019 and the Macedon Ranges Biodiversity Strategy 2018.

Strategic Alignment

This submission to Earth Resources Regulation aligns with priorities set out in the Council Plan 2017-2027:

Our Priorities: Protect the Natural Environment

- Address climate change mitigation, resilience and adaptation.
- Protect biodiversity.
- Enhance waterways and water catchment quality.

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Nil

Policy and Legislative Implications and Risks

This report relates to the endorsed Macedon Ranges Statement of Planning Policy 2019, Landscape Assessment Study 2019 and the Biodiversity Strategy 2018.

Charter of Human Rights Implications and Risks

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

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 officers have made a submission to Earth Resources Regulation regarding Exploration Licence Application EL007504 detailing concerns related to landscape, potential loss of high quality agricultural land, Aboriginal cultural heritage and environmental considerations.

PE.5	WATERWAY ENVIRONMENTAL WORKS PLANS – PORT PHILIP AND WESTERNPORT CATCHMENT
Officer	Krista Patterson-Majoor – Biodiversity Projects Officer
Council Plan Relationship	Protect the natural environment
Attachments	1: Strategic Environmental Works Plan for Council-managed Waterway reserves in the Port Phillip and Westernport Catchment 2: Environmental Management Plan for Bunjil and Howey Creeks

Purpose and Overview

Two strategic documents have been developed to help guide the future environmental management of Council managed waterways in the southern part of the shire which is within the Port Philip and Westernport catchment.

The *Strategic Environmental Works Plan for the Council-managed Waterway Reserves in the Port Phillip and Westernport Catchment* provides environmental management recommendations for 37 Council-managed waterway reserves. The *Environmental Management Plan for Bunjil and Howey Creeks* provides environmental management recommendations for Bunjil and Howey Creeks in Gisborne.

These two documents fulfil the function of asset management plans for these waterways, setting out a prioritised program of costed improvement works, mostly in the form of weed control and revegetation. This program of work will ensure Council, the community and Melbourne Water work together towards common goals and make the efficient and effective use of resources.

Implementation of the two plans, when this occurs, will contribute to climate change adaptation and mitigation by enhancing resilience of the natural environment through creation of habitat corridors while increasing carbon sequestration or “draw down”. These initiatives contribute to Council’s response to the climate emergency which Council acknowledged at its Scheduled Council Meeting on 24 March 2021.

Recommendation

That Council:

- 1. Adopts the *Strategic Environmental Works Plan for Council-managed Waterway reserves in the Port Phillip and Westernport Catchment* as per Attachment 1.**

2. **Adopts the *Environmental Management Plan for Bunjil and Howey Creeks* as per Attachment 2.**
 3. **Continues to work with Melbourne Water and the community in the implementation of these strategic plans which will be subject to available resources.**
-

Background

Council manages a range of waterway reserves across the shire which are highly valued for their environmental, amenity and recreation values.

The *Strategic Environmental Works Plan for the Council-managed Waterway Reserves in the Port Phillip and Westernport Catchment* and the *Environmental Management Plan for Bunjil and Howey Creeks* will help guide the future environmental management of Council managed waterways in the southern part of the shire which is within the Port Phillip and Westernport catchment.

The two plans provide direction for Council managed waterways only. They exclude waterways within larger bushland or conservation reserves which are the subject of separate environmental management plans or master plans such as Turitable Creek in Stanley Park and Five Mile Creek in Romsey.

Strategic Environmental Works Plan for Council-managed Waterway reserves in the Port Phillip and Westernport Catchment

In 2020 ecologist, Geordie Scott-Walker, undertook detailed ecological surveys across 37 reserves in the townships of Gisborne, Macedon, Riddells Creek and Romsey as well as Newham and Darraweit Guim. These assessments were used to prioritise environmental works along each waterway based on their condition and ecological and community values. The proposed works aim to improve water quality and habitat values through strategic weed management and revegetation.

Environmental Management Plan for Bunjil and Howey Creeks

Bunjil Creek extends 4.2km from the summit of Mount Gisborne to the confluence with Jacksons Creek in Gisborne. Howey Creek is a tributary that flows into Bunjil Creek north of Fersfield Road. The creeks are currently in a mix of public and private ownership and environmental values vary across the length of their corridors. While some sections support mature trees and patches of native vegetation, other sections are covered by invasive woody and grassy weeds.

Environmental consultants, Acacia, undertook extensive site inspections to inform the preparation of the Environmental Management Plan. Gisborne Landcare and Melbourne Water were involved throughout the project, providing input and direction as needed.

The plan highlights the environmental values of the creek and helps to identify and prioritise locations where weed control and revegetation should occur into the future. It provides a long-term vision for the creeks as well as a five year staged implementation program.

Both Plans were co-funded by Melbourne Water and aim to help achieve the outcomes and targets set out in Melbourne Water's *Healthy Waterways Strategy 2018-28*.

Context

The southern part of the shire was prioritised for this strategic work to enable Council to take better advantage of the funding and partnership opportunities available with Melbourne Water who operate in the Port Philip and Westernport catchment.

All waterway restoration works within the Port Philip and Westernport catchment are eligible for 50% co-funding by Melbourne Water under their "Liveable Communities, Liveable Waterways" incentives program. Council currently takes advantage of this funding program on an ad-hoc basis for discrete projects.

These two plans will enable Council, Melbourne Water and the community to take a more strategic approach to resource allocation, ensuring on-ground works conducted independently or collaboratively are coordinated and delivered in an efficient manner to achieve lasting environmental outcomes.

Similar plans would be beneficial for waterways in the northern part of the shire within the North Central catchment. These may be produced incrementally for specific waterways such as Woodend Five Mile Creek and the Campaspe River in Kyneton.

Consultation and Engagement

Community consultation was undertaken in the preparation for both plans in accordance with Council's Consultation Framework.

Strategic Environmental Works Plan for the Council-managed Waterway Reserves in the Port Phillip and Westernport Catchment – Consultation and Engagement

The draft *Strategic Environmental Works Plan for Council-managed Waterway Reserves in the Port Phillip and Westernport Catchment* (the Plan) was available for public feedback from 1 to 28 February 2021. Consultation included letters to nearby land owners, notification in relevant community newsletters and Council's eNewsletters and direct email to community environment groups.

Council received fourteen submissions. All of the submissions expressed support for the Plan and Council's initiative to take more of an active role in managing these small reserves. Many thanked Council for the comprehensive report and advised that they look forward to its implementation.

Key comments received include:

- Request to update the creek names in Devonshire Lane Waterway Reserve to include the newly gazetted names "Witch Creek" and "Chapman Gully Creek".
- Requests to list additional native plants and animals that have been observed at specific sites.
- Requests to include additional information about the work conducted by community groups at specific sites and the importance of their involvement into the future.

- Requests to include additional information about pest plants and animals at specific sites - e.g. rabbits found along the Jackson Creek corridor and Chilean Needle Grass found in some reserves in Riddells Creek.
- Request to emphasise the importance of maintaining these waterway reserves as valuable biolinks for flora and fauna.
- Request to include the importance of vehicle hygiene to reduce the spread of weed species.

All of the above comments have been accommodated in the updated version of the Plan.

A number of submitters raised issues that are out of scope of the project. These comments relate to reduced water flows and private extraction from creeks, the management of the Gisborne Botanic Gardens, recreational use of the reserves, threats from neighbouring developments, and the inclusion of exotic species in Council's Street Tree Preferred Species List. These comments have been forwarded on to the relevant departments within Council for follow up and a response as appropriate.

Bunjil and Howey Creek Environmental Management Plan – Consultation and Engagement

The development of the draft plan for Bunjil and Howey Creek was undertaken in partnership with Gisborne Landcare and Melbourne Water.

Once the draft plan was complete, letters were sent to all adjoining landholders along the two creeks encouraging residents to have their say. The draft Environmental Management Plan was also promoted online through social media and by Melbourne Water and Gisborne Landcare. Submissions were open for four weeks in September 2020.

Council received nine submissions. The majority of these submissions were supportive of the Environmental Management Plan and its recommendations. Most of the feedback that was received was site specific as many residents were particularly interested in the sections near their homes.

Key feedback comprises:

- Management Zone H01: request to retain the Willows but remove the blackberries. *Note that this site is likely to be treated in the next 5-10 years as part of the adjoining development under guidance from Melbourne Water who are likely to require removal of the Willows.*
- Management Zone B06: advice that this area is highly valued as open space by neighbouring residents. The submitters look forward to revegetation and maintenance in this area. *Comment acknowledged and community value rating increased.*
- Management Zone B01: request to remove the Willow and Poplars behind the skate park. *These actions are addressed in the plan.*
- Management Zone H03: advice that residents are very happy to see the program of works proposed. *Comment acknowledged and community value rating increased.*

- Management Zone B08: advice that the area is popular for walkers. Concern about weeds and erosion. *Comment acknowledged and community value rating increased.*
- Management Zone B02: concern about rushes catching rubbish in the creek line. *These actions are addressed in the plan.*
- Management Zone H04: advice that residents have been maintaining weeds and they are concerned about fire. *Weed control in this area is addressed in the plan.*

The *Bunjil and Howey Creek Environmental Management Plan* has been updated to reflect the feedback received and address all requested changes as appropriate.

Strategic Alignment

This work aligns with the Council Plan priority to “protect our natural environment” which includes enhancing waterways and water quality. It also implements actions identified in Council’s *Biodiversity Strategy 2018* and helps achieve the targets set in Melbourne Water’s *Healthy Waterways Strategy 2018-28*.

Implications

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

As part of consideration of Council's budget for 21/22, Council may consider allocating funds to enable the efficient implementation of the two plans. As mentioned above, these funds are likely to be matched by Melbourne Water, enabling Council to double its program of on-ground works along waterways. If the budget bid is not successful, officers will continue to implement waterway restoration works with existing resources, resulting in the implementation of the two plans over a longer time period.

The two plans fulfil a similar function to asset management plans in providing a prioritised and costed program of works for these natural assets. Natural waterways and conservation reserves are not treated by Council's asset management framework in the same way as built assets such as drains, sports fields, landscaped gardens, footpaths or buildings which are maintained to a specified condition as required to minimise risk to the community and maintain the asset's value. Instead, investment in natural waterways and conservation reserves is determined by the environmental improvements sought. As such, natural waterways and conservation reserves are not included on Council's Asset Register and are not attributed a value under Council's Asset Accounting and Valuation Procedure. However, any built infrastructure within waterway and conservation reserves such as footpaths, boardwalks, signs or tracks are included in relevant asset management plans as appropriate.

In summary, the waterways included in the two plans which form the subject of this report will not be included in future asset management plans. Instead, the two waterway plans themselves will be used to guide Council's resource allocation into the future.

Policy and Legislative Implications and Risks

There are no policy or legislative implications or risks.

Sustainability Implications and Risks (Social and Environmental)

Implementation of the two waterway plans will help enhance ecological outcomes in the shire. The revegetation recommendations will contribute to climate change adaptation and mitigation by enhancing resilience of the natural environment through creation of habitat corridors while increasing carbon sequestration / draw down. In this way implementation of the two plans will contribute to Council's response to the climate emergency which Council acknowledged on 24 March 2021.

Charter of Human Rights Implications and Risks

There are no Charter of Human Rights implications or risks.

Officer Declaration of Conflict of Interest

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

Conclusion

These two environmental works plans for waterways will enable Council, Melbourne Water and community to take a more strategic approach to resource allocation, ensuring on-ground works conducted independently or collaboratively are coordinated and delivered in an efficient manner to achieve lasting environmental outcomes. Implementation of the two plans, when this occurs, will contribute to Council's climate change adaptation and mitigation efforts, helping to enact Council's declaration of a climate emergency made at its Scheduled Council Meeting on 24 March 2021.

PE.6	PROGRESS OF THE ROMSEY STRUCTURE PLAN
Officer	Leanne Khan, Coordinator Strategic Planning
Council Plan Relationship	Priority Areas 3: Improve the Built Environment
Attachments	Nil

Purpose and Overview

This report provides an update and seeks Council's direction on the progress of the Romsey Structure Plan noting that it is Year Four project outlined in the Council Plan 2017-27.

Recommendation

That Council:

- 1. Note that the Romsey Structure Plan project will continue to be identified in the 2021/22 Council Plan as a priority action.**
- 2. Note that officers will finalise the tender process to engage a consultant to progress the Romsey Structure Plan project.**

Background

The Council Plan 2017-2027 identifies the "*Progress the Romsey Structure Plan to Council for decision and consider implementation into the Macedon Ranges Planning Scheme*" as a Year Four Action.

Romsey Outline Development Plan 2009

The Romsey Outline Development Plan (RODP) was adopted in November 2009 and was gazetted into the Macedon Ranges Planning Scheme as part of Amendment C66 on 25 October 2012. The primary planning period for the RODP is 2006-2021. The start date reflects the fact that 2006 was the latest census year and the end date provides for a 10-15 year land supply as required by State policy at that time.

Although the RODP considers demographic trends through to 2031, to generally coincide with Melbourne 2030, it does not attempt to provide any direction for growth beyond 2021. This reflected the fact that the Council was at the time preparing a Settlement Strategy for the shire as a whole that was intended to give direction on long term growth. Long term planning for Romsey will need to consider the outcomes of that Strategy.

Settlement Strategy 2011

The Settlement Strategy was adopted in 2011 and gazetted into the Macedon Ranges Planning Scheme as part of Amendment C84 on 10 September 2015.

Through its implementation into the Planning Scheme, the Shire's Strategic Framework Plan identified Romsey as a large district town. It noted that Romsey would be encouraged to develop as a large district town, noting that the anticipated population would be at the cusp of a district town and a large district town at that time.

Macedon Ranges Statement of Planning Policy 2019

The Macedon Ranges Statement of Planning Policy (SPP) was endorsed by Council at the Ordinary 24 July 2019 Council Meeting. The SPP was later gazetted by the Governor in Council on 12 December 2019. Amendment VC185 introduced the SPP into the Macedon Ranges Planning Scheme on 30 April 2021.

The SPP has a range of objectives and strategies. The *Planning and Environment Act, 1987* identifies that objectives are binding to all Responsible Public Entities.

The SPP outlines at:

“Objective 8: To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement”.

The SPP identifies Romsey in the settlement hierarchy as a large district town, defining it as *“a town with a substantial and diverse population base (6,000–10,000) and a dominant business district with a moderate employment base. All essential services are provided. Access to services (such as police stations, medical/hospital facilities and a range of education facilities) is generally high. A variety of accommodation types and sizes is available”.*

The SPP notes that the planning scheme anticipates that Romsey (at present a district town) will grow to the lower end of the large district town population range. The SPP notes that a protected settlement boundary will be determined for Romsey as part of the review of the Romsey Outline Development Plan. A structure plan will be used to determine the settlement boundary. Whilst the SPP notes that in the interim, the current ODP will provide sufficient direction to guide strategic planning it was expected that the Romsey Structure Plan as well as the Gisborne Structure Plan would be reviewed and completed to determine settlement boundaries within 12 months of the SPP being approved.

Context

Review of the Romsey Structure Plan

Council recognised the need to review the Romsey Structure Plan in 2018 (alongside the SPP), recognising the project as a Council Plan Action and allocating funds (\$30,000) in the 2018/2019 budget year. Council was also successful in receiving a \$100,000 grant through the Victorian Planning Authority's (VPA) Streamlining for Growth Program to progress the project. Since that time Council have been working through a number of steps to progress the Romsey Structure Plan.

Issues and Opportunities paper

The first step in the Romsey Structure Plan project was the Romsey Issues and Opportunities Paper completed in December 2018 (located on Council's website

(<https://www.mrsc.vic.gov.au/Build-Plan/Planning-For-Our-Future/Town-based-Projects/Romsey>).

This work was informed by community and agency consultation throughout 2018. The Issues and Opportunities Paper summaries a comprehensive residents survey which gathered information on the demographics, behaviours, needs and expectations of the community. The survey asked a series of questions related to what issues the community felt were important to Romsey and what could be improved. In addition to the survey residents were invited to a community workshop, invited to make submissions and engaged through the 'pozi' map tool.

Several workshops and meetings with the relevant authorities and agencies were held to discuss the known existing issues within the township. These meetings were also utilised to gain an understanding of the likely upgrades to the existing infrastructure to support any future potential population growth within Romsey.

Macedon Ranges Land Supply and Demand Analysis (January 2020)

The Macedon Ranges Land Supply and Demand Analysis (MRLSDA) prepared by Urban Enterprise, is a technical report that has been prepared on the basis of a range of data with various assumptions adopted by the consultants. It has been made publically available through Gisborne Futures and is available on Council's website at <https://www.mrsc.vic.gov.au/Build-Plan/Planning-For-Our-Future/Town-based-Projects/Romsey>.

It is used by officers as a technical document, upon which officers make recommendations to Council. The MRLSDA is based on a combination of available and recognised data sources with a combination of assumptions and methodologies adopted by Urban Enterprise. It is based on their expertise and experience in preparing residential land demand and supply assessments, to derive their assessment of the current land supply available and what may be required into the future for Romsey.

The MRLSDA is based on data collected and analysed through 2018 and 2019. MRLSDA indicates that Romsey has at most an eleven year land supply, and at the current rate of demand the land supply is expected to be seven years. The MRLSDA notes that a significant number of existing vacant lots in Romsey are understood to have already been sold to purchasers with the intention of constructing a dwelling in the short term. This could result in a substantial amount of the remaining lot supply being quickly consumed in the short term and the need for additional land being brought forward in Romsey.

Council is in receipt of a number of different land supply and demand analyses for Romsey, completed by a range of landholders in the area. These show a more critical need for additional residential land to be brought forward, with consideration for the time taken to complete a Structure Plan, a Planning Scheme Amendment and possible Precinct Structure Plan.

Maintaining a suitable and long term supply of residential land is an important factor in maintaining relative housing affordability and meeting the varied housing needs of the community.

Invitation to Tender – Romsey Structure Plan

In late 2020 the Romsey Structure Plan was invited to Tender, in accordance with Council's Procurement Policy. The full Tender is available on Council's website <https://www.mrsc.vic.gov.au/Build-Plan/Planning-For-Our-Future/Town-based-Projects/Romsey>.

The planning horizon for the Structure Plan will guide the development of the town to the year 2050 and will set a long term settlement boundary in line with the SPP. The Tender specification notes Romsey's role in the settlement hierarchy and the role of the Structure Plan to:

- provide direction to manage sustainable development of the township which defines its unique character,
- facilitate orderly growth, enlivens the town centre, strengthens the local economy, and
- protect the unique environmental qualities and builds community resilience.

More specifically the Tender sets out the completion of the tasks (on Page 44) which are necessary to achieve the delivery of an updated Romsey Structure Plan. To date officers have not awarded the contract. As per Council's Procurement Policy the CEO is delegated to award the Tender and sign contract documents.

Stakeholder Consultation

Since 2018 Council has met with numerous landholders in Romsey regarding the progress of the Romsey Structure Plan. Investors, contractors and landholders are increasingly anxious about the future land supply issues presenting in Romsey.

Consultation and Engagement

Consultation on the project so far has been identified above through the Issues and Options Paper (2018). Further community engagement will align to Council's Community Engagement Policy with formal opportunity to comment at the Emerging Options Paper, Draft Structure Plan and future planning scheme amendments.

The project stages outlined in the Tender documents adhere to Council's Community Engagement Policy which states:

"Resource and timeframe-permitting, for medium to high public impact issues Council will use a two-stage community engagement process before making a decision:

- *Pre-position forming engagement (to seek input from the community before forming a preferred position)*
- *Post-position forming engagement (to test the preferred position before making a final decision). Two-stage engagement requires more resources and a greater lead-time, so this will need to be factored into planning."*

With the addition of the Issues and Opportunities Paper the project is proposed to have a four stage community engagement and structure planning process.

The tender documents outline that the project will have a Councillor Reference Group made up out of the three ward Councillors, as was previously the case for Gisborne Futures. In line with Councillor feedback and consistency issues, officers are proposing that the Councillor Reference Group is made up out all Councillors that will meet at least monthly on the Romsey Structure Plan.

The project is also intending to have a Project Working Group made up out of key Council responsibilities and where needed, agency representation. This group will guide key outcomes of the Romsey Structure Plan.

Whilst officers have considered the use of deliberative engagement for this project, it has been considered inappropriate for this project due to:

- time constraints related to the need to complete the project,
- suitability of the project as a discrete project for Romsey,
- resources required to support a deliberative engagement process, and
- available budget for the project.

Strategic Alignment

This report is relevant to Priority 3: Improve the Built Environment with the specific action to “Progress the Romsey Structure Plan to Council for decision and consider implementation into the Macedon Ranges Planning Scheme”

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

Council has received \$100,000 to undertake the project from the VPA in 2018. To date, the VPA has been supportive of Council’s resourcing issues and project delays.

Council has contributed \$30,000 to date. Any additional costs, including consultation will be the responsibility of Council to fund. This includes the cost of the planning scheme amendment which will be subject to a future budget bid.

The total budget for the Romsey Structure Plan is currently \$130,000. If the Romsey Structure Plan did not continue to progress, Council is at risk of losing grant funding associated with the delivery of the project provided by the VPA in 2018.

Policy and Legislative Implications and Risks

The SPP requires Council to develop a long term settlement boundary for Romsey through the preparation of a Structure Plan.

Sustainability Implications and Risks (Social and Environmental)

There are no sustainability implications and risks of note.

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

Council commenced the Romsey Structure Plan in 2018 to deliver an updated Structure Plan that would replace the now out of date 2009 ODP to guide the town's development over the next 30 years. A Structure Plan is also required to establish a protected settlement boundary for Romsey in line with the SPP.

The first stage of this project was completed in 2018 through the Issues and Opportunities community engagement process.

The engagement of a consultancy to assist in the preparation of the draft Romsey Structure Plan is the next step to progress this project. It is recommend that Council endorses the continued progression of the Romsey Structure Plan process as currently outlined in the publicly released tender document.

PE.7	WOODEND COMMUNITY CENTRE MASTER PLAN AND BUSINESS CASE
Officer	Danielle Findlay, Business Development Officer
Council Plan Relationship	Enhancing the social and economic environment Improving the built environment Protecting the natural environment
Attachments	1. Woodend Community Centre Master Plan 2. Woodend Community Centre Appendices including Business Case

Purpose and Overview

To seek Council endorsement of the jointly funded Council and Regional Development Victoria Woodend Community Centre Master Plan and Business Case.

The master plan and business case have been prepared by consultancy, Public Realm Lab, with input from Council officers, key stakeholders associated with the site, and the community via Have Your Say on Council's website and Community Consultation sessions.

Recommendation

That Council:

- 1. Note submissions (including survey responses) received to the Woodend Community Centre Master Plan;**
- 2. Thank submitters for their contribution to the Woodend Community Centre Master Plan;**
- 3. Endorse the Woodend Community Centre Master Plan and Business Case; and**
- 4. Note the final Woodend Community Centre Master Plan and Business Case documents will be corrected to resolve spelling, grammar and formatting errors post endorsement.**

Background

The Woodend Community Centre is located at 117 High Street, Woodend. The building includes the community hall, library, council customer service centre, meeting room, kitchen and toilets. The centre is located in a civic precinct, which also includes the Woodend Swimming Pool and Visitor Information Centre. The monthly Woodend Farmers Market is held on the site.

Key user groups include library users and library staff, Macedon Ranges Sustainability Group, local schools, Woodend Business and Tourism Association, young people and various other sporting and community groups.

The current Woodend Community Centre Master Plan project has built on concepts that were originally discussed by community groups in 2009 and further explored by the Woodend Community and Cultural Centre Community Group from 2016 to 2019. The current project is jointly funded by Regional Development Victoria (RDV) and Council. Both organisations contributed \$50,000 toward the project with the RDV funding being derived from the Regional Jobs and Infrastructure Fund.

Council was briefed in April 2016 by the Woodend Community and Cultural Centre Community Group on their concepts for the site. This led to a Notice of Motion at the 21 September 2016 Council meeting that the project be brought to a Councillor Briefing early in 2017, along with the provision of 'in principle' support and a commendation of the project to the incoming Council. Australian Government commendations, from Lisa Chesters MP, supporting the project were also received by Council in November 2016.

In December 2019, MRSC sought a suitably qualified contractor to deliver a Master Plan and Business Case for the redevelopment of the Woodend Community Centre and surrounds into a modern multi-purpose centre that meets the identified needs of the community.

Broadly, the key objectives of this project include:

- Establish and understand the community's needs for the facility, through community engagement with locals, visitors through the information centre and traditional owners
- Deliver and complete an economic and visitor impact assessment
- Determine possible future uses and their feasibility
- Determine costs and benefits (cost benefit analysis) both monetary and non-monetary including net present value (NPV). NPV is a financial metric that seeks to capture the total value of a potential investment opportunity
- Provide a Master Plan that clearly shows future uses
- Consider incorporation of sustainability principles potentially including passive solar design, solar panels, water tanks and bicycle facilities
- Determine the appropriate scope and timing of the development
- Determine how the project could be staged

Following a review process of all applications, with involvement from representatives from RDV, Council engaged Public Realm Lab (PRL) as the successful contractor. PRL outlined a five-stage process to deliver on this project as shown in the flow chart at Figure 1.

Stage 1 - Project Commencement & Information Review

- Inception Meeting and Site Visit
- Information Gathering
- Review of Previous / Current Concepts
- Background Information Review and Strategic Context Assessment



Stage 2 – Consultation

- Workshop with key community stakeholders, local residents and Council Officers
- Consultation Summary



Stage 3 - Needs Assessment

- Review of Existing Community Facilities
- Review of Existing Library Usage
- Residential Catchment Population Analysis
- Local Employment Profile
- Population Based Library Floorspace Demand
- Visitor Market Analysis
- Case Studies



Stage 4 - Master plan Considerations / Background Report

- Master plan Considerations
- Background Report
- Further community consultation of draft master plan



Stage 5 - Financial and Economic Assessment / Business Case

- This stage of the project will provide a financial and economic assessment of the master plan as prepared by Public Realm Lab. This will include a cost benefit analysis, visitor and economic impact assessment and qualitative benefit assessment.

Figure 1: Woodend Community Centre Master Plan and Business Case project process

Stages 4 and 5 of the project process are now complete, with all contributions being considered in the development of the final master plan layout which then feed into the business case.

Context

Following endorsement of the draft master plan to progress to Phase 2 of consultation at the January 2021 Scheduled Council meeting, community consultation on the draft master plan documents for the redevelopment of the Woodend Community Centre site was undertaken between Monday 15 February 2021 and Monday 15 March 2021. The dates that consultation was undertaken did not accord with Council's 27 January 2021 resolution, in that this consultation commenced 15 February 2021 and not 8 February 2021. Despite this, consultation was still conducted over a four-week period from Monday 15 February 2021 as outlined in Council's Community Consultation guidelines.

The summary document, inclusive of the draft master plan, received from PRL for community consultation also contained unauthorised changes resulting in the master plan being different from the document Council considered at the Scheduled Council meeting on 27 January 2021. The summary document and all other documents related and referred to during Phase 2 of community consultation did refer to the revised, unauthorised master plan at all times.

Review of the feedback received during the latest consultation has been carried out to inform the final master plan design. The business case for this site has been developed with consideration of final master plan layout.

A project report, statement of expenditure and the final consultants report were sent to RDV on Friday 30 April 2021 as required by Milestone 3 of the RDV funding agreement.

Council endorsement of the master plan and business case for the Woodend Community Centre is now sought.

Consultation and Engagement

The Woodend Community Centre Master Plan and Business Case have been influenced by the community consultation via a two-phase approach which was undertaken in line with Council's Community Consultation Framework.

Phase 1 Consultation - carried out from early February 2020

Phase 1 consultation was a two-part process involving facilitated community centre stakeholder sessions and a targeted Woodend resident survey.

Key project stakeholders were invited to attend one of five community centre stakeholder sessions.

These Community/Key user groups included:

- Woodend Library
- Macedon Ranges Sustainability Group (Farmers Market Organisers)
- Woodend Traders
- Woodend and Hanging Rock Petanque Group
- Local schools who utilise the site
- Woodend Lions Club
- Woodend Community & Cultural Centre Community Group
- Woodend Seniors
- Highlands Radio

- Woodend Winter Arts Festival
- Woodend residents
- Dja Dja Wurrung Traditional Land Owners
- Regional Development Victoria
- Staff from various Council departments, including Community Services, Strategic Planning, Economic Development and Tourism, Operations, Community and Culture, Parks and Recreation and Engineering and Projects

** Please note Council departments were engaged in consultation prior to the recent restructure, hence department titles reflect previous terminology.

Over twenty community stakeholders and twenty Council officers attended these workshops. These sessions were held in person prior to the COVID-19 pandemic restrictions coming into force.

The sessions were well attended and identified existing strengths of the site, highlighted barriers/weaknesses at the site and discussed key opportunities for the potential redevelopment of the area. Written and verbal feedback was invited and received by some of those unable to attend one of the five scheduled workshops.

Part two of this phase of consultation included a survey targeting Woodend residents that went live on the 'Have your say' page on Council's website on 16 March 2020. On that day a state of emergency was declared in Victoria as a consequence of the COVID-19 pandemic. The COVID-19 situation resulted in the cancellation of scheduled face to face consultation with Woodend residents to support the initial release of the survey. The survey remained open until 27 March 2020. Only four (4) responses were received.

The reissuing of the survey in June 2020, online and in hardcopy via direct mail out to Woodend residents (with reply paid envelopes included) resulted in a strong response from the community. Closing on 31 July 2020, the second survey received three hundred and eighty-two (382) replies with 84% of respondents identifying Woodend as their place of residence. The 35-49 year old cohort were the most highly represented age group. Of the three hundred and eighty-two (382) responses to the survey, three hundred and seventy-two (372) indicated that they currently use the site. This data has been assessed and included as part of the draft master plan.

A number of consistent themes and priorities emerged from the workshops and survey responses. Including, but not limited to:

- Development of a high-quality architecturally designed site that will attract visitor stopover and create a destination for visitors
- Maximise the already well-utilised library and develop into a contemporary library with a range of spaces for all age groups, including play spaces for children, teenage 'hang-outs' and quiet study spaces for students
- Community desire for an inclusive civic precinct and village green for community and visitors alike to meet and gather, socialise, conduct business, learn and play through provision of a range of suitable spaces
- Improved connectivity of the site within the broader precinct, including improved access across High St and better linkages to the surrounding community assets such as the Children's Park and Neighbourhood House

In order to further test the themes and priorities identified, further public consultation was endorsed to move to Phase 2 of the consultation process at the January 2021 Scheduled Council meeting.

Phase 2 Consultation – carried out from 15 February 2021 to 15 March 2021

Public consultation on the draft master plan for the Woodend Community Centre was undertaken during a four (4) week period from Monday 15 February 2021, concluding at 5pm Monday 15 March 2021. Fortunately, the targeted stakeholder and community drop in consultation sessions were able to go ahead in line with COVID-19 restrictions that were in place at the time.

Direct emails to key stakeholders at the site, as outlined in the Phase 1 Consultation 'Community/Key user groups', and those who had responded to the previous resident survey were sent on Monday 15 February 2021 advising that the consultation period was now open, noting the drop in sessions and outlining ways to be involved in having their say on the draft master plan.

As noted in the January Scheduled meeting report, which referenced the minimum tools for engagement, a media release, notice on Council's Have your say webpage, social and print media adverts, posters advising of drop in sessions and a front-page article in the March edition of the New Woodend Star were used to promote the consultation opportunities. Hard copy versions of the master plan and survey were made available at Council's Gisborne, Romsey, Kyneton and Woodend customer service desks. Additional promotion of the consultation period was undertaken by Goldfields Library who manage the Woodend Library site. An invitation to review and provide feedback on the draft master plan was also circulated to internal Council officers.

Community drop in sessions were held:

- Monday 22 February 2021
5.00-7.00pm at the Woodend Community Centre, 117 High Street, Woodend
- Wednesday 24 February 2021
4.00-6.00pm at the Woodend Community Centre, 117 High Street, Woodend
- Saturday 6 March 2021
8.00am-1.00pm at the Woodend Farmers Market, 117 High Street, Woodend

A dedicated stakeholder/community group consultation session was held on Monday 22 February 2021 between 2.00pm and 4.00pm at the Woodend Community Centre. Public Realm Lab representatives were in attendance at all consultation sessions and Urban Enterprise supported PRL at the dedicated stakeholder/community group session. Urban Enterprise are assisting PRL with the development of the business case for the Woodend Community Centre.

Eighty five (85) survey responses via a mix of online and hard copy were received with the 35-49 year age group most represented cohort. The balance of feedback was from discussions at consultation sessions and a number of written submissions provided via email. Receipt of the thirteen written submissions received over email or via the post were acknowledged by Council officers. A summary of the key themes and changes made to the draft master plan are included in Table 1.

Table 1: Master Plan key changes following Community and Stakeholder Consultation and Engagement Round 2

Community Response	Related Master Plan area	Amendment
No scope for Bus parking off High Street	Bus Shelter and Parking	Bus parking relocated to western edge off Margery Crescent
Positioning crossing over forest road unsafe	Forest Road pedestrian crossing and Main Entry	New Forest Road Pedestrian crossing relocated to meet existing landing and island. Main pedestrian entry larger and moved further west
Too many restroom facilities	Toilets	Reduction in restroom facilities
Traffic cannot exit onto High Street from Margery Crescent	Margery Crescent	Margery Crescent one-way anti clockwise exit onto Forest Road
Cafe and Library need more connection	Café and Foyer	Café and Library linked with foyer
'City Wall' blocks site off from town	Enclosing 'City Wall'	Walls around site removed
Safer access to Neighbourhood House	New Pedestrian crossing	New Pedestrian crossing and improved path access
Concern a large commercial offering may take business away from High Street	Café	Café at 20sqm offering beverages and light food options
Reheat kitchen not required	Reheat kitchen	Remove reheat kitchen - refreshments and light food available at cafe
Size of spaces is unclear	n/a	Include sqm of spaces in final masterplan / report
Bike Hub needs to be more central and closer to trail	Bike Hub	Relocate bike hub to south eastern edge
Space for radio station / recording studio needs to be clear	Radio Station	Include label and space planning for radio station (within staff area)
Farmers market needs flexible outdoor shelter	Covered Market Area	Expand outdoor covered spaces to accommodate market and use for inclement weather
Unclear if 'Avenue of Honour' is retained	Avenue of Honour	Avenue of Honour is retained and formalised with improved path

Community Response	Related Master Plan area	Amendment
Unclear difference between paved / grass	n/a	Drawing articulates changes in ground treatment
How are the outdoor spaces used	n/a	See 'External space planning' in Master Plan document
How are the indoor spaces used	n/a	See 'Internal space planning' in Master Plan document
Farmers Market does not require additional storage	Storage (Market)	Farmers market storage removed
Farmers Market requires 1800sqm of outdoor space	n/a	Outdoor space requirements met and square meterage represented in plan
Skatepark in need of passive surveillance and connection to Community Centre	Skatepark	New entry and pedestrian crossing to skatepark
Needs more interface with High Street / Avenue of Honour	Entry/Foyer	New entry to High Street edge into foyer
Native Garden' divides outdoor space	Native Garden (north)	Northern 'Native garden' replaced with permeable paving
Petanque pitches on site not heavily supported by wider community	Petanque	Proposed petanque pitches relocated to northern pocket on site near existing Visitor Information Centre
Community Centre Site needs connection to Pool	Pool connection	Future new entry to pool proposed. Out of scope for this project
Perceived reduction in car parking	Car parking	Informal car parking on site converted into formal parking bays
Provision for Gallery	Foyer / Gallery	Foyer enclosed to create multifunction open space
Restroom Facilities need to be more efficient	Toilets	Re-configured access internally and externally to all facilities
More allowances for refuses and storage	Storage / Refuse	Additional waste collection points to library and theatre. Staff area gains additional 40 square metres of storage

Where feedback fell out of scope for this project, these items have been forwarded to the relevant area of Council for further consideration.

From the Have your Say survey, the library and community centre rated the highest as 'Very Important' to the site, closely followed by the Farmers Market and outdoor spaces/park. This is further reflected in the space allocated to each key area in the master plan.

The master plan addresses key access issues to the site. There are currently several issues for pedestrians and larger vehicles accessing the site. The master plan includes provision for increased servicing and loading - a much needed service for market-stall holders and critical for supporting a vibrant performance space. Most importantly, major pedestrian gateways around the perimeter will create important pathways for safe and accessible connection onto and around the site. It considers the present and potential future uses of the site and encourages adaptable indoor and outdoor spaces. Woodend Community Centre becomes a meeting place for Woodend and the wider community.

Strategic Alignment

The Woodend Community Centre Master Plan aligns with the following Council Plan pillars:

- *Protecting the natural environment*

A key consultation outcome was the 'desire to showcase Woodend's unique focus and strength on environmental sustainability throughout the redeveloped site'. Environmentally sustainable design is a redevelopment opportunity associated with the master plan, suggesting improved service reticulation, potentially through the use of grey water from the site, could help maintain overall condition of the landscape and reduce labour and costs associated with maintenance over the longer term.

Finding a second life for construction waste (when safe to do so) could contribute to Woodend's existing recycling program, as well as reducing materials which would otherwise end up in landfill. Environmentally sustainable elements such as solar and water harvesting are also considered for the site.

- *Improving the built environment*

There is community desire for an inclusive civic precinct and village green for community and visitors alike to meet and gather, socialise, conduct business, learn and play through provision of a range of suitable spaces.

The master plan acknowledges the increasing diversity in the population, and higher visitation of tourists frequenting the area as well as going to Daylesford and onward to Castlemaine and Bendigo. The work on this master plan capitalises on the opportunity to update the Woodend Community Centre buildings and services to meet community needs for the next 50 years.

The design of the Woodend Community Centre should enable diverse and evolving uses. Adaptable buildings and outdoor spaces would help achieve this.

- *Enhancing the social and economic environment*

The vision is for the site to become a gateway from High Street and a meeting spot for Woodend - a precinct for community, culture, arts and retail. Woodend Community Centre has the potential to represent the unique combination of country and city qualities of Woodend.

The Business Case highlights that the master plan provides for new income generating opportunities including hire of the multipurpose meeting rooms; hire/lease of co-working spaces; lease of the commercial café tenancy; and income generated through hire/operation of the theatre, performance and multipurpose event space.

Other benefits include the potential for increases in event, business and tourist visitor expenditure.

Implications

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

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

Funding any re-development of the site would be subject to future grant seeking efforts and Council budget deliberations. At that time implications for future commitments to asset management would need to be investigated/calculated. There is a risk of not addressing the aging nature of the existing structures/site in a timely fashion. Public expectation with regard to next steps also needs to be considered.

Policy and Legislative Implications and Risks

There are no direct or indirect policy and legislative implications and risks associated with this project.

Sustainability Implications and Risks (Social and Environmental)

A robust master plan considers the past, present and potential future uses of the site. An opportunity was identified in an early consultation session for the site 'to showcase sustainability and biodiversity as a point of difference for Woodend'.

To this end, the master plan has an environmentally sustainable design focus with the building oriented to optimise natural light, minimise overshadowing, harvest water and generate electricity. It is proposed that the building has the capacity to generate most of its own power, therefore reducing running costs and providing power for the community's use.

The master plan also allows for loose-fit, flexible spaces and future expansion without impacting on the proposed initial redevelopment of the site.

Charter of Human Rights Implications and Risks

There are no direct or indirect human rights implications.

Officer Declaration of Conflict of Interest

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

Conclusion

The Woodend Community Centre Master Plan and Business Case have been developed following considerable research, current and historical, and community consultation.

Council endorsement of the Woodend Community Centre Master Plan and Business Case will provide a basis, pending budget allocations and grant opportunities, for further investigation for the redevelopment of the Woodend Community Centre site.

CX.1	ADOPTION OF GOVERNANCE LOCAL LAW 2021
Officer	Allison Watt, Coordinator Governance
Council Plan Relationship	Delivering strong and reliable government.
Attachments	1. Draft Governance Local Law 2021 2. Local Law Community Impact Statement

Purpose and Overview

The purpose of this report is for Council adoption of the proposed Governance Local Law 2021 following a period of community consultation in accordance with section 111 of the *Local Government Act 1989* (LG Act 1989) and Council's Community Engagement Policy.

Recommendation

That Council:

- 1. Adopts the Governance Local Law 2021 provided as Attachment 1 in accordance with section 111 of the *Local Government Act 1989*;**
- 2. Signs and seals the Governance Local Law 2021;**
- 3. Gives public notice of the creation of the Governance Local Law 2021 in accordance with section 119(3) of the *Local Government Act 1989* and provides a copy to the Minister for Local Government in accordance with section 119(4) of the *Local Government Act 1989*; and**
- 4. Revokes Meeting Procedure Local Law 11 with effect on the publication of the Governance Local Law 2021 in the Victorian Government Gazette.**

Background

The Local Government Act 2020 (LGA 2020) received royal assent on 24 March 2020. The LGA 2020 repealed many provisions of the *Local Government Act 1989* with the first phase of the new reforms proclaimed on 6 April 2020.

The second phase of reforms were proclaimed on 1 May 2020. These reforms relate to Council decision making. They require councils to adopt a number of new or updated documents, including Governance Rules (which were adopted by Macedon Ranges Shire Council on 26 August 2020).

The Governance Rules regulate the election of the Mayor and Deputy Mayor and the conduct of meetings of Council, its Delegated Committees and any future Community Asset Committees.

While the Governance Rules have largely replaced Meeting Procedure Local Law 11, Council does need a local law to provide for certain offences and infringements, to ensure the orderly conduct of Council meetings, and to regulate use of the Common Seal.

Context

The objective of the proposed Governance Local Law 2021 is to regulate the use of Council's common seal and create and regulate offences in relation to conduct at meetings.

The Local Law Community Impact Statement (Attachment 2) has been prepared in accordance with Local Government Victoria's Better Practice Local Law Manual. This statement serves as an explanatory document for the community to assist in understanding the content and nature of the local law and the processes that Council has worked through to develop it.

The draft Governance Local Law 2021 was presented to the Council Meeting on 24 March 2021 and subsequently released for community consultation for a 28-day period. The draft local law, inviting community feedback and submission, was advertised in the Victorian Government Gazette on 1 April, in the Midland Express on 6 April and on the Have Your Say page of Council's website. No submissions were received.

Consultation and Engagement

Council has a legislative obligation under the LGA 2020 and its Community Engagement Policy to seek public input and feedback on the draft Governance Local Law 2021. This included notice in the Victorian Government Gazette, local newspaper, on Council's Have Your Say website page.

Strategic Alignment

This report aligns with Council Plan 2017-2027 Strategic Objective 5: 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.'

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The consideration of this report does not have any financial, resource, information technology or asset management implications or risks.

Policy and Legislative Implications and Risks

The preparation of the draft Governance Local Law meets Council's statutory obligations under section 111 (1) of the *Local Government Act 1989* which gives Council power to make local laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.

Sustainability Implications and Risks (Social and Environmental)

The consideration of this report does not have any social or environmental impacts or risks.

Charter of Human Rights Implications and Risks

The consideration of this report does not have any human right implications.

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

It is proposed that Council adopts the Governance Local Law 2021 and revokes the Meeting Procedure Local Law No.11.

CC.1	QUARTERLY REPORT FOR THE PERIOD ENDED 31 MARCH 2021
Officer	Travis Harling, Manager Finance and Reporting
Council Plan Relationship	Deliver strong and reliable government
Attachments	Quarterly Report for the period ended 31 March 2021

Purpose and Overview

The Quarterly Report for the period ended 31 March 2021 is presented for Council's consideration and information. This report includes the following:

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

The report also provides a high level summary of the organisations performance to 31 March 2021.

Recommendation

That Council note the Quarterly Report for the period ended 31 March 2021.

Background

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

Context

Section 1 and 2 - Financial performance to 31 March 2021

The Income Statement reports an adjusted operating surplus (excluding other adjustments) of \$18.2m which is \$3.7m favourable to budget for the nine months ending 31 March 2021.

Overall, the operating surplus (excluding other adjustments) for the nine months is \$3.7m favourable to budget - operating income is \$1.3m favourable to budget and operating expenses are \$2.4m favourable to budget.

Areas of expenditure contributing to the favourable result include Employee costs \$1.8m favourable and Materials and Services \$0.8m favourable. Capital expenditure totalled \$9.3m for the first nine months of the year which was \$12.4m unfavourable to budget.

The variance is contributed largely to under expenditure in infrastructure expenditure \$8.6m (due to delays related to COVID-19 and accessing resources and materials) and building and improvements \$3.3m.

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

Council remains in a sound financial position for the financial year to 31 March 2021. Impacts on Council's financial position due to COVID-19 pandemic are being recorded as they become known. To date the 2020/21 budget revenue impact is \$1.72m unfavourable and the expenditure impact is \$1.08m favourable.

Section 3 to 9 – Quarterly Report 31 March 2021

Sections 3-9 of the report provides Council an update as at 31 March 2021 on the progress of completing various council plan actions for the 2020/21 financial year, and includes reports relating to People Culture and Performance and Risk Management. The report also includes a Governance Schedule and several other reports relating to Councillor expenses and activities.

Consultation and Engagement

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

Strategic Alignment

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

Implications

Financial, Resource, Information Technology and Asset Management

Implications and Risks

The Quarterly Report provides information on Council's operating and financial performance for the financial year to 31 March 2021.

A noted financial risk during the 2020/21 financial year is the financial implications associated with the impact of COVID-19. Whilst the first nine months results show that other operational revenue has been impacted negatively from the closure of some Council facilities during this time, the revenue has been offset during the same period by savings in expenditure on salaries, material and services and other expenses, offsetting this impact.

The financial impacts of COVID-19 will continue to be monitored by officers and major variations were considered (and allowed for) as part of the 2020/21 Mid-Year Budget Review process.

Policy and Legislative Implications and Risks

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

Sustainability Implications and Risks (Social and Environmental)

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

Charter of Human Rights Implications and Risks

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

Officer Declaration of Conflict of Interest

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

Conclusion

That Council note the Quarterly Report for the period ended 31 March 2021.

13. DIRECTOR ASSETS AND OPERATIONS REPORTS

Nil

14. NOTICES OF MOTION

NOTICE OF MOTION NO. 18/2020-21 – CR NEIL

That Council request the Chief Executive Officer to bring a report to Council outlining:

1. Options for Council in pursuing a change to the provisions and/or wholesale removal of Lancefield's Development Plan Overlay, Schedule 24 (DPO24).
2. Options to Council in how Council could assist affected land owners in complying with the DPO24 provisions. These options to include:
 - a. Approximate costs if Council was to prepare Development Plans for the three (3) areas within the DPO24 areas.
 - b. Approximate costs if Council was to prepare and make available the technical documents which are needed to underpin prepare of a Development Plan by individual land owners.

NOTICE OF MOTION NO. 19/2020-21 – CR RIDGEWAY

That Council request the Chief Executive Officer to prepare a costing and feasibility report on the development of new council operated toilet facilities in Piper Street, Kyneton – preferably at the rotunda end of the street.

NOTICE OF MOTION NO. 20/2020-21 – CR PEARCE

That Council:

1. Notes the correspondence received from St Ambrose Parish Primary School, Woodend which includes the names of 156 parents.
2. Notes the specific request of a safe crossing area for children in Brooke Street, Woodend adjacent to the intersection with Templeton Street and that the estimated costs of works is included in the Draft 2021/2022 Council Budget process for consideration.
3. Notes that Council officers have been investigating these concerns since early this year and are now in contact with the school and concerned parents. They are working together investigating the safety issues raised in the broader precinct area and the ways these can be addressed.

NOTICE OF MOTION NO. 21/2020-21 – CR PEARCE

That Council requests that the Chief Executive Officer prepare a report for a future Councillor Briefing in relation to the possible amendment of Section 42 of Council's Governance Rules in relation to petitions and joint letters, including but not limited to the acceptance of electronic petitions, to enable more efficient and effective ways for our communities to advocate to Council on local issues.

NOTICE OF MOTION No. 22/2020-21 – CR WEST

That Council direct the Chief Executive Officer to:

Begin work – within existing resources - on a site specific Planning Scheme Amendment to correct the zoning map line error affecting No. 12 Noel Street, Lancefield.

1. Bring a report back to Council, at an appropriate time, containing a recommendation as to whether Council should seek authorisation to formally commence the Planning Scheme Amendment process.
2. Refer to budget deliberations any additional resources that may be required in order to facilitate such an Amendment.

15. URGENT BUSINESS

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

16. CONFIDENTIAL REPORTS

Nil