

Agenda

Council Meeting
Wednesday 23 March 2022 at 7pm
Gisborne Administration Centre
40 Robertson Street, Gisborne

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 RECORDING OF LIVE STREAMING OF THIS COUNCIL MEETING

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

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

- 6 PETITIONS**
- 7 DEPUTATIONS AND PRESENTATIONS TO COUNCIL**
- 8 ADOPTION OF MINUTES**

Recommendation

That Council confirms the minutes of the Scheduled Council Meeting of Macedon Ranges Shire Council held on 23 February 2022, as circulated.

9 MAYOR'S REPORT**9.1 MAYOR'S REPORT - MARCH 2022****Summary**

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

Recommendation

That Council receives and notes the Mayor's report.

Mayor's report

With February being a short month, it has flown by. As we enter autumn, I hope you can sense the excitement over the coming of the opening of the Macedon Ranges Autumn Festival. Thank you to all businesses and community groups who have contributed, and as always, to our Council staff who work tirelessly behind the scenes to make such events a success. We learnt a lot from feedback from last year and this year's festival is sure to have something to appeal to all tastes. Check out our website for more details.

Leading up to the Autumn Festival, it has been great to have the recommencement of other events and celebrations throughout the shire and region. Councillors appreciated being invited to and attending the following:

- Opening ceremony of the 2022 Loddon Murray Community Leadership Program in Bendigo on 26 February, where we have five Macedon Ranges residents participating
- Launch of the Macedon Ranges Art Bomb project in Kyneton on 2 March
- Various events in recognition of International Women's Day, including a dinner hosted by the Zonta Club of Kyneton in Malmsbury on 9 March and a morning tea hosted by Victorian Local Governance Association on 7 March
- An information session in relation to the Goldfields World Heritage on 11 March
- Official opening of the Kyneton Contemporary Art Triennial at the Kyneton Botanic Gardens on 19 March
- Holi Festival of Colours
- Gender Equity Cup, Kyneton Showgrounds
- Woodend Discovery Day
- Woodend Lions Art Show

Relay for Life

It was fantastic that so many Councillors, staff and former staff participated in this year's Relay for Life, which is an opportunity to get together with the community to celebrate cancer survivors, remember loved ones lost and fight back against cancer, by raising funds to support research and other activities of the Cancer Council of Victoria. The event was held on 5 March at Lancefield Park. Thank you to Anna Quigley for coordinating it.

Romsey Roll

Music in the Sticks, hosted the Romsey Roll, was a live music event at the Romsey Skate Park on 19 March. Guests were entertained by young artists from the Macedon Ranges, while enjoying street fare from a variety of local food trucks.

Citizenship Ceremony

Sixteen residents made a formal pledge to become Australian citizens on 22 March 2022. Together with my fellow Councillors, I welcomed the new citizens who now take on the privileges and responsibilities of being an Australian citizen. So wonderful to be back holding these in person, with the ever popular and talented Kyneton Municipal Band.

Councillor representative roles

- Municipal Fire Management Prevention Committee
- Macedon Ranges Heritage Council
- Audit and Risk Committee
- Ministerial Gender Equality Advisory Committee
- Planning Delegated Committee
- CEO Appointment and Remuneration Committee
- Workspace Australia
- Loddon Mallee Waste and Resource Recovery Group Forum

Funding announcements

- After years of waiting, and Councils' commitment of \$250,000 set aside for some time, Barkly Square Soccer pitch has been successful in receiving a grant of \$500,000 from the Victorian State Government World Games Fund. This means next season, the usual lack of a playing surface due to poor drainage should be a problem of the past.
- Congratulations to Woodend Winter Arts Festival in receiving Victorian State Government funding from the Regional Community Event Fund.

Current consultations

- Village Connect: supporting over 55s health, wellbeing and connection until 31 March
- Community Engagement Policy review closes 1 April
- Open Space Strategy to 8 April
- Romsey Structure Plan to 1 April

10 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF**10.1 RECORD OF MEETINGS OF COUNCILLORS AND COUNCIL STAFF - FEBRUARY TO MARCH 2022**

Attachments: Record of Meetings involving Councillors and Council staff - February to March 2022 [↓](#)

Summary

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

Recommendation

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



Record of Meeting involving Councillors and Council staff

Meeting	Councillor Briefing		
Date	22-Feb-2022	Time	9.45am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

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

Officers present <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Allison Watt, Coordinator Governance	A
Travis Harling, Manager Finance and Reporting	A
Sean Morley, Coordinator Accounting	A
Colin Marshall, Acting Manager Engineering and Resource Recovery	A
Bill Pemberton, Coordinator Waste and Resource Recovery	A
Will Rayner, Coordinator Visitor Economy	A
Evert Grobbelaar, Manager Statutory Planning	A
Rob Ball, Manager Strategic Planning and Environment	A
Christo Crafford, Coordinator Statutory Planning	A
Istvan Marton, Coordinator Engineering Design Investigations	A
Bob Elkington, Coordinator Economic Development	Z
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Others present	<i>List all other persons in attendance</i>
Richard Welch, Liberal Candidate for McEwen	A
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Matters considered	<i>List all items</i>
Councillor workshop 2 - Annual Budget 2022/23	
Presentation by Richard Welch, Liberal Candidate for McEwen	
Macedon Ranges RV Facility site	
Planning Matters:	
- Kyneton South Strategic Planning	
- PLN/2021/303 – 412 Mt Gisborne Road, Gisborne	
- PLN/2012/283 – Richardson Street, Riddells Creek	
Raglan Street closure - St Mary's Lancefield	
Macedon Ranges Telecommunications Service provision	
Review of Governance Rules	
23 February Council Meeting agenda review	



Disclosure of conflicts of interest

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

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

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

Office use

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



Record of Meeting involving Councillors and Council staff

Meeting	Councillor briefings		
Date	01-Mar-2022	Time	9.30am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

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

Officers present <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Allison Watt, Coordinator Governance	A
Travis Harling, Manager Finance and Reporting	A
Sean Morley, Coordinator Accounting	A
Rob Ball, Manager Strategic Planning and Environment	A
Leanne Khan, Coordinator Strategic Planning	A
Wendy Le Brocq, Coordinator Customer Service	A
Colin Marshall, Acting Manager Engineering and Resource Recovery	A
Istvan Marton, Coordinator Engineering Design Investigations	A
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Others present	<i>List all other persons in attendance</i>
Sharon Banner, Woodend Pony Club	A
Bill Couche, Woodend Men's Shed	A
Judy Quinn and Rebecca Beaumont, Riddells Creek Adult Riding Club	A
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Matters considered	<i>List all items</i>
Councillor Workshop 3 - Annual Budget 22/23	
Thematic Environment History	
DP/2021/1 - 89 Ross Watt Road, Gisborne	
Planning Matters including:	
- Review of the Planning Delegated Committee meeting agenda for 10 March	
Zendesk webchat trial	
Presentation from community groups on masterplan for Woodend Racecourse Reserve	
Sale of East Paddock	
DELWP Regional Integrated Water Management Strategic Directions Statement	



Disclosure of conflicts of interest

Name	Rob Guthrie	Title	Councillor
Nature of conflict <i>(provide full details of interest as disclosed by Councillor / officer)</i>			
Cr Guthrie declared a material conflict of interest in the agenda item on DP/2021/1 –89 Ross Watt Road, Gisborne as he lives across the road from the site.			
Did they leave the meeting?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
		Time departed	12.49pm
		Time returned	1.07pm

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

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

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Record of Meeting involving Councillors and Council staff

Meeting	Councillor briefings		
Date	08-Mar-2022	Time	9am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Allison Watt, Coordinator Governance		

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

Officers present <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Allison Watt, Coordinator Governance	A
Jacqui Wood, Executive Assistant	A
Travis Harling, Manager Finance and Reporting	A
Sean Morley, Coordinator Accounting	A
Rob Ball, Manager Strategic Planning and Environment	A
Leanne Khan, Coordinator Strategic Planning	A
Evert Grobbelaar, Manager Statutory Planning	A
Christo Crafford, Coordinator Statutory Planning	A
Damian Hodgkins, Senior Statutory Planner	A
Simon Finlay, Manager Open Space and Recreation	A
Carina Doolan, Acting Manager Facilities and Operations	A
Krista Patterson-Majoor	A
Silvana Predebon	A
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Others present	<i>List all other persons in attendance</i>
John Herron, Liberal Democrat candidate for McEwen	Z
Damian Wells, Managing Director Coliban Water	A
Danny McLean Executive General Manager for Service Delivery Coliban Water	A
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Matters considered	<i>List all items</i>
Councillor workshop 4 - Budget 22/23	
Presentation by Coliban Water	
Rural Land Use Strategy - summary of submissions and next steps	
Planning Matters PLN/2021/85 – 67 Simpson Street, Kyneton	
Presentation by McEwen Candidate John Herron	
Zero Net Emissions Plan	
Planning Delegated Committee (PDC) agenda	
23 March Council Meeting Agenda Review	
Governance Rules	



Disclosure of conflicts of interest

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

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

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

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Record of Meeting involving Councillors and Council staff

Meeting	Councillor briefings		
Date	15-Mar-2022	Time	9am
Location	Gisborne Administration Centre		
Responsible officer completing this form	Evvie Lambrianidis / Jacqui Wood		

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

Officers present <i>List all staff in attendance</i>	
Bernie O'Sullivan, Chief Executive Officer	A
Stephen Pykett, Acting Director Planning and Environment	A
Shane Walden, Director Assets and Operations	A
Gina Lyons, Interim Director Corporate and Community	A
Carmen Lawrence, Interim Executive Manager People, Culture and Performance	A
Evvie Lambrianidis, Senior Governance Officer	A
Jacqui Wood, Executive Assistant	A
Joe Spiteri, Senior Governance Officer	A
Sean Morley, Coordinator Accounting	A
Danielle Findlay, Business Development Officer	A
Will Rayner, Coordinator Visitor Economy	N
Evert Grobbelaar, Manager Statutory Planning	A
Christo Crafford, Coordinator Statutory Planning	A
Colin Marshall, Manager Facilities and Operations	A
Luke Tilley, Designs Investigations Engineer	Z
Simon Finlay, Manager Open Space & Recreation	A
Scott Gilchrist, Coordinator Open Space	N
Istvan Marton, Coordinator Engineering Designs Investigations	A
Harry Rehal, Traffic and Road Safety Engineer	A
Nicole Pietruschka, Events Officer	A
Hayley Drummond, Coordinator Property and Valuations	A
	-



Others present	<i>List all other persons in attendance</i>
Lisa Chesters MP, Federal Member for Bendigo	Z
Cate Sinclair, Federal Candidate for Bendigo	A
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Matters considered	<i>List all items</i>



Disclosure of conflicts of interest

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

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

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

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11 DIRECTOR PLANNING AND ENVIRONMENT REPORTS

PE.1	PLN/2019/391 LOT 6 AND 371 COBB AND CO ROAD CARLSRUHE - FREEWAY SERVICE CENTRE
Officer:	Christo Crafford, Coordinator Statutory Planning
Council Plan relationship:	3. Improve the built environment
Attachments:	<ol style="list-style-type: none"> 1. Aerial/locality map ↓ 2. Development and Road Signs Plans (under separate cover) 3. Application report (under separate cover) 4. Statement of Planning Policy ↓
Applicant:	TR Design
Date of receipt of application:	17 September 2019
Trigger for report to Council	Councillor call in

Summary

The application proposes the redevelopment of the site for a Freeway Service Centre. The application also includes the alteration of the access from the Calder Freeway, vegetation removal on the freeway road reserve and a two lot re-subdivision.

The application was advertised and five objections were received.

Key issues to be considered relate to the suitability of the proposed site for a Freeway Service Centre, amenity impacts and compliance with the relevant planning scheme provisions.

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

Recommendation

A. That Council issues a Notice of Decision to Grant a Permit for Use and development of a Freeway Service Centre, removal of road reserve trees, two lot re-subdivision and alteration of an access to a Transport Zone 2, earthworks, less than 100 metres from a waterway, wetlands or designated flood plain for the land at LOT 7 PS 434802R P/Woodend, LOT 6 PS 434802R P/Woodend, Cobb & Co Road, Carlsruhe, subject to the conditions below:

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

- a) A Site Plan delineating the existing service station, with a notation stating “To be decommissioned in accordance Conditions 6 and 7”;
- b) Any modifications to the development in accordance with Northern Central Catchment Authority condition 32 to 34 (inclusive);
- c) The secondary slip lane from the Calder Freeway modified on all relevant plans consistent with Site Plan TP006 prepared by TRDesign dated 03 August 2021;
- d) A comprehensive Landscape Plan in accordance with Condition 4 and Coliban Water Condition 38;
- e) Extension of the end of the parking aisle by 1.0 metre to allow vehicles parked in the last space of a dead-end accessway to exit in a forward direction with one manoeuvre;
- f) Increase the parking aisle width to 6.4 metres.
- g) Pavement areas (driveways, parking spaces, footpaths and otherwise) to be treated with muted colours or tinting.
- h) A full schedule of building materials and colour finishes/treatments for the external cladding and surfaces of approved buildings and works utilising muted and natural colour tones to ensure visual recessing within the surrounding rural and natural landscape (light or brightly coloured or reflective surface treatments are discouraged).
- i) Details of all rooftop service infrastructure and including enclosures or other visual screening devices.
- j) Details of external lighting to be installed including maximum illumination levels for each light source and the means of baffling to avoid light spill beyond the subject land.

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

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The two lot re-subdivision 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.

Amenity conditions

4. Before the development commences, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) A planting schedule where pot sizes are explicitly detailed and of minimum semi-mature size associated species, with canopy tree/s to be minimum 40lt size pot when planted;
 - b) Use a symbol system to indicate planning species/type and their respective planting location;
 - c) The use of drought tolerant and plant species found within surrounding area;

- d) **Vegetation screening provision along southern setback immediately adjacent to the car parking, with plant species capable of reaching mature heights of 2.0 metres to assist with screening on-site activities from the public domain;**
- e) **Vegetation screening provision behind the truck parking bay, immediately adjacent to proposed trees, with the capability of reaching heights of 4 metres to assist with screening on-site activities from the public domain.**
5. **Unless with the prior written consent of the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed prior to the occupation of the approved development or an alternative timeframe specified within the endorsed landscape plan, and thereafter maintained to the satisfaction of the Responsible Authority.**
6. **The existing petrol tanks and any other harmful facilities associated with existing service station must be decommissioned to the satisfaction of Environment Protection Agency and their relevant guidelines.**
7. **The entire existing service centre building and associated outside works must be completely demolished, with the land appropriately landscaped or alike to the satisfaction of the Responsible Authority.**
8. **Prior to commencement of the use, all External Lighting must be installed to comply with the relevant Australian Standards, including AS 4282.**
9. **All moving or flashing lights are prohibited.**
10. **The use and development must be managed so that the amenity of the area is not detrimentally affected, through the**
 - a) **Transport of materials, goods or commodities to or from the land;**
 - b) **Appearance of any building, works or materials;**
 - c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) **Presence of vermin;**
11. **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.**
12. **Private waste management collection is to occur during weekdays between hours of 7am – 6pm with no collection on public holidays or weekends.**
13. **No external sound amplification equipment or speakers are permitted to be used for the purpose of public announcement, broadcast, playing of music, or otherwise.**
14. **Noise levels emanating from the premises must not exceed those required to be met under Environment Protection Regulations under the Environment Protection Act 2017.**
15. **All air conditioning, exhaust ventilation and other external plant and equipment must be acoustically treated or placed in sound proof housing to avoid detriment to the amenity of the locality.**

16. Local and regional tourist information must be provided so as to be available at all times and at no cost to customers in a convenient and prominent location within the approved freeway service centre.

Tree protection conditions

17. Before the development commences, a Site Environmental Management Plan (SEMP) must be submitted to and endorsed by the Responsible Authority. The Site Environmental Management Plan must detail environmental management of the land during development works occurring and include the following information:
 - a) Tree protection fencing provided for retained vegetation within the subject land and the adjacent road reserves for the Calder Freeway and Springvale Road and in accordance with the requirements of Conditions 18, 19 and 20 of this permit.
 - b) Details of works within the Calder Freeway and Springvale Road reserves to be undertaken in a manner to avoid detrimental impacts to roadside vegetation and nearby waterways and water bodies. Where any works or other activities including the extension of stormwater drainage infrastructure or the extension of reticulated infrastructure services are to be undertaken within the adjoining road reserves, an ecological assessment of the habitat of the roadside and any adjacent impacted land, including recommendations for the minimisation and avoidance of detrimental impacts to native vegetation and habitat will be required to be submitted to and approved by the Responsible Authority. Trenching within areas of remnant native vegetation within the Calder Freeway and Springvale Road reserves must be avoided.
 - c) Locations for the parking and storage of vehicles, materials or equipment within the subject land.
 - d) All machinery and equipment must leave work sites weed free. An appropriate wash-down area must be identified. To prevent the spread of weeds listed under the Catchment and Land Protection Act 1994, all vehicles and equipment associated with the approved development must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority.
18. Development works on the land must be undertaken in accordance with the endorsed Site Environmental Management Plan to the satisfaction of the Responsible Authority. All contractors involved in the development must be made aware of the requirements of the endorsed SEMP.
19. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked "Tree Protection Zone – No Entry" on all sides. The erected tree protection fences must be inspected and approved by the Responsible Authority prior to the commencement of development.

20. Once erected and approved by the Responsible Authority, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority. Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection such as bridging over with timber).

Engineering conditions

21. Prior to the commencement of works, an Asset Protection Permit must be obtained from Council for any of the following circumstances:
 - a) Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes.
 - b) Occupying a road for works.
 - c) Connecting any land to a stormwater drain.
 - d) Opening, altering or repairing a road.
 - e) Opening, altering or repairing a drain.
 - f) Accessing a building site from a point other than a crossover.
 - g) Construct/repair/widen/remove any crossover.
22. Prior to the commencement of works, Engineering Plans must be submitted to and approved by Responsible Authority including payment of plan checking and supervision fees. The plans must include:
 - a) All necessary computations and supporting design documentation for any structure, civil and drainage infrastructure and geotechnical investigation report.
 - b) Details of any cut and fill earthworks.
 - c) Details of the car park.
 - d) Upgrade of an existing vehicle crossing to suit the accessway of the car park.
 - e) Removal of a redundant vehicle crossing and reinstatement of naturestrip.
 - f) Underground stormwater drainage to all buildings and paved areas.
23. Prior to the commencement of use, all works shown on the approved Engineering Plans must be constructed or carried out all to the satisfaction of the Responsible Authority.
24. The development is to be provided with a drainage system to a design approved by the Responsible Authority and such that:
 - a) The development as a whole is provided with legal point/s of discharge approved by the Responsible Authority and any other statutory authority from which approval must be received for the discharge of drainage. All new drainage is to be connected via underground piping into Council's existing drainage network.

- b) Storm water runoff from all buildings, tanks and paved areas must be drained to a legal point of discharge.
25. Before the development commences, an amended Stormwater Management Plan prepared by Cardno TGM dated February 2020 must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) That the invert level of the outlet culvert is higher than the 10% AEP flood level.
 - b) Devices to capture hydrocarbon on site.
26. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - b) Dust control;
 - c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - d) Where access to the site for construction vehicle traffic will occur;
 - e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
 - f) The location of any temporary buildings or yards
27. Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.
28. Prior to the commencement of use, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed to the satisfaction of the Responsible Authority.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Drained and maintained.
 - d) Line marked to indicate each car space and all access lanes.
 - e) Clearly marked to show the direction of traffic along access lanes and driveways.
 - f) Car spaces, access lanes and driveways must be kept available for these purposes at all times.
29. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
30. The development is to be constructed in accordance with Macedon Ranges Shire Council's Policy Engineering Requirements for Infrastructure Construction (June 2010).
31. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Soil erosion control measures must

be employed throughout the works in accordance with Construction Techniques for Sediment Pollution Control (EPA 1991) to the satisfaction of the Responsible Authority and Environmental Guidelines for Major Construction Sites (EPA 1995).

Northern Central Catchment Authority conditions

- 32. All buildings and works must be wholly located outside the 1% AEP flood extent of the Campaspe River.**
- 33. Excepting the entrance and exit driveways, all buildings and works must be setback a minimum of 15 metres from the top of bank of the waterway that traverses the southern boundary of the property. Prior to the commencement of works amended design plans must be submitted to the responsible authority and the North Central CMA for approval that demonstrate one of the following:**
 - a) The development is either modified or shifted back from the southern boundary to achieve this requirement, or**
 - b) The waterway along the southern property boundary is realigned within the property boundary to achieve this requirement.**
- 34. The depth of flooding over the proposed carparking areas and road ways must not exceed 0.3 metres. Prior to the commencement of works, engineering plans and computations to determine the 1% AEP flood levels associated with the waterway along the southern boundary and demonstrate how this condition will be achieved must be submitted to the responsible authority and North Central CMA for approval.**

Coliban Water conditions

- 35. Prior to the commencement of the construction of buildings or other works, an application must be made for the proposed works to be fully assessed by EPA through a works approval application under the Environment Protection Act 1970.**
- 36. The wastewater treatment system and disposal area must be installed, and, at all times, must be operated and managed, in accordance with any works approval or a council-issued septic tank permit. Any final wastewater solution must have an appropriate management, monitoring and reporting plan into the Macedon Ranges Shire Council domestic wastewater management system.**
- 37. The disposal area, and any recommendations for fencing or the prevention of trafficable access to the disposal area, which are provided for through a works approval, must be shown on the site plans that form part of the permit.**
- 38. Prior to the commencement of the construction of buildings or other works, a comprehensive Landscape Plan that provides for the enhancement of the environment and protection of the Eppalock special water supply catchment. The plan must be approved by the responsible authority and Coliban Water and be endorsed under the permit.**

Goulburn Murray Water conditions

- 39. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**

40. No buildings or works may be erected or carried out within 30 metres of a waterway or on any drainage lines (where applicable).

Department of Transport conditions

41. Prior to the commencement of use hereby approved in this permit, the applicant must enter into a Road Reserve Licence (Access Agreement) with Head, Transport for Victoria (Department of Transport, DoT) permitting access to and from the adjoining land only. The Road Reserve Licence (Access Agreement) will be in the form of DoT's standard documentation including but not limited to:

- Annual market rent
- Maintenance and operational obligations
- Insurance requirements
- Outgoings
- Reinstatement
- Works and required consent
- Costs

Please contact Melissa Dunk – Statutory and Specialised Asset Manager on 03 98542447.

42. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the endorsement of plans, a Functional Layout Plan and functional stage Road Safety Audit by a VicRoads' prequalified contractor must be submitted and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale and be generally in accordance with the plans prepared by TR Design dated 3 August 2021 (Project no. BC017.1, Sheet no. 006-007) and concept plans prepared by TrafficWorks dated 25 March 2020 (Drawing no. 180643-CTP-05, 06 and 07 (Issue P6)) but modified and annotated to show:
- a) A dedicated left turn deceleration lane into the Freeway Service Centre designed in accordance with AustRoads Guidelines.
 - b) The proposed roundabout and access point on Springvale Road to be designed in accordance with AustRoads Guidelines.
 - c) Associated road signage and linemarking in accordance with AustRoads Guidelines and VicRoads Tourist Signing Guidelines and Speed Zoning Guidelines.
 - d) Removal and reinstatement of redundant crossovers on Cobb and Co Road to the satisfaction of the Responsible Authority.
 - e) Swept path diagrams demonstrating the largest design vehicle is able to enter and exit the Freeway Service Centre from both the Calder Freeway and Springvale Road safely without straddling multiple lanes or kerbs.
 - f) Location of the existing earthen mound on Springvale Road and the extent of impact of the proposed roundabout works to it (if any).
 - g) Extent of roadside vegetation to be removed (if any).

- h) Mitigating measures to offset or address impacts to the existing earthen mound and roadside vegetation to the satisfaction of the Head, Transport for Victoria and the Responsible Authority.
 - i) External lighting designed in accordance with AS/ NZS 1158 and AS/ NZS 4282.
- 43. The number and location of the access proposed on the Calder Freeway as shown on the endorsed plans must not be altered without the written consent of the Head, Transport for Victoria.
- 44. Subsequent to the approval of the Functional Layout Plans and prior to the commencement of any roadworks required by the Head, Transport for Victoria under this permit, the permit holder must submit detailed engineering design plans, along with a detail design stage Road Safety Audit, prepared by a VicRoads prequalified contractor to the Head, Transport for Victoria for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road Safety Audit must be addressed in the detailed design plans to the satisfaction of and at no cost to the Head Transport for Victoria.

Detailed design plans must be accompanied by:

- a) A report from a suitably qualified Geotechnical Engineer outlining the design and construction techniques to be utilised to ensure the proposed Freeway Service Centre adjacent to the Calder Freeway will not impact detrimentally on the surface and undulation of adjacent sections of the Calder Freeway to the satisfaction of and at no cost to the Head, Transport for Victoria.
- b) Prior to the development coming into use, all required roadworks identified in the approved Functional Layout Plan and detailed design plan must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria.
- c) Prior to the installation of service centre signage, the proponent must apply to the Department of Transport to obtain a tourist sign permit to display Freeway Service Centre signage within the Calder Freeway reserve and ramps.
- d) Within 6 months of the development operating, a post-development Transport Impact Assessment Report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Transport Impact Assessment Report must include the following:
 - i. An assessment of the operation of the road network particularly the Calder Freeway interchange post-development.
 - ii. Identification of any road safety and operational issues resulting from the operation of the Freeway Service Centre on Springvale Road and the Calder Freeway.
 - iii. Any mitigation measures required to address the identified road safety and operational issues.
 - iv. Within 12 months of the development operating, or any such time as agreed with the Head, Transport for Victoria, the mitigation

measures outlined in the approved post-development Transport Impact Assessment Report must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.

- v. The discharge of any concentrated drainage or sullage onto the Calder Freeway reserve must not be permitted unless approved in writing by the Head, Transport for Victoria.
- vi. All vehicles must enter and exit the Freeway Service Centre in a forward direction at all times.
- vii. No work must be commenced in, on, under or over a road reserve without having first obtained all necessary approval under the Road Management Act 2004, the Road Safety Act 2017 and any other relevant Acts or Regulations created under those Acts.

EPA Conditions

- 45. Petroleum storage tanks must be designed, installed and operated in accordance with the Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSS) (EPA Publication No. 888.4, August 2015).
- 46. On cessation of the use, tanks must be decommissioned by suitably qualified professionals, as outlined in EPA Publication 888.4 Underground Petroleum Storage Systems (UPSSs) 2015 or as amended and the Australian Standards referenced therein.
- 47. A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard.
- 48. There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
 - a) The environment in the area around the premises; and
 - b) The wellbeing of persons and/or their property in the area around the premises.
- 49. Pollution control devices must be installed to prevent the discharge of waste to the environment and stormwater system.
- 50. The permit holder must ensure that litter originating from the premises is not present beyond the boundaries of the premises.

Permit Expiry

- 51. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit;
 - b) The development is not completed within four (4) years from the date of issue of this permit.
 - c) The use is not commenced within two (2) years of the completion of the development.
 - d) The plan of subdivision is not certified within two years of the date of this permit.

- e) The registration of the subdivision is not completed within five years of the date of the certification of the plan of subdivision.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

- **Permit Notes**
 - Future owners of the land must be made aware of the existence of this permit.
 - This permit does not authorise on-site signage except those which are exempted by the Macedon Ranges Planning Scheme.
 - No assessment has been made of the proposal's compliance with The Tobacco (Amendment) Act 2005 and it is recommended that the applicant obtain independent advice in this regard.
 - Any smoking area must comply with the requirements of the Tobacco Act 1987.
 - The premises must comply with the Public Health and Wellbeing Act 2008 and the Food Act 1984 (where applicable) and associated Council Local Laws. Council's Environmental Health Department should be contacted regarding these requirements.
- **EPA Notes:**
 - This permit is not an EPA works approval or licence. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 1970 are met. This may include obtaining a works approval or licence.
- **Department of Transport Notes:**
 - The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
 - The detailed engineering design plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.

B. That Council provides a 'consent letter' for the proposed advertising signage to undertake a ministerial amendment through DELWP to permit the proposed signage noting that the 10 metre high sign is to be single sided only.

Existing conditions and relevant history

Subject land

The subject site is a parcel of land located on the western side of the Calder Freeway, on the southern end of the Carlruhe Township, approximately 900m south from the edge of the township's core urban area. The allotment comprises two irregular shaped lots, one being 2.724 hectares in size addressed as 371 Cobb & Co Road, the other 13.626 hectares in size referred to only as Lot 6. The smaller lot has a corner arrangement interfacing with Cobb & Co Road and Springvale Road, whereas the larger lot has a single frontage to Cobb & Co Road. Both Cobb & Co Road and Springvale Road are sealed. The Calder Freeway runs parallel to the east of these lots and has exit/enter ramps adjacent to the subject site catering for both northbound and southbound freeway traffic to access the Carlruhe Township. The Calder Freeway is zoned Transport Zone 2 and managed by the Department of Transport.

The two lots are covered by the Farming Zone and the Environmental Significance Overlay – Schedule 4. The Land Subject to Inundation Overlay covers part of Lot 6. An existing BP Service Station fronts Cobb & Co Road with vehicle (including truck) entrance via Cobb & Co Road. The existing service station is of low scale in both built form and in operation, providing petrol and snacks with a small truck resting area. Hours of operation are Monday to Sunday - 24 hours. On-site signage is a mix of general corporate signage and some are illuminated. There is no electronic signage. The residual area of these two lots is vacant and not used for agricultural activities.

Surrounds

Immediately to the north, adjacent to the Calder Freeway, are several small parcels of land zoned Farming. Directly opposite the subject site to the south west at the corner of Cobb and Co and Springvale Road is an existing CFA Station. To the west and south are series of small land parcels covered by the Farming Zone and are occupied with single dwellings and hobby farming activities. The Carlruhe Township to the north is categorised as village with a population of less than 500, with no anticipated population growth forecasted or sought after. The township includes a small urban core area and is surrounded by land parcels zoned Farming. The land is relatively flat in topography.

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

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

Proposal

The proposal is to Use and Development the site as a Freeway Service Centre with the following attributes:

- Retain the Hours of operation – 24 hours, 7 days a week.
- Two access points provided from the north directly off the Freeway off ramp, the other off Springvale Road.
- Ten standard vehicle double-sided bousers.
- Six truck vehicle double-sided bousers.
- Seven EV charge stations.

- Built form is pedestrian in scale, orientated to Springvale Road.
- A total covered building area of 821m² comprising:
 - Three ancillary food and drinks premises of a mixed size area. Two areas offering drive thru capabilities.
 - Communal dining and rest areas
 - Convenience store
 - Truck drivers lounge area
 - General Amenities
- Maximum building height of the centre is 6.6 metres.
- Maximum building height of the canopy is 7.5 metres.
- Use of muted toned colours, including corporate green and yellow.
- Use of mixed of materials, concrete panels, metal sheeting and alucobond and timber.
- A total of 86 car parking spaces for standard vehicles, vans and trucks.
- Six van parking spaces and 14 truck parking spaces.
- Indoor and outdoor play areas.
- Perimeter landscaping.
- On-site waste water management system to Victorian Environment Protection Authority criteria.
- A new crossover entrance from Springvale and installation of a roundabout.
- Removal of vegetation (trees) from the road reserve (Road freeway and Springvale Road).
- Reinstatement of redundant crossovers from Cobb & Co Road
- The new building is to be central on site with the following setbacks:
 - 135 metres to the south-east to Springvale Road boundary
 - 62 metres to the south off ramp boundary
 - 160 metres to the north-east to Cobb and Co Road boundary
- A new slip lane from Calder Freeway catering for direct southbound traffic and new roundabout within Springvale Road.

Transport Zone 2 Signage

- Replace seven existing signs with seven new larger signs stating “Service Centre” and universal images indicating petrol, food and parking along the Calder Freeway. Signs to be blue and white.
- Upgrade existing road directional signage, with two with a new roundabout signs with blue and white service centre sign.
- All signage to be in accordance with Australian Standards.
- Upgrade and relocate other directional signage to suit traffic management.

- Note: two traffic signs along Springvale Road are required under the direction of DoT (VicRoads).

Subdivision

- Re-subdivision of the two lot boundaries, altering the sizes of the two lots from 2.4 hectares and 13.90 hectares as follows:
 - Lot 1 to occupy Freeway Service Centre with a total size of 5.4 hectares.
 - Lot 2 to be vacant and to be used for future farming uses with a total size of 11.1 hectares.

Accompanying the proposal are:

- Traffic Management report
- Environmental impact report
- External lighting letter report
- Storm Water Management report
- Land Capability and Sewer flow reports

Relevant Macedon Ranges Planning Scheme controls

Section 46AZK of the Planning and Environment Act 1987

Section 46AZK of the Planning and Environment Act 1987 and Clause 51.07 of the Macedon Ranges Planning Scheme require Council as a Responsible Public Entity to not act inconsistently with any provision of the Statement of Planning Policy (SOPP) in exercising decision making powers. Attachment 1 contains the officer assessment against the SOPP.

Planning Policy Framework

Clause no.	Clause name
11	Settlement
12	Environment
13	Environmental Risks and Amenity
14	Natural Resource Management
15	Built Environment and Heritage
17	Economic Development
18	Transport
19	Development Infrastructure

Local Planning Policy Framework

Clause no.	Clause name
21	Municipal Strategic Statement
21.04	Settlement
21.05	Environment and Landscape Values
21.06	Environmental Risks

21.07	Natural Resource Management
21.08	Built Environment and Heritage
21.10	Economic Development and Tourism
21.11	Transport
21.12	Community Development and Infrastructure
21.13-11	Carlsruhe
22.06	Design of industrial and Commercial Development

Zoning

Clause no.	Clause name
35.07	Farming Zone (FZ)
36.04	Transport Zone 2 (TRZ2)

Overlay

Clause no.	Clause name
42.01	Environmental Significance Overlay (ESO4)
44.04	Land Subject to Inundation Overlay

Particular provisions

Clause no.	Clause name
51.01	Specific Sites and Exclusions
52.05	Signs
52.06	Car Parking
52.29	Land adjacent to a Transport Zone 2 (Principle Road Network)
53.05	Freeway Service Centre

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	Yes

	Assessment criteria	Assessment response
	in Part 1 Regulation 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	
3	Is the application proposal an exempt activity as defined in Part 2 Division 2 of <i>Aboriginal Heritage Regulations 2018</i> ?	No
4	Is the application proposal a high impact activity as defined in Part 2 Division 5 of <i>Aboriginal Heritage Regulations 2018</i> ?	Yes

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

Planning Permit Trigger/s

The planning permit triggers are as follows:

Clause No	Details
35.07	A permit required for use and development of a Freeway Service Centre, a building within 100 metres from a Transport Zone 2, and for earthworks which change the rate of flow or the discharge point of water across a property boundary in the Farming Zone.
42.01	A permit is required to remove, destroy or lop any vegetation, including dead vegetation.
44.04	A permit is required to subdivide land.
52.05	A permit required for Business Identification Signs.
52.29	A permit is required to create or alter an access to a Transport Zone 2.

The process to date

Referral

Authority (Section 55)	Response
Department of Transport (DoT)	No objection, subject to conditions.
North Central Catchment Authority	No objection, subject to conditions.
Coliban Water	No objection, subject to conditions.
Goulburn Murray Water	No objection, subject to conditions.

Authority (Section 52)	Response
Department of Environment, Land, Water and Planning	No comment
Environment Protection Authority	No objection, subject to conditions.
Worksafe	No objection, no conditions.
MRSC Engineering	No objection, subject to conditions.

MRSC Health	No objection, no comment. Agrees with EPA licence requirement.
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Advertising

Pursuant to Section 52 of the Planning and Environment Act 1987, the application was originally advertised in late 2020 by sending notices to the owners and occupiers of surrounding/adjoining land and by requiring a notice to be erected on the land for a period of 14 days. Four objections were received from three separate households.

The application re-advertised in late 2021 to property owners of properties where a change of ownership occurred since the previous advertising. In addition, properties directly opposite Springvale Road were included in the re-advertising due to changes to the Slip Lane configuration required by DoT.

A total of five objections, including the original four objections, have been received.

Officer assessment

Planning and local policy framework

Various state, regional and local policies are relevant to consideration of this application, including policies relating to settlement, environmental and landscape values, environmental risks and amenity, agriculture, built environment and heritage, housing, economic development, transport, and infrastructure.

Clauses 11 (Settlement) and 21.04 (Settlement)

Clause 11 (Settlement) states that:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community services and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- *A high standard of urban design and amenity.*
- *Protection of environmentally sensitive areas and natural resources.*

Clause 11.01-1S (Settlement) includes the following strategies that are applicable to this application:

- *Ensure regions and their settlements are planning in accordance with their relevant regional growth plan.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:*
 - *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
 - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*

Clause 11.03-5S (Distinctive areas and Landscapes) is a policy specifically relating to the Macedon Ranges amongst other significant landscapes in Victoria. The objective of this policy is “*To protect and enhance the valued attributes of identified distinctive areas and landscapes*”. The strategies of this policy are:

- *Recognise the significant geographic and physical features of these areas.*

- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.*
- *Protect areas that are important for food production.*

Clause 21.04 (Settlement) is a Local Policy that notes Growth in the Shire is influenced by many factors, particularly regional transport corridor improvements, bushfire risk, community infrastructure and the potential for residents to commute to metropolitan Melbourne while living in an attractive rural or semi-rural environment. The Shire is planning for the population to reach 56,000 by 2036, and strategically seeks to develop consistency with the role of towns in the settlement hierarchy, with regard to infrastructure provision and environmental constraints. Greater capacity to absorb growth and greater net community benefit will be delivered through focusing growth in most of the larger towns adjacent to the Calder corridor and the railway line. Many of these towns have capability within the established utility services to support growth and have the least environmental and social constraints.

Response

The subject site, located adjacent to the Calder Freeway, has an established service station facing Cobb and Co Road. The proposal to be transform the site into a Freeway Service Centre with modern and expected facilities to capture a wider usage for the growing population occurring within this Shire and those who travels to the Shire and beyond using the Calder Freeway. There is a greater net community benefit to not only the Shire, but for the municipality's surrounding area who all have a stake in and connection to the Freeway's operation.

The subject site is located outside significant distinctive landscape areas as outlined in Macedon Ranges Statement of Planning Policy, and at the far southern end of Carlsruhe township. The proposal strongly considered and responded with appropriate scale, layout, setback, orientation and appropriate standard of design detailing to complement the rural and open space characteristic as its backdrop. By orientating the use and development towards the Freeway, south – west, Springvale Road, from east Cobb and Co Road, automatically disconnects the site from the township, and gives presence to the use and development to now form part of the Freeway offerings, as intended.

Carlsruhe township's identity and sense of place would not be impacted. The proposal is envisaged to reroute trucks southbound away from Cobb and Co Road, with the new road configuration and trucks access via Springvale road. This has the benefit in reducing service road/local road noise from trucks driving through the township, and ensure the village feel of the Carlsruhe township is retained.

Clauses 12 (Environmental and landscape values) and 21.05 (Environment and landscape values)

Clause 12 (Environmental and Landscape Values) includes the following policy statements:

- *Planning should help 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.*
- *Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.*

Clause 12.05-1S (Environmentally sensitive areas) objective is “*To protect and conserve environmentally sensitive areas*”. The strategy contained within this policy is:

- *Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.*

Clause 12.05-2S (Landscapes) is “*To protect and enhance significant landscapes and open spaces that contribute to character, identify and sustainable environments*”. Relevant strategies contained within this policy are:

- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

Clause 21.05-1 (Biodiversity and native vegetation management) includes objectives and strategies relating to broader environmental principles relating to biodiversity and native vegetation, but also includes specific objectives and strategies aimed at promoting the development of the Cobaw Biolink that connects existing areas of significant vegetation of the Macedon and Cobaw Ranges. Revegetation with native species and other environmental improvement works are strongly encouraged within this region.

Response

The subject site is noted to be outside the areas of the significance landscape and is not considered to infringe upon vista or views to those landscaping’s outlined within Clause 21.05-2 (Significant environments and landscapes) including the volcanic cones and peaks of Hanging Rock and Camels Hump. Appropriate landscape softening will ensure the development maintain and does not impact the ranges, major hills and ridges as significant visual backdrops to the Shire. The character of visually sensitive areas such as roadsides will not unreasonable be impacted on. Only the minimum amount of vegetation will be removed but will be supplemented by new landscaping to contribute to the landscape quality or character of the area.

Clauses 13 (Environmental risks and amenity) and 21.06 (Environmental risks)

Clause 13 (Environmental Risks and Amenity) includes the following relevant policy statements:

- *Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.*
- *Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts.*

Clause 13.05-1S (Noise abatement) is “*To assist the control of noise effects on sensitive land uses*”. The strategy within this policy is:

- *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07-1S (Land use compatibility) includes the following objective: “To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts”. The relevant strategies of this policy are:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 13.07-1S aims “to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts” and includes a strategy specifically relevant to this application that seeks to “ensure that use or development of land is compatible with adjoining and nearby land uses”.

Clause 21.06-2 (Soil degradation and contamination) outlines strategies and objectives relating to avoidance of detrimental outcomes of land disturbance and soil erosion, as well as from salinity and contamination.

Response

The subject site is land effectively “locked in” by an existing street network, and surrounded by CFA and small hobby farming parcels. Amenity impact to residential area and local community is limited by subject site proximity and general proposal attributes.

An upgraded fuel system to modern standards is a positive attribute to this site, and largely a necessary in the long term in managing the likelihood of soil degradation and contamination from the existing service station use.

A condition to secure the appropriate decommission of the existing petrol tanks will be included.

Given the new use would be located between the Freeway and the area of the existing service station the siting and use is considered compatible and limited noise impacts are anticipated given the lack of residential context in the immediate surrounds. The building setbacks from lot boundaries are considered generous and appropriate.

The development’s layout with the busiest activities sited towards the front of subject site adjacent to freeway is supported and will assist in separating the proposal from the Karlsruhe township and impacts on it character.

Clauses 14 (Natural resource management) and 21.07 (Natural resource management)

Clause 14 (Natural Resource Management) includes the following policy statements:

- *Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.*
- *Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.*

Clause 14.01-1S (Protection of agricultural land) aims to “*protect the state’s agricultural base by preserving productive farmland*”. Relevant objectives of this policy are:

- *Avoid permanent removal of productive agricultural land from the state’s agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*

Clauses 21.07-1 (Agriculture) and 21.07-2 (Sustainable rural land management) encourage the protection and facilitation of agriculture as well as the operation of that activity in an environmentally sustainable manner. Objectives and strategies within Clause 21.07-1 relating to development within agricultural land are as follows:

Objectives

- *To protect agricultural land.*
- *To facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.*

Strategies

- *Strategy 6.2 Ensure new use or development relate to the productive use of the land for agriculture.*
- *Strategy 6.4 Encourage any dwelling and/or outbuildings to be located on poorer quality land where it will not compromise efficient agricultural use of the land.*

Clauses 14.02-1S (Catchment planning and management) and 14.02-2S (Water quality) aim to protect catchments and water quality. Control of sediment as well as the establishment of vegetation within these areas are promoted by these policies.

Clause 21.07-3 (Water) aims “*to retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater*” as well as ensuring that “*development and use of agricultural land does not adversely impact water quality in the catchments*”.

Response to Agriculture

Having regard to Clause 14.1 (Agriculture) the combined subject land is not considered commercially productive agricultural land given its size, location and road encumbrances. Both lots are currently void of any current farming activity. The subject site and immediate surrounding lots to the east are notably located outside with the nominated area of ‘agricultural land’ under Strategic Rural Framework under Strategic Framework Clause 21.03.

The proposal to realign the lot boundaries and freeway service centre siting has been strategically considered in creating a suitable farming parcel on the land parcel to the north, collocated with further farming zone land to the north. There is not a loss of farming land, and no loss to its potential capabilities to be used as farming land as result of this proposal. Given the re-subdivision the proposal would effectively provide a clear delineation between commercial use and farming use, whereas presently the two uses are amalgamated.

Response to Water

Effective storm water treatment is to be managed by permit conditions. A large part of the subject site is dedicated to landscaping to assist with stormwater management and treatment

Land capability of sewerage is to be managed by Environment Protection Agency through a separate licensing agreement.

The subject site is land locked by a street network, allowing any off-site effects such as degradation of soil or water quality and land salinisation to be managed and contained largely on-site.

Clauses 15 (Built Environment and heritage) and 21.08-3 (Built environment)

These policies relate to development format and built environment. Relevant policy statements within Clause 15 (Built environment and heritage) for this application are:

- *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 should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*

Clause 15.01-2S (Building design) aims to achieve building design that contributes positively to the local context and enhances the public realm.

Clause 15.01-6S (Design for rural areas) aims to ensure that development respects the rural character.

Clause 21.08-3 (Built Environment) seeks to ensure that the *“high landscape qualities of the Shire and the built form of its towns must be appropriately controlled to ensure that development is sustainable and respects character”*. The following objectives within this policy are of relevance to this application:

- *To promote development that respects the rural character and high landscape values of the municipality.*
- *To protect and enhance the existing character and form of the Shire’s towns.*

Response

The building and activities are to be concentrated and oriented towards a south-west oriented and pointing to the Calder Freeway, reaffirming the proposal’s appearance to be a Freeway Service Centre connected to the Calder Freeway and disconnected from the agriculture landscape to the east.

The proposal exhibits an appropriate quality design response to its rural context and natural spacious landscape character.

The proposed build form, scale, being clean modern formed shapes, design detailing, setbacks and ample landscaping all around, presents a subtle appearance commercial building blending between two distinct land uses, a major arterial freeway and open agricultural land. Special attention to the development's attributes ensure long range and visual appearance of the development to and from the Freeway is managed appropriately. The maximum building height of 7.9 metres is considered appropriately scaled for the predominantly low built form surrounding scaled area and is similar in height as a standard two storey domestic residential home. The use of a mix of materials and muted earthy toned colours coupled with the use of limited corporate colours delivers a building that blends appropriately into the wider natural landscape without compromising on commercial identity. Landscaping provisions around the entire perimeter of the lot and in-between activity areas and car parking area add to the softening of hard surfaces. By way of permit condition, a full landscaping plan will be required, with the inclusion of strong vegetation screening along and adjacent the truck and van parking bays and along the south-eastern side of the southern accessway.

Long range views and vistas to Significance Landscape Areas/buildings are undisturbed by the limited building scale and design detailing that is intended to blend into the background.

Clauses 17 (Economic development) and 21.10 (Economic development and tourism)

Clause 17.01-1S (Diversified economy) aims to strengthen and diversify the economy and includes the following relevant strategies:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *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.*
- *Support rural economies to grow and diversify.*

Clause 17.01-1R (Diversified economy – Loddon Mallee South) includes the following strategies:

- *Support the ongoing role and contribution of the region's small towns, settlements and non-urban areas through investment and diversification of their economies.*
- *Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries.*

Clause 17.04-1S (Facilitating tourism) aims to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Clause 21.10 (Economic development and tourism) notes the importance of diversified economy for the Shire including tourism and agriculture. The natural environment is noted as a significant attraction for tourism.

Clause 21.10-1 (Commercial and industry) notes the importance of the appearance of development along township entries and major roads to complement the Shire's rural character and high landscape values. Objective 2 of this policy aims to maintain the amenity of the areas interfacing with industrial and commercial uses and the quality of the rural environment". Strategy 2.5 seeks to "Ensure industrial and commercial development at township gateways and along major roads does not detract from the valued elements of the surrounding landscape.

Clause 21.10-2 (Tourism) addresses the importance of the rural and significant landscapes of the Shire to its tourism economy, and aims to increase the value of tourism within the economy of the Shire into the future.

Response

Facilitating the efficient movement of people and goods would have long term compounding economic benefits to the Shire and regional Victoria.

Clauses 18 (Transport) and Clause 21.11 (Transport)

Clause 18.01-1S (Land use and transport integration) aims '*To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport*'.

Clause 18.02-4S Roads aims '*to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure*'. In doing so. Develop declared freeways to:

- *Link Melbourne with major regional cities, major interstate locations and other key locations important to the economy along major national and state transport corridors*
- *Connect dispersed major residential areas with key destinations and lower density employment areas.*
- *Connect and provide access to Principal Transport Gateways and freight-generating areas.*

Clause 21.11 (transport) aims to integrate transport with land use and development and includes strategies aimed at minimising access points to major roads subject to Principle Road networks and ensure that development adjacent to major roads ensures road safety is prioritised.

Response

Macedon Ranges Shire is located within the Melbourne-Bendigo corridor and supports key infrastructure includes the Calder Freeway (National-Auslink Corridor) line. This corridor plays an increasingly important role in safety, moving people and freight and providing connections to other services. Improvements to Freeway infrastructure offers significant enhancement of accessibility for people and goods to Melbourne, the airport and Regional Victoria. Clause 21.11-1 Integrated transport, seeks to encourage development to locate in proximity to key transport linkages.

The proposal will form an important infrastructure project complementing and supporting an integral principle road network. It will serve to improve the Calder Freeway overall safety and convenience benefits for travellers with essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals.

The proposal provides also for local employment opportunities for the nearby township residents.

The application was referred to Department of Transport (aka VicRoads) with DoT as a determining referral authority. DoT have supplied strong support this proposal that formalises a new ingress and egress road conflagration, whilst taking benefit of the existing off and on ramps for optimal traffic management of local traffic vs traffic generated by this proposal. DoT supports this proposal with a series of permit conditions, namely functional layout plan and engineering details.

Clauses 19 (Infrastructure) and 21.12 (Community Development and Infrastructure)

The proposal is considered to be in line with Clauses 19 (Infrastructure), Clause 21.12-2 (Development infrastructure) and 21.12-3 (Rural infrastructure) which aim to ensure suitable infrastructure for development including reticulated services, stormwater drainage and otherwise for new development.

Clause 21.13-11 (Local Areas and Small Settlements – Carlsruhe)

This Local Policy proclaims Carlsruhe's role as a village and sets out set of the strategies

1.1 Ensure re-development enhances the character of Carlsruhe as a rural village.

1.2 Encourage development to contribute to the Carlsruhe Memorial Park.

1.3 Ensure development is respectful of natural and cultural heritage values and characteristics.

1.4 Restrict development and growth in the Eppalock designated water supply catchment area.

1.5 Avoid development in areas subject to flooding.

Response

The proposal makes better use of the site already used as a service centre. The proposed siting of the Freeway Service Centre is closer to the freeway, and even further away from Carlsruhe's core village area, and residential context compared to current service centre location. The layout and orientation of the proposed development, together with large amounts of landscaping, intend to minimise negative amenity experienced externally, and still allow the Carlsruhe's feel and character to remain intact. It is the combination of siting and design attributes which have respectfully considered and responded to the nearby residential village.

Attention to avoiding and managing impacts around Eppalock designated water supply catchment area have appropriately been considered by external referral agencies, accompanied by various recommending permit conditions.

Clause 22.06 (Design of industrial and Commercial Development)

The objective of this clause include:

- *To facilitate the development of functional, well serviced, amenable and attractive industrial and commercial areas that have regard to their local context.*
- *To ensure the design of industrial and commercial development has a positive impact on the amenity and the physical environment of the Shire.*
- *To ensure industrial and commercial development reinforces the preferred visual character of the Macedon Ranges Shire townships and complements the desired rural character adjoining townships and key road gateways and corridors.*

Response

The application presents a high quality design response meeting all the key design requirements sought after under MRSC reference documentation *Commercial and industrial Design Guidelines 2012*. More discussion on the design response can be found in the Clause 53.05 Freeway Service Centre whereby design guidelines under this provision overlap these *Guidelines 2012*.

Clause 35.07 - Farming Zone

The purpose of the Farming Zone is:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

A permit is required for the use and development of land for a Freeway Service Centre under the Farming Zone provisions applying to the subject land, for a building within 100 metres from a waterway, wetlands or designated flood plain, for earthworks which change the rate of flow or the discharge point of water across a property boundary. A Freeway Service Centre must meet the requirements of Clause 53.05. Sign requirements are at Clause 52.05. This zone is in Category 4.

Under the Zone, a permit is also required if the following is not met:

- The minimum setback of a building adjacent to Transport Zone 2 is 50 metres.
- The minimum setback a building to waterway, wetlands or designated flood plain is 100 metres.

Response

The proposed freeway service centre location and design response is considered satisfactory. The proposal is also considered compatible with and to not adversely affect the agricultural land use surrounding farming area. The subdivision component to the application and siting of proposed use and development would furthermore offer a sizable proportion of subject land dedicated for hobby farming activities.

The proposed landscaping screening along the eastern side of the development and external lighting measures to Australian standards, provides a suitable response to protect hobby farming activities to the far east.

The proposed development is of high architectural design and format and would comfortably with time, blend within the surrounding rural landscape context.

Accordingly, the proposal achieves satisfactory response with minimum setback requirement with the following:

- The minimum setback the proposed building adjacent to Transport Zone 2 is approximately 77 metres.
- The minimum setback of the building to a waterway, wetlands or designated flood plain is approximately 70 metres. Whilst not meeting this requirement, the building siting is addressed via conditions from North Central Catchment Authority and MRSC Engineering. The reduced setback is not considered to have a detriment impact to underground waterway.

Clause 42.01 – Environmental Significance Overlay (ESO4)

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

A permit is required for building and works, and carry out works, and removal of eleven (11) eucalyptus trees along the road reserve of the Calder Freeway.

Clause 66.02-5 (Use and Development Referrals – Special Water Catchment Supply Area) specifies that applications for use and development within special water supply catchment area must be referred to the relevant water authority – in this case Coliban Water and Goulburn Murray Water.

The applicant provided a Land Capability Assessment Report detailing the estimation water flow to be in excess of 5000lt, using the Code of Practice Onsite Waste Water Table 4 Victorian Environment Protection Agency reference document.

In case of this estimation exceeding 5000Lt, the regulation authority approval is Victorian Environment Protection Agency and not the statutory Water Authorities.

The Environment Protection Agency have consented to the proposal subject to licensing agreement.

Removal of vegetation

The eleven 11 eucalyptus trees sought to be removed from the road reserve for creation of the 6-metre-wide vehicle entrance, are sited in an isolated cluster and not part of any continuous forestry area or highly valued environmental location. No concern was raised by the Water Authorities on the removal trees. A comprehensive Landscape Plan is to be requested and will detail replacement trees on site, and will act as a measure of off-setting. Removal of the trees is necessary for the function of this use and to meet Department of Transport requirements. The removal of the trees is therefore considered satisfactory.

Clause 44.04 - Land Subject To Inundation Overlay (LSIO)

Only the northern part of the subject land is affected by the LSIO and not where the Freeway Service Centre will be developed. A permit is in this case only triggered for the re-subdivision of the land. The relevant catchment authority raised no concerns subject to conditions.

Clause 51.01 - Specific Sites and Exclusions and Clause 52.05 - Signs

The purpose of Clause 52.05 (Signs) is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The purpose of Clause 51.01 (Specific Sites and Exclusions) is:

- *To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.*
- *To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.*

As noted above under the Farming Zone provisions, signage specified by this zone is in Category 4 under this provision. The category 4 signage provisions detailed at Clause 52.05-14 and are noted as having 'Maximum Limitation' in applying to 'Sensitive Areas'. The purpose of the Category 4 signage provisions is to "to provide for unobtrusive signs in areas requiring strong amenity control".

Under these provisions, Business identification signage is subject to requiring a planning permit and is also limited to 3m² meaning that larger amounts of business identification signage are prohibited by this provision. Direction signs that direct traffic or pedestrians that are no more than 0.3 square metres in size and do not contain commercial information are exempt from permit requirement under this provision.

The extent of signage proposed would exceed the maximum 3 square metres of business identification signage and is therefore prohibited under Clause 52.05.

The only way that the proposed signage could be considered and approved is covered within Clause 51.01 for specific exclusion from the standard planning scheme provisions. This application therefore seeks a special request from Council to provide 'consent letter' to undertake a ministerial amendment through DELWP to allow the proposed signage.

The subject site is located in a Farming Zone and planning controls limit signage to maximum of 3m² per premises. Council has no authority to award more signage onsite. DELWP has authority to in special circumstances, allow for additional signage subject to Council consent and their criteria assessment. DELWP have confirmed their willingness to consider such ministerial amendment request, provided a consent letter from Council accompanies the proposal to DELWP and a permit is granted for a Freeway Service Centre.

The proposal for the Freeway Service Centre seeks several signage types, some with illumination and electronic attributes. The scale and positioning of the signage is considered appropriate having regard to finding a balance to minimising impacts on amenity and rural landscaping views and the need for Freeway Service Centre to be visibly noticed and provide the expected information. Signage types are uniquely sited on site to capture its intended user. Driver height signage is noted at the Springvale Road entrance to lower visual impact experienced along the local road. The maximum height of signage is 10 metres facing the Freeway and is considered low scale when compared to what is experienced within the urban or Hume Freeway service centre signage context. The applicant had further agreed to make this sign single sided only and that will be made a condition of Council support for this particular sign.

Clause 51.07 Macedon Ranges Statement of Planning Policy

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

Clause 52.06 Car parking

The purpose of Clause 52.06 is to ensure that car parking is provided in an appropriate manner, which provides for the likely demand for parking related to the activity on the land, supports transport alternatives, designed in a way which does not adversely affect the amenity of the area and which ensures that the design and location of the car parking is of a high standard which promotes safety and efficient use.

The table at Clause 52.06-5 designates a car parking requirement for particular uses. If the use is not listed, car parking it is to Responsible Authority satisfaction. The proposed use is not listed, and thus car parking numbers are to Responsible Authority satisfaction.

The application accompanied Traffic impact assessment prepared by Traffic Works engineering detailing the estimated traffic generation, movement and car parking demand.

The proposal incorporates:

- 83 light vehicle spaces (including 7 electric vehicle charging bays and 3 accessible parking spaces).
- 15 truck parking spaces
- six caravan parking spaces.

The MRSC Engineering unit have reviewed the proposal's details including traffic impact assessment and considered car parking proposed is sufficient. The design of car spaces and access ways generally complies with the requirements of Clause 52.06- 9 - Car Parking Design. Minor adjustment to the parking aisle is required that can be secured via condition on permit.

Clause 52.29 (Land Adjacent to Principle Road Network)

The purpose of this Particular Provision is:

- To ensure appropriate access to the Principal Road Network or land planned to *form part of the Principal Road Network*.
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

A permit is required to create access to a road in a Transport Zone 2. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the Road Management Act 2004, land owned by the Roads Corporation for the purpose of a road must be referred to the Roads Corporation under section 55 of the Act.

The proposal is compliant with this Particular Provision which relates to safe and appropriate access to major roads under the ownership of VicRoads. The proposal was referred to Department of Transport as the specified determining referral authority who have consented to the proposal including access to the Calder Freeway, subject to conditions. These conditions are to be placed on any permit granted.

Clause 53.05 (Freeway Service Centre)

The purpose of this Particular Provision is:

- *To ensure that freeway service centres are appropriately designed and located.*
- *To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Roads Corporation.*
- *To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.*
- *To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.*

- *To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.*

The proposal provides an expansive area for all facilities and services sought by under this Clause including:

- Designated parking areas.
- Undercover fuel sales area for petrol, diesel and LPG.
- Air/water
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone

In addition to above facilitates, an out-door picnic area, EVC Charging ports, quick drive thru facilities and expansive area of landscaping are provided

Assessment against Freeway Service Centre Design Guidelines 1997

In regard to the Freeway Service Centre Design Guidelines, reference documentation, this document's scope is to be applied to Western Freeway, Calder Freeway, Hume Freeway, Princes Freeway, Princes Freeway (east) and Princes Freeway (west).

4.1 Location

The purpose of Clause 53.05 and Part 4.1 of the Freeway Service Centre Design Guidelines require consideration of location for freeway service centres on strategic intervals of preferable not less than 50 km from the existing centres.

The subject site already has an existing Karlsruhe service centre that is located at midpoint, approximately 50km between Calder Park and the Ravenswood Freeway Service Centre. The proposed Freeway Service Centre offers two-way access to both northbound and southbound in a single facility, accessed by the existing northbound and southbound off ramps.

4.2 Entry and Exit

This provision seeks efficient and safe operation of freeways. Through traffic must not be able to access the local road system by way of the Freeway Service Centre.

The Freeway Service Centre is to be solely accessed from the Freeway and Springvale Road, which are both managed by Department of Transport. No local road system would provide access.

The proposal takes benefit of the existing ingress and egress ramps on/off the freeway, and seeks to modify the freeway to include a dedicated secondary lane for the traffic solely for the Centre. The layout design provides for a singular exit point at Springvale Road and is supported by a Traffic Impact Assessment prepared by qualified engineer, reviewed and accepted by MRSC Engineering and DoT.

The proposal includes reconfiguration of Springvale Road – the service road, creating a roundabout to effectively manage multi directional traffic. The existing roads and

improvements to the ingress and egress points will ensure traffic arrangement is consistent with DoT requirements, and allow for efficient and safe operation of the Freeway.

4.3 Landscape Buffer Zone

This provision seeks for the service centre pavement to be have a minimum 7.5 metres setback from the Freeway Reserve boundary and also seeks for landscape buffer planting that contributes positively to the role and amenity and character of the roadside environment.

The proposal well truly exceeds this with 16.9 metre setback from boundary dedicated to landscaping buffer. However, the submitted Landscape Plan particulars within the buffer falls short in details and overall in providing a clear positive amenity contribution. Given the car parking hard surface dominates the interface with the Freeway, softening of hard surfaces using vegetation screening landscaping will be required to achieve the desired guideline objective. The use of screening plants within the landscape buffer is to be secured by permit conditions to any permit granted.

4.4 Facilities and Services

This provision seeks to provide facilities that encourage a driver to stop and take a rest break. Facilities must be available 7 days a week 24 hours, and comprise those outlined above in the proposal and Clause 53.05. In addition, a tourist information must be available.

The proposal achieves alignment in meeting this guideline facilities, however does not specifically offer to provide tourist information. A permit condition will require tourism information to be provided.

4.5 Layout

This provision seeks the layout to be simple, understandable and safe.

The layout ensures one-way movement with options to turn around prior to exiting the site. Access has been designed to ensure motorists are discouraged wrong way movement back onto the Calder Freeway. The parking areas for trucks, caravans and large heavy vehicles has been strategically placed to the rear of the site to ensure vehicles can enter and exit their parking allocated parking spaces without having to reverse.

Pedestrian conflict is avoided throughout the site given the spacing and placing of large vehicles and the separation of refuelling stations. Access the restaurant is provided separately to the petrol bowsers which is considered appropriate.

The layout of the development is simple, decision points for motorists are minimal and easy to understand. The drive-through for the restaurant is strategically located so as to not disturb the flow of traffic through the site, with two ordering lanes provided.

The Engineering raised no traffic movement concerns.

4.6 Built Form

This guideline seeks high architectural design, to take full advantage of aspects and views, and be respectful to siting and surrounds. The guidelines also encourage: A modern flare design approach is preferred over a standard; bold architectural statements are encouraged; building facilities to have visible entrances; material treatment to be of high quality and durable; buildings to have cohesive design expressed in style in height massing, material and colour and advertising signage design to be integrated with cohesive design expressed of the building.

The proposal expresses a modern architectural statement being suitably scaled and detailed with clean lines, adopting use of different high quality textured materials (timber, alucobond,

wood form, power coated mesh) in soft earthy colour tones, contrasted with corporate green and yellow colours over petrol pumping station and main building façade entrance. The canopies will have a unified architectural approach with respect to style, height, design, location, with minimal advertising on all facades.

Future building signage will be minimised and incorporated into the overall built form. Price boards and standalone signs will be designed to meet requirements of VicRoads. Future signs proposed along Calder Freeway, entrances to the site and within the site will maximise site lines and ensure ease of identification approaching the site and moving throughout the site.

Disabled access with adjacent disabled car spaces are provided in accordance with the relevant Australian

Standards.

The maximum building height is 7.9 metres and the overall height of the building will sit within the landscape having minimal impact on the site and surrounds.

4.7 Parking

This guideline seeks parking to be sealed, drained, lit well, and provide for trucks cars, motor cycles, caravans /trailers, accessibility. Trucks parking should allow for forward direction, without the need for reserving. Parking to be separate from pedestrian areas, and well-marked out.

The parking layout is well thought out, providing for the various vehicle types to be separated from outdoor facilities. Sealed parking spaces will be provided throughout the site with safe and efficient entry and egress points for all types of vehicles. Pedestrian and vehicle conflict will be minimised with appropriate safety measures such as speed limit signs, pedestrian crossings provided and designated pedestrian walking paths provided.

Landscaping provision between parking areas and facilities are well represented, adding to internal amenity to be able to park, rest, and enjoy landscaped environment.

The Engineering Unit raised no concern in this regard.

Loading and Unloading

This guideline seeks loading and unloading facilities to be accordance with Australian Standards in a visible concealed area. Unloading facilities must not impede upon public access to the full range of facilities. Storage waste areas to be well-screened and located away from the pedestrian areas.

The layout afford loading and unloading facilities to be located to the rear of the building, appropriately screened from pedestrian areas. Storage areas are located to rear of the building, in the north west corner, and appropriately screened from pedestrian areas.

Signage (on site)

This provision seeks to promote that advertising signage should be integrated with the overall architectural approach and visible to encourage people to stop and take a rest break. Individual signs should not extend above the roof line of the building signage and should complement the style, scale and character of the service centre.

The proposal for the Freeway Service Centre seeks several signage types, some with illumination and electronic attributes. The scale and positioning of the signage is considered appropriate having regard to finding a balance to minimising impacts on amenity and rural landscaping views and the need for Freeway Service Centre to be visibly noticed and

provide the expected information. Signage types are considered appropriately positioned and scaled fit-for-purpose. The majority of signage is low at driver height and located at entry and exit points.

The tallest sign is 10 metres high located on the far east corner of the site intended to advertise to the freeway driver the facilities and fuel prices before approaching the exit slip lane. This sign exceeds preferred maximum height to match or be lessor than the maximum proposed building height on-site i.e. 7.9 metres. Contextually the spacing between building and this sign is however generous and there is a discernible setback between the sign location and the building. The 10 metre high sign and associated available space on the sign, allows for multiple fuel type including EV prices to be displayed and also to advertise food and other facilities as available thus meeting the function of the centre - that is to stop and take a break. This sign is meant to be seen in advance and will assist in promoting the safe and efficient identification of the service centre in advance.

The proposed signage is considered appropriate when viewed in a broader context of the proposal attributes and relative outcome to other likely planning outcome scenarios.

More information about signage is provided in the relevant heading above.

4.10 Lighting

This guideline seeks to assign suitable lighting intensity between facilities on-site and ensure no lighting spills to drivers on the freeway. Moving or flashing lights are prohibited. Lighting should not intrude on surrounding area.

The lighting placement and levels will be placed onsite to ensure it does not interfere with drivers on the freeway, nor spill onto the freeway. Lower levels of lighting will be provided in the truck parking areas to ensure drivers utilising these areas for sleeping will not be impacted. Areas of public use will be lit 24 hours a day to ensure these areas are easily viewed and safe for all users. There are no proposed flashing or moving lights.

Lighting provided on the building and canopies is designed to complement the building and overall design and will be limited to not detrimentally impact the natural environment.

The applicant supplied a detailing written response on the external lighting, allocating lighting types to different areas in accordance with Australian Standards. A permit condition to be requested to secure External Lighting meets the relevant Australian Standards.

4.11 Utility Services

This provision seeks to manage utility services installation and location

The site will be connected to all required services. The use of a septic tank is required and this area and type of tank has been set out in the supporting LCA Assessment and will be enforced via conditions on the permit.

4.12 Landscape treatment

This provision seeks to retain existing vegetation where possible.

The site is generally void of vegetation and the proposed re-development will enable designated landscape areas throughout the site. Conditions will require the provision of a more comprehensive planting plan using planting species preferred for the locality.

Clause 71.02-3 Integrated Decision Making

Further, the proposal complies with the provisions of Clause 71.02-3 (Integrated Decision Making). As discussed throughout this report, the proposal assesses aspects of economic,

environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. A balanced approach on the objective of the planning scheme and application merits has determined this major infrastructure proposal worthy of support.

Officer declaration of conflicts of interest

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



While every care has been taken to ensure the accuracy of this data, the Macedon Ranges Shire Council, Councillors and Employees make no representation nor warranties concerning the accuracy, reliability, completeness or suitability of the data for any particular purpose and disclaim all responsibility and all liability including without limitation, liability in negligence for all expenses, losses, damages or injury (including indirect or consequential) and costs which may be incurred as a result of the data being inaccurate or incomplete in any way and for whatever reason. No person or organisation should rely solely upon this data for the purpose of making business, investment or real estate decisions.

4/05/2021

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Consistency of the proposal with the Statement of Planning Policy (SOPP):

PLN/2019/391 LOT 6 AND 371 COBB AND CO ROAD, CARLSRUHE FREEWAY SERVICE CENTRE

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.				N/A	
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.				
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.				
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.				
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.				
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced		✓			Some native vegetation will be removed to facilitate the proposal. This is however to the minimum extent and will be supplemented by landscaping of the site.
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.	✓			Native vegetation on site will be protected via the implementation of a Site Environmental Management Plan.
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.			N/A	
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value			N/A	
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.	✓			The implementation of the required Site Environmental Management Plan will require best practice land management plans.
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.		✓			The subject site is located with Special Water Supply Catchment Area. The application was referred to relevant water authorities and no objection has been raised from the relevant water authorities.
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.	✓			
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.	✓			
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.			N/A	
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.	✓			
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.			N/A	
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.				N/A	The subject site is not located within area of Aboriginal cultural sensitivity.
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.				
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.			N/A	
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.				N/A	
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.				
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.				
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.		✓			The subject land is not considered commercially productive agricultural land given its size, location and road encumbrances. Both current lots are void of any current farming activity. The subject site and immediate surrounding lots to the east are notably located outside with the nominated area of 'agricultural land' under Strategic Rural Framework under Strategic Framework Clause 21.03.
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.	✓			The proposal to realign the lot boundaries and freeway service centre siting has been strategically considered in creating a suitable farming parcel on the land parcel to the north, collocated with further farming zone land to the north. There is not a loss of farming land, and no loss to its potential capabilities to be used as farming land as result of this proposal. Given the re-subdivision the proposal would

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
						effectively provide a clear delineation between commercial use and farming use, whereas presently the two uses are amalgamated.
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			N/A	
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.			N/A	
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.			N/A	
		Manage the effects of rural land use and development on important environmental and cultural values.	✓			It is considered that the proposal will achieve appropriate balance between protection and enhancement of the site's environmental features and the land's ability to sustain the proposed agricultural use.
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.			N/A	
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.		✓			The proposal is strongly aligned with supporting tourism by providing an essential service by supporting and encouraging motorists' ability to visit and stop in the area.
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.	✓			The provision of electrical vehicle charging stations in particular will encourage tourists who own electrical vehicles to visit the area.
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.	✓			Permit conditions will require tourism material to be provided at the facility.
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		regional or state significance in the planning of tourism and recreational land uses.				
		Protect the unique rural character of towns in the declared area.	✓			The relatively low scale of the development together with the proposed and additional required landscaping will ensure minimum impact on the character of the area.
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.				N/A	The site is not located adjacent to any significant landscape and minimal vegetation will be removed as part of the proposal.
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.				
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).				
		Encourage infill development that respects the townships' character.				
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.				
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.				
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.				
		Encourage the use of voluntary Cultural Heritage Management Plans.				
9.	To manage the provision of infrastructure consistent with protection of the area's		✓			

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	significant landscapes and protection of environmental values to support the social and economic needs of communities and increase resilience to climate change effects.					
		Provide timely infrastructure and services to meet community needs in sequence with development.	✓			
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			The subject site, located adjacent to the Calder Freeway, has an established service station facing Cobb and Co Road. The proposal to be transform the site into a Freeway Service Centre with modern and expected facilities to capture a wider usage for the growing population occurring within this Shire and those who travels to the Shire and beyond using the Calder Freeway. There is a greater net community benefit to not only the Shire, but for the municipality's surrounding area who all have a stake in and connection to the Freeway's operation.
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			The provision of electrical vehicle charging stations in particular supports this objective to reduce the use of fossil fuels.
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.	✓			View lines of state-significant landscape features from the Freeway will not be impacted.
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.	✓			The proposal will support the operation of current and future transport linkages.
		Ensure equitable access to community infrastructure.	✓			
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.	✓			The location adjacent to the Freeway is highly accessible from both directions on the Freeway.
10.	Respond to the challenges and threats of climate change and natural hazards with careful		✓			

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	planning and mitigation strategies.					
		Support community and government planning for disaster preparedness and climate resilience.			N/A	
		Manage bushfire risks while also retaining valued biodiversity and landscape character.	✓			The property is not in the Bushfire Management Overlay and the proposal does not trigger consideration under this overlay. It is still, however, important to consider the implications of the proposal in accordance with the policies. It is considered that the irrigation systems on site, and land management practices, will mitigate bushfire risk further and assist resilience to fire in the locality.
		Plan for more renewable energy generation and distribution.			N/A	
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.	✓			The parcel on which the facility will be developed is not affected by a flooding overlay.

PE.2	DEFERRAL OF REPORT - PLN/2004/429/A - USE OF THE LAND FOR THE PURPOSE OF FARM PRODUCE MARKET - SERVICE ROAD BETWEEN AITKEN STREET AND HAMILTON STREET, GISBORNE
Officer:	Evert Grobbelaar, Manager Statutory Planning
Council Plan relationship:	1. Connecting communities
Attachments:	Nil

Summary

This report provides Council with an update in relation to Planning Permit Application PLN/2004/429/A - Use of the Land for the purpose of Farm Produce Market - Service Road between Aitken Street and Hamilton Street, Gisborne. At the Planning Delegated Committee Meeting held on 10 March 2022, it was decided that the application would be considered and decided upon at the 13 April 2022 Planning Delegated Committee Meeting. However, the applicant has since requested that the item be deferred.

Recommendation

That Council notes that recommendations relating to Planning Permit Application PLN/2004/429/A will be prepared, based on all relevant information, including submissions received, for consideration and determination at a future Planning Delegated Committee Meeting.

Background

Submissions to the Planning Application PLN/2004/429/A - Use of the Land for the purpose of Farm Produce Market - Service Road between Aitken Street and Hamilton Street, Gisborne were heard and noted at the Planning Delegated Committee Meeting held on 10 March 2022. At this meeting, the Committee made the following decision:

That the Committee:

- 1. Notes the submissions received in relation to Application to Amend a Permit PLN/2004/429/A; and*
- 2. Requests that recommendations be prepared, based on all relevant information, including the submissions received, for consideration and determination at the next Planning Delegated Committee Meeting on 13 April 2022.*

Discussion

Following the Planning Delegated Committee Meeting held on 10 March 2022, the applicant PLN/2004/429/A contacted Council officers to request that the decision on this application be deferred from the April Planning Delegated Committee Meeting to a later date.

Consultation and engagement

Submissions to Planning Permit Application PLN/2004/429/A were detailed and heard at the Planning Delegated Committee Meeting held on 10 March 2022.

Collaboration

The subject matter of this report did not require collaboration with other councils, governments or statutory bodies

Innovation and continuous improvement

Not applicable.

Relevant law

Recommendations on this matter will be prepared in accordance with the *Planning and Environment Act 1987*.

Relevant regional, state and national plans and policies

Not applicable.

Relevant Council plans and policies

Not applicable.

Financial viability

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

Sustainability implications

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

Officer declaration of conflicts of interest

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

PE.3	COUNCILLOR INTERACTIONS WITH EXTERNAL PARTIES ON PLANNING MATTERS POLICY
Officer:	Evert Grobbelaar, Manager Statutory Planning
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Policy - Councillor Interactions with External Parties on Planning Matters ↓

Summary

This report recommends that Council adopt a Councillor Interactions with External Parties on Planning Matters Policy. If approved, this policy would apply to requests that Councillors may receive from the community around planning matters, including planning scheme amendments, planning permit applications and objections/submissions to planning applications.

Recommendation

That Council adopts the Councillor Interactions with External Parties on Planning Matters Policy, as attached to this report.

Background

In light of greater transparency and governance expectations by our community, this policy has been prepared to provide Councillors clear guidance and parameters for any interaction with parties (submitters, applicants, developers, community groups etc.) on planning matters (i.e. town planning matters).

This policy went to the Scheduled Council Meeting on 24 November 2021 for approval. The item was deferred to the Scheduled Council Meeting of 23 March 2022 to allow officers to provide more clarity on section 5.3 and the requirement for Councillors to keep records of any external interaction in relation to planning matters.

Discussion

The policy seeks to provide guidance to Councillors as to when it may be appropriate to meet with a party to a planning matter – be it formally lodged with Council or not, how the meeting should be recorded, and whether or not a Council officer should attend.

A reference to a meeting may include a face-to-face meeting, an online meeting, telephone conversation/s or other forms of communication where a planning matter may be discussed.

It is important that there is a record of these interactions, to afford procedural fairness to all parties and to ensure that transparent and appropriately governed decisions are made.

At Macedon Ranges Shire Council, planning decisions may be made by officers acting under delegation, or may require a Council resolution. There are different steps and 'sign offs' required for different planning matters.

Council's role – whether a delegate decision or decision of Council – is to ensure that Council plays the role of 'responsible authority' and 'planning authority' in making planning decisions. The *Planning and Environment Act 1987* (as amended) sets down the requirements for these roles.

Some of the key issues that Council should be aware of in making fair planning decisions are:

- To avoid the perception of bias or prejudging a planning decision (by way of example), Councillors must not make up their minds about a planning application until they have read the officer's reports, any submissions received and heard all the meeting debate;
- Consider all relevant facts, and not consider irrelevant factors when making their decisions;
- Make a decision by applying the law and the Macedon Ranges Planning Scheme as they exist, not on what they would like them to be or on their personal moral point of view;
- Refrain from public comment that could be construed as support or opposition of an application, or trying to influence the public during a public comment period of consultation.

Consultation and engagement

No community consultation has occurred on this draft Policy.

Collaboration

Collaboration was not required as this is a policy specifically for the Councillors of the Macedon Ranges Shire Council.

Innovation and continuous improvement

The policy seeks to clarify the role of Councillor/s in town planning matters and provide guidance as to when a meeting should be arranged, how it should be recorded, and when an officer is recommended to attend.

Relevant law

Any relevant legislation is covered under the next heading which refers to state policies. The report does not have any implications or risk in regards to the *Charter of Human Rights and Responsibilities Act 2006*.

Relevant regional, state and national plans and policies

Planning and Environment Act 1987, *Local Government Act 2020*.

Relevant Council plans and policies

Councillor Code of Conduct, Councillor Interaction Policy and Procedure, Delegations Framework, Policy and Procedures and Terms of Reference for the Planning Delegated Committee.

Financial viability

No financial implications

Sustainability implications

No sustainability implications

Officer declaration of conflicts of interest

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



Policy Title:	Councillor Interactions with External Parties on Planning Matters	
Date of Adoption:	XX XXXX 2021	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Executive <input type="checkbox"/> Other (please specify)	
CEO Signature:		Date:
Responsible Officer and Unit:	Director of Planning & Environment	
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Four years	
Last Review Date:	N/A	
Policy Review by:	By 31 October 2025	
Purpose / Objectives:	Establish a policy in which Councillors interact with community members to discuss various planning matters, including planning scheme amendments, planning permit applications and objections to planning permit applications. Furthermore, it will provide clarity between Council's role as Planning Authority and Responsible Authority.	
Background / Reasons for Policy:	This protocol has been developed to provide a clear framework that explains how Councillors should interact with the community, whilst considering statutory and strategic planning matters.	
Related Policies:	Councillor Code of Conduct, Staff Code of Conduct, Councillor Gifts, Benefits and Hospitality Policy, Complaints Handling Policy, Councillor Interaction Policy and Procedure, Community Engagement Policy, Privacy Policy, Delegations Framework, Policy and Procedures, Instrument of Delegation from Council to the Planning Delegated Committee, Terms of Reference for the Planning Delegated Committee	
Related Legislation:	<i>Planning and Environment Act 1987, Local Government Act 2020</i>	

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1. Introduction

It is essential and in the interests of effective governance to ensure that all planning decisions are transparent and open to the community. This will ensure that elected Councillors and officers, make fair and lawful planning decisions.

This policy applies to the Macedon Ranges Shire Council in its capacity and role in decision making as Planning Authority and Responsible Authority primarily under the *Planning and Environment Act 1987*.

It articulates the decision-making processes, including opportunity for the community to be engaged through this.

2. Objectives of this Protocol

The objective of this policy is to:

- 2.1. Reinforce Council's role as Planning Authority (development of policy and strategy and changes to the Macedon Ranges Planning Scheme via Planning Scheme Amendments) and Responsible Authority (considering planning permit applications against the policies and controls within the Macedon Ranges Planning Scheme).
- 2.2. To articulate the separation of power between the role of council in 'setting the vision, policy and direction' and the 'implementation of policy and making of decisions on planning applications'.
- 2.3. Provide Council with instruction and guidance on their important roles as Planning Authority and Responsible Authority.
- 2.4. Ensure that advice provided to proponents, applicants, objectors or submitters is done through consistent, transparent and accountable processes.
- 2.5. Create greater certainty and transparency to the community about Council's role and decision-making processes as well as opportunity to engage with Council as part of this.

3. Definitions

<u>Key term</u>	<u>Definition</u>
Council	Macedon Ranges Shire Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i> .
Councillors	The individuals elected to hold office as a member of Macedon Ranges Shire Council.
Council officer	The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

Parties	Includes but is not limited to, individuals, groups and entities. Such as submitters, applicants, developers and community groups.
Planning Authority	Macedon Ranges Shire Council in its role as Planning Authority under the <i>Planning and Environment Act 1987</i> . This is the role of Council when making decisions to change the Macedon Ranges Planning Scheme at a policy or broad or specific control level such as introducing an overlay to a geographic area to deliver a certain outcome.
Responsible Authority	Macedon Ranges Shire Council in its role as Responsible Authority under the <i>Planning and Environment Act 1987</i> . This is the role of Council when making decisions on planning permit applications (and amendments to Planning Permits, Secondary Consents and Extension of Time) that have been lodged with the council to deliver at a small or larger scale the policy outcomes articulated in the Macedon Ranges Planning Scheme. Most planning permit applications are determined by Council officers under the delegation afforded to them by Council. This policy articulates the justification for the setting of delegations at the Macedon Ranges Shire Council.
Land Use Planning	For the purposes of this policy, Land Use Planning includes: <ul style="list-style-type: none"> • Strategic planning matters, including preparation of policy and strategy that will change or influence what landowners can and cannot do on their land. • Planning scheme amendments processes, including adoption, exhibition, consideration of submissions, panel recommendations and requests to the Minister for Planning to change the Macedon Ranges Planning Scheme. • Planning permit applications • Secondary consents and amendments (s.72) to planning permits. • Requirements of any Development Contributions Plan or other incorporated document (e.g. Development Plan) as part of the planning application and permit process.
Planning and Environment Directorate	Responsible for statutory and strategic planning throughout the Shire. Planning compliance across the entire municipality

4. Requests for Advice and Information from Parties on planning matters

In considering any land use planning matters Councillors should:

- 4.1. Refer parties seeking information or advice to Customer Service. Council provides a planner on roster service who manages phone and counter visitor enquiries during business hours.
- 4.2. Refer parties seeking a planning scheme amendment to Council's strategic planning unit.
- 4.3. Direct parties to Council's website for information.
- 4.4. Not provide or purport to provide land use planning advice.
- 4.5. Not place themselves in a compromised position by appearing to be an advocate for or against any proposal that may come before the Council for a decision.
- 4.6. Guard from future allegations of pre-judging a matter by retaining an open mind (being open to be persuaded), avoiding making fixed statements of support or opposition and maintaining impartiality.
- 4.7. Communicate to parties that there are formal processes in place to consider their views.

5. Requests for meetings, correspondence and phone calls

In considering any land use planning matters Councillors should:

- 5.1. Consider whether there is merit in meeting with a party over and above the consideration of written or presented submissions as part of the decision-making process.
- 5.2. Refer meeting requests to the Councillor Portal, the Director Planning and Environment, the Manager Statutory Planning or the Manager Strategic Planning and Environment as relevant. If required, a meeting will then be organised by an appropriate officer between the Councillor/s that requested the meeting, the party and an appropriate Council officer.
- 5.3. Where meetings, phone calls and other correspondence with parties occur, a record of the discussion is required. If Officers are present, records are the responsibility of Council Officers. If this occurs in the absence of a Council Officer, then a full disclosure is required of any interaction on the relevant planning matter at the time when the matter is discussed or a decision is made. A copy of all relevant and related records must then be provided to the Executive Administration Officer to be saved in Council's corporate records. If the only response given by a Councilor is, to contact the relevant Planning Department, then no record is required. This is in the interests of transparency and places the active onus on the Councillor to maintain the integrity during the course of any planning process.
- 5.4. Do not express a view that demonstrates a bias or pre-conceived view.

6. Receiving submissions and hearing from the community

In considering any land use planning matters Councillors should:

- 6.1. Request that the submitter refer any objection or submission as soon as possible to mrsc@mrsc.vic.gov.au and mark for the attention of the relevant Manager within the Planning & Environment Department for registration and acknowledgement.
- 6.2. Advise the objector or submitter that their submission will be considered via a standard process and that they will be advised of Council's decision.
- 6.3. Take the opportunity to hear verbal submissions or presentations by parties in advance of determining significant land use planning matters at a Council Meeting. This may include at a meeting or other assembly of Council on a day prior to the matter being determined by the Council. This is to provide for a fair and reasonable timeframe for Council to contemplate the matter before making a decision. This will be coordinated by the relevant department, either Statutory Planning or Strategic Planning.
- 6.4. Provide an equal opportunity for both the applicant/proponent and objector and submitters to be heard.
- 6.5. Note this is not part of the statutory role in determining planning permit applications or considering strategic planning matters, but aims to increase the opportunity for the community to engage with the planning system and increase dialogue with all parties to help inform any decision making processes.

7. Decision Making as Planning Authority

In considering any land use planning matters Councillors should:

- 7.1. Make all efforts to attend briefings, read background reports and ask questions about strategic policy development and planning scheme amendments to be well informed about what is proposed, the implications and opportunities, challenges and risks.
- 7.2. Make decisions with a clear and open mind with a view to set the vision and policy direction with the long term community benefit and outlook over and above a short term need.
- 7.3. Have regard to previously endorsed Strategic Planning Strategies and Council Plan when considering requests for amendments to the Macedon Ranges Planning Scheme. Deviation from adopted strategies or the Council plan should occur only where there are exceptional circumstances that demonstrate net community benefit and justification for Council to prioritise resource allocation to that project over its established commitments.

8. Decision Making as Responsible Authority

In considering any land use planning matters Councillors should:

- 8.1. Review information circulated advising of planning permit applications submitted and contact the relevant manager to discuss further.
- 8.2. Take interest in reviewing any application and ensuring the relevant matters are clearly understood.
- 8.3. Make decisions with a clear and open mind and in accordance with the requirements of the Macedon Ranges Planning Scheme and setting aside any personal views
- 8.4. Contain deliberations and debate to the planning merits of the application under consideration.

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12 CHIEF EXECUTIVE OFFICER REPORTS

CX.1	CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION COMMITTEE - TERMS OF REFERENCE REVISED TIMELINE
Officer:	Carmen Lawrence, Interim Executive Manager People, Culture and Performance
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

Consistent with the requirements of the *Local Government Act (LGA) 2020*, Council adopted the Chief Executive Officer (CEO) Employment and Remuneration Policy at the December Scheduled Council Meeting 2021 and established the CEO Employment and Remuneration Committee. Council noted that the draft terms of reference for the Committee, provided as Appendix A to the Policy, would be finalised in consultation with the Committee, following the appointment of an Independent Advisor, and tabled at the March Scheduled Council Meeting for endorsement. Council also endorsed the commencement of a recruitment process for the Independent Advisor to the Committee.

Recommendation

That Council notes the amended timeline for the finalisation of the CEO Employment and Remuneration Committee Terms of Reference, which will now be submitted to the April Scheduled Council Meeting for endorsement, followed by the June Audit and Risk Committee Meeting for noting.

Background

Council adopted the CEO Employment and Remuneration Policy at the December 2021 Scheduled Council Meeting and endorsed the creation of the CEO Employment and Remuneration Committee (the Committee), along with the commencement of a recruitment process for an Independent Advisor to the Committee. Council also noted that the Terms of Reference for the Committee would be finalised and tabled at the March Audit and Risk Committee for noting, prior to endorsement at the March Scheduled Council Meeting.

The recruitment process for the Independent Advisor to the Committee commenced in January 2022, and was completed with the endorsement of John Nevins as the preferred applicant at the Scheduled Council Meeting on 23 February 2022.

Discussion

It was not possible to progress the development of Terms of Reference for the CEO Employment and Remuneration Committee until the appointment process for the Independent Advisor to the Committee was concluded, with the endorsement of the preferred candidate at the Scheduled Council Meeting on 23 February 2022.

The original timeline was for the Terms of Reference for the Committee to be finalised and tabled for endorsement at the March Scheduled Meeting of Council.

The Terms of Reference for the Committee will now be tabled at the April Scheduled Meeting of Council for endorsement.

Consultation and engagement

Councillors and the CEO have been engaged in the Development of the CEO Employment and Remuneration Policy, creation of the CEO Employment and Remuneration Committee and appointment process for the Independent Advisor to the Committee.

Collaboration

Nil

Innovation and continuous improvement

Nil

Relevant law

Local Government Act 2020

Relevant regional, state and national plans and policies

Nil

Relevant Council plans and policies

The Chief Executive Officer Employment and Remuneration Policy

Financial viability

Nil

Sustainability implications

Nil

Officer declaration of conflicts of interest

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

13 DIRECTOR CORPORATE REPORTS

COR.1	INSTRUMENT OF APPOINTMENT AND AUTHORISATION TO STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987
Officer:	Allison Watt, Coordinator Governance
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	S11A Instrument of Appointment (P&E Act) ↓

Summary

It is proposed that Council appoints a number of statutory and strategic planning staff as authorised officers under the *Planning and Environment Act 1987*. Appointments are made by way of instruments of appointment and authorisation, which empower specified persons to exercise the powers granted to authorised officers by law.

The staff proposed to be appointed are:

- Rebecca Stockfeld – Director Planning and Environment
- Krista Patterson-Majoer – Coordinator Environment
- Naaz Begum – Senior Statutory Planning Officer
- Juliet Worm – Statutory Planning Administration Officer
- Amy Swan – Statutory Planning Administration Officer
- Callum Pike – Statutory Planning Officer

Recommendation

That Council:

- 1. In the exercise of the powers under s. 147(4) of the Planning and Environment Act 1987, resolves to appoint Rebecca Stockfeld, Krista Patterson-Majoer, Naaz Begum, Juliet Worm, Amy Swan and Callum Pike as authorised officers for the purposes of that Act, in accordance with the Instrument of Appointment and Authorisation (attached).**
- 2. Resolves that the appointments remain in force until varied, revoked or the above named officers cease to be an employee of Council, whichever occurs first.**

Background

The *Planning and Environment Act 1987* (P&E Act) confers specific powers, rights and duties on 'authorised officers' appointed by a 'responsible authority'. Council is a 'responsible authority' for the purposes of the P&E Act and has power under s. 147(4) to appoint any of its officers and employees as 'authorised officers' for the purposes of the P&E Act. The appointment by Council of staff as 'authorised officers' enables those staff to administer and enforce the P&E Act and regulations thereunder.

Council is presented an Instrument of Appointment and Authorisation under the P&E Act in respect to:

- Rebecca Stockfeld – Director Planning and Environment

- Krista Patterson-Majoor – Coordinator Environment
- Naaz Begum – Senior Statutory Planning Officer
- Juliet Worm – Statutory Planning Administration Officer
- Amy Swan – Statutory Planning Administration Officer
- Callum Pike – Statutory Planning Officer

This Instrument provides for those officers to enter and/or inspect land to enable an assessment under the provisions of the P& E Act. Such inspections would usually relate to a planning enforcement matter.

Discussion

Council subscribes to the Maddocks Authorisation and Delegations Service, which provides templates for the development of Instruments of Appointment and Authorisation.

The Instrument attached to this report is based on the S11A template provided as part of that subscription service.

Consultation and engagement

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

Collaboration

No collaboration with other councils or sector agencies was required for the preparation of this report.

Innovation and continuous improvement

Innovation and continuous improvement was not required in the preparation of this report.

Relevant law

This report meets Council's obligations under the *Local Government Act 2020* and the *Planning and Environment Act 1987*.

Relevant regional, state and national plans and policies

There are no regional, state or national plans or policies applicable to the subject matter in this report.

Relevant Council plans and policies

The subject matter in this report contributes to Council's obligations under the Council Plan theme of delivering strong and reliable government.

Financial viability

There are no financial, IT or asset management implications resulting from the consideration of this report.

Sustainability implications

There are no social or environmental implications resulting from the consideration of this report.

Officer declaration of conflicts of interest

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



Maddocks

Maddocks Delegations and Authorisations

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Macedon Ranges Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)



Maddocks

**Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Rebecca Stockfeld
Naaz Begum
Callum Pike
Juliet Worm
Amy Swan
Krista Patterson-Majoor**

By this instrument of appointment and authorisation Macedon Ranges Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Macedon Ranges Shire Council on #####

Signed:

Mayor, Councillor

Date: #####

Signed:

Chief Executive Officer

Date: #####

COR.2	CONTRACTS TO BE AWARDED MARCH
Officer:	Corinne Farley, Coordinator Contracts
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report provides details of contracts proposed to be awarded under a delegation from Council, from the date of the last report. Although this report recommends noting the power delegated to Council officers, Council has the power to:

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

Recommendation

That Council:

1. **Notes that the following contracts will be awarded by Council officers under delegated authority:**
 - (a) **C22.1121 Gisborne Fields Stage 2**
 - (b) **C22.1153 Design and Construct Modular Building Gisborne Aquatic Centre**
 - (c) **Q22.1155 Footbridge Reconstruction Main Road Riddells Creek**
 - (d) **C22.1156 Kyneton Bowls Club Window Replacement and Minor Works**
2. **Grants delegated authority to the Chief Executive Officer to award the following contract:**
 - (a) **C22.1158 Supply Panel Minor Works Construction Projects**

Background information

Council's delegated authority to its officers to award a contract is controlled by the financial value of the contract. The various financial limits of the authority are specified in Appendix 6 of the Procurement Policy.

Opportunity to review delegated authority

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

C22.1121 Gisborne Fields Stage 2

This contract is for Stage 2 landscape works including construction of a BBQ shelter, concrete paving and landscape maintenance over a 12 month period at the Gisborne Fields located in Tovey Drive, Gisborne.

The CEO has delegated authority to award this contract.

C22.1153 Design and Construct Modular Building Gisborne Aquatic Centre

This is a design and construct contract for a multi-use modular building change room/educational facility at the rear of the Gisborne Aquatic Centre along with a purpose built undercover walkway joining the two buildings.

The CEO has delegated authority to award this contract.

Q22.1155 Footbridge Reconstruction Main Road Riddells Creek

This contract is for the replacement of the existing footbridge in Main Road Riddells Creek

The CEO has delegated authority to award this contract.

C22.1156 Kyneton Bowls Club Window Replacement and Minor Works

This contract is for refurbishment works to address the inherent design faults that have caused substantial rain leakage around the cladding and south facing windows of the Kyneton Bowls Club.

The CEO has delegated authority to award this contract.

C22.1158 Supply Panel Minor Construction Projects

This contract is for the appointment to a panel for small minor work construction projects at various locations within the shire. The contract is for two years, with an option to extend for a further one year. This contract will replace the current contract, which will expire on 31 March 2022.

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

Consultation and engagement

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

Collaboration

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

Innovation and continuous improvement

Council reviews its Procurement Policy regularly, in accordance with the *Local Government Act 2020*. These reviews consider options for innovation and are part of continuous improvement processes.

Relevant Law

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

Relevant regional, state and national plans and policies

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

Relevant Council plans and policies

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

Financial viability

Funds for all contracts to be awarded, as listed above, have been provided in the 2021/2022 capital works budget and future annual budgets.

Sustainability implications

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

Officer declaration of conflicts of interest

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

COR.3	EAST PADDOCK, HANGING ROCK FOR COMMUNITY CONSULTATION
Officer:	Gina Lyons, Director Corporate and Community
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Nil

Summary

This report seeks Council's endorsement to commence a community consultation process regarding the Victorian Government's offer to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock) and to provide a further report to Council with a summary of feedback received.

Recommendation

That Council:

- 1. Commences community consultation for 28 days on the offer received from the Department of Environment, Land, Water and Planning to purchase 139 South Rock Road, Newham (East Paddock, Hanging Rock).**
- 2. Notes a report will be presented to Council with a summary of the community feedback for consideration.**

Background

In 2018, the Department of Environment, Land, Water and Planning (DELWP) developed a Hanging Rock Strategic Plan in consultation with Council and stakeholder groups. Council adopted the Hanging Rock Strategic Plan in August 2018 in principle however it was noted in a report to Council that the plan ignored the issue of ownership of the East Paddock. Consequently, a recommendation in that reported stated that:

Council adopt the Hanging Rock Strategic Plan subject to the State Government formally agreeing to initiating discussions with Council regarding the future ownership of the East Paddock.

This issue also emerged as part of an election promise from the Labor Government when it announced in October 2018 that it was purchasing the East Paddock from Council to "provide greater protection to the precinct."

Several meetings and discussions have subsequently occurred between DELWP and Council officers regarding the proposed sale of the East Paddock and negotiations have been ongoing since 2020.

In February 2020, Council received an offer from DELWP to purchase the land from Council. This was based on a valuation undertaken by the Valuer-General Victoria.

Council then obtained a current market valuation from a suitably qualified valuer. There was a significant difference in the two valuations.

Consequently, a confidential Council report was presented on 1 May 2020 that outlined these differences and discussed the asset valuations.

A further report was provided to Council at its Scheduled Council Meeting of 16 December 2020 which disclosed Council's valuation of the East Paddock and that the officers would continue to negotiate a satisfactory outcome to the proposed sale.

During 2021, there were several meetings with DELWP and a consistent valuation methodology was agreed between the parties. Accordingly, Council sought an updated valuation in June 2021, as did DELWP, and a formal letter of offer has now been received from DELWP to Council for the sale of the East Paddock.

Council is proposing to undertake community feedback on the proposal to determine whether to proceed with the land transaction. This report seeks endorsement to commence community consultation and outlines the proposed methodology and timeframes.

Discussion

The Property

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

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

The East Paddock has become established as a regular concert venue for international artists including Rod Stewart, Bruce Springsteen and Leonard Cohen. On the Australia Day weekend 2020 two successful Elton John concerts were held. The venue is used sparingly for world renowned artists with Hanging Rock providing a spectacular backdrop to these performances. Artists Nick Cave and Warren Ellis are now scheduled to perform at East Paddock on 25 and 26 November 2022, as part of the Victorian Government's ALWAYS LIVE initiative.

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

Future Management of the East Paddock

Discussions with DELWP have indicated that if the sale of the East Paddock proceeds, Council will continue to have an ongoing role in the management and operation of the site. The management and governance model is currently being reviewed and this will be considered by the Ministerial Advisory Group, one of whose members is Council's CEO.

If the sale of East Paddock proceeds, DELWP and Council will work in partnership in relation to the hosting of events.

Proposed Approach to Community Consultation

In accordance with Council’s Community Engagement Policy, this community consultation is seeking to facilitate public awareness of this issue and enable public participation in Council’s decision making processes. A community engagement plan has been prepared that identifies and considers the most appropriate methods of community engagement.

On this basis a survey has been prepared that targets the community most impacted by the proposal. Key stakeholders identified are:

- Community groups, sporting clubs and other user groups at Hanging Rock;
- Ratepayers particularly in the areas of Hanging Rock, Newham, Woodend Lancefield and Romsey; and
- Visitors to Hanging Rock.

It is proposed that the survey be placed on Council’s website with a targeted mail out to be sent to ratepayers and businesses in the area informing them of the survey and providing a link to the website. This information would also be displayed at the Hanging Rock Discovery Centre and cafe so that visitors are advised of the proposal. Community groups and sporting clubs would also be notified.

Following the conclusion of the consultation period, a meeting will be scheduled at which community members will have the opportunity to express their views to Councillors.

Council officers will collate the survey responses and analyse the feedback. A summary of the results will be presented to a Council Meeting for consideration and determination about the proposed sale of East Paddock.

The proposed timeline is shown below:

Proposed timeline

Date	Action	Purpose
23 March 2022	Council Meeting	Commence Community Consultation.
24 March 2022	Consultation Period Begins	To give the community an opportunity to be consulted in regards to DELWP’s offer to purchase East Paddock.
21 April 2022	Consultation Period Concludes	
12 May 2022	Community Members Have the Opportunity to Meet with Councillors	Community members speak to Councillors about the potential sale.
25 May 2022	Council Meeting	Report presented to Council for consideration.

Consultation and engagement

The consultation and engagement process will be completed in accordance with Council’s Engagement Policy.

Collaboration

Officers will continue to work with stakeholders to progress negotiations, along with any other government or departments.

Innovation and continuous improvement

Not applicable to this report.

Relevant law

Not applicable to this report.

Relevant regional, state and national plans and policies

Hanging Rock Strategic Plan 2018 (DELWP)

Draft Hanging Rock Precinct Master Plan (DELWP)

Relevant Council plans and policies

Council will ensure this approach is consistent with its Community Engagement Policy.

Financial viability

This process will be funded within Council's operating budget.

Sustainability implications

Not applicable to this report.

Officer declaration of conflicts of interest

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

Appendix 1: Site Map



**Hanging Rock Reserve
EAST PADDOCK**



0 25 50 75 100 m

Horizontal Datum - GDA 2020
Vertical Datum - AHD
Map projection - MGA Zone 55
Aerial Photo date - December 2020
Map Date - 21/2/2022 Produced by MRSC GIS Unit

COR.4	REVIEW OF GOVERNANCE RULES
Officer:	Allison Watt, Coordinator Governance
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Governance Rules - Review March 2022 (under separate cover)

Summary

Council adopted its Governance Rules in accordance with sections 60 and 69 of the *Local Government Act 2020* (the Act) on 26 August 2020. The Governance Rules include the Election Period Policy. The Governance Rules have been reviewed and this report seeks Council endorsement to release the amended rules for community consultation, in accordance with section 60(4) of the Act.

Recommendation

That Council:

- 1. Endorses the amended Governance Rules for release for community consultation for 28 days.**
- 2. Schedules a meeting of the Submitters Delegated Committee (if required) to be held on Wednesday 11 May 2022 and invites members of the public to attend the meeting to speak to their submissions on the Governance Rules.**
- 3. Receives a final report to adopt the amended Governance Rules by no later than June 2022.**

Background

Under section 60 of the Act, a Council must develop, adopt and keep in force Governance Rules regarding:

- the conduct of Council meetings;
- the conduct of meetings of delegated committees;
- the form and availability of meeting records;
- the election of the Mayor and the Deputy Mayor;
- the appointment of an Acting Mayor;
- an election period policy in accordance with s69;
- the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under s130;
- the procedure for the disclosure of a conflict of interest by a Councillor under s131;
- the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of s126(1);
- any other matters prescribed by the regulations

The Governance Rules were adopted by Council on 26 August 2020. A review of the Governance Rules was undertaken by officers in collaboration with Council, to address some omissions and provide clarification on aspects of the Governance Rules in relation to meeting procedure, which have arisen since its adoption.

Discussion

Under section 60(4) of the Act, Council must consult with the community if it amends its Governance Rules. It is proposed to release the draft Governance Rules for public comment for 28 days and schedule a Submitters Delegated Committee meeting on Wednesday 11 May 2022 (if required) and invite anyone who wishes to be heard in support of their submission to address the Committee.

Amendments include:

- Better defining Urgent Business
- Tightening the deadline and providing clarity around lodging notices of rescission
- Removing the necessity to suspend standing orders to receive questions from members of the public
- Providing better clarity around the tabling of petitions including electronic and online petitions
- Including a clause which allows officers to introduce reports at a Council meeting
- Allowing any Councillor to speak to an agenda item, regardless of whether there is any opposition
- Including a clause that the Mayor must not debate from the chair
- A 'slip' rule which allows the CEO to correct minor typographical errors and omissions without the need for a Council resolution

Consultation and engagement

Section 60(4) of the Act requires Council to undertake community consultation if it amends its Governance Rules. It is proposed to make the draft Governance Rules available on Council's website and to invite community comment and feedback via newspaper advertisements and social media until the end of April. Should any submissions be received, submitters will be invited to speak at a meeting of the Submitters Delegated Committee (if required) on Wednesday 11 May 2022.

The review of the Governance Rules has involved consultation with Councillors and officers.

Collaboration

No collaboration with other councils or agencies was undertaken in this preparation of this report.

Innovation and continuous improvement

The review of the Governance Rules has involved benchmarking against best-practice examples from other Victorian councils.

Relevant law

The Governance Rules, including the Election Period Policy, are a requirement under section 60 of the *Local Government Act 2020*. If a Council amends its Governance Rules, it must undertake community consultation in accordance with section 60(4) of the Act.

A Gender Impact Assessment was not required, however the draft Governance Rules were reviewed to ensure that personal pronouns were revised to be gender neutral, in line with the spirit and intent of the *Gender Equality Act 2020*.

Relevant regional, state and national plans and policies

There are no relevant plans or policies.

Relevant Council plans and policies

This report is relevant to Council Plan Theme 4: Delivering Strong and Reliable Government.

Financial viability

There are no financial implications in this consideration of this report.

Sustainability implications

There are no sustainability implications in relation to this report.

Officer declaration of conflicts of interest

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

14 DIRECTOR COMMUNITY REPORTS

Nil

15 DIRECTOR ASSETS AND OPERATIONS REPORTS

AO.1	DRAFT ASSET PLAN 2021-2031
Officer:	Cameron McFarlane, Coordinator Asset Management
Council Plan relationship:	4. Delivering strong and reliable government
Attachments:	Draft Asset Plan 2021-2031 (under separate cover)

Summary

Under the Victorian Local Government Act 2020, Council must create an Asset Plan. Council officers seek the endorsement of the draft Asset Plan to undertake community consultation.

Recommendation**That Council:**

- 1. Endorses the draft Asset Plan for six weeks community consultation, noting this will not be via deliberative engagement (as permitted for all Councils under advice from Local Government Victoria);**
- 2. Notes that, following community consultation, officers will provide a report and finalised Asset Plan to the June 2022 Scheduled Council Meeting.**

Background

The Victorian Local Government Act 2020 (LGA2020) Section 92 focuses on local government sustainability regarding asset management. Victorian councils must produce and maintain a 10 year Asset Plan within an Integrated Strategic Planning and Reporting Framework (ISPRF). Section 92 of the LGA2020 is as follows:

92 Asset Plan

- (1) Subject to subsection (6), a Council must develop, adopt and keep in force an Asset Plan in accordance with its deliberative engagement practices.*
- (2) The scope of an Asset Plan is a period of at least the next 10 financial years.*
- (3) An Asset Plan must include the following—*
 - (a) information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council;*
 - (b) any other matters prescribed by the regulations.*
- (4) Subject to subsection (6), a Council must develop or review the Asset Plan in accordance with its deliberative engagement practices and adopt the Asset Plan by 31 October in the year following a general election, other than the first general election to be conducted under section 257(1)(a).*
- (5) The Asset Plan adopted under subsection (4) has effect from 1 July in the year following a general election.*

- (6) *A Council must develop and adopt an Asset Plan under this section in accordance with its community engagement policy by 30 June 2022 following the first general election to be conducted under section 257(1)(a).*
- (7) *The Asset Plan adopted under subsection (6) has effect from 1 July 2022.*

The ISPRF requires Council to prepare a Community Vision, Council Plan, Financial Plan, Asset Plan, Workforce Plan, and a Revenue and Rating Plan. All elements of the framework must be aligned and integrated.

According to LGA 2020, the Asset Plan must:

- Cover 10 financial years;
- Include information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council.

The Victorian Government has waived the requirement for deliberative engagement on the first Asset Plan providing the following statement:

Note regarding deliberative engagement:

Deliberative engagement is not required for the first asset plan. However, an asset plan must be developed by Council in accordance with its community engagement policy.

Subsequent revisions of the plan (post next Local Government election) will go through a deliberative engagement process as per the LGA2020 requirements and Council's adopted policies.

The Asset Plan must be adopted by 30 June 2022.

Discussion

Historically, Macedon Ranges has relied on an asset management framework consisting of an Asset Management Policy, Asset Management Strategy, and various Asset Management Plans. Officers prepared these documents according to industry best practice guidelines.

With the introduction of the Financial Plan and the Asset Plan under the ISPRF, the Asset Management Strategy and Asset Management Plans become obsolete as stand-alone documents. However, an Asset Management Policy is required to guide decision making and is embedded within the Asset Plan. This ensures alignment and integration with the new framework and full consultation on the asset management policy as part of the Asset Plan.

In the absence of detailed advice to local councils on the specific content required in Asset Plans, Councils have the freedom to develop an Asset Plan that meets the community and organisation's needs, matches the organisation's level of asset management maturity, and meets the legislated requirements of the LGA2020.

Officers have prepared the Asset Plan as a unified strategic document that includes asset policy, principles, financial requirements and asset management intent. The Asset Plan will be operationalised on an Asset Class by Asset Class basis with further operational documents created to support officers in day-to-day asset management and maintenance.

Consultation and engagement

As advised by the Victorian Government, the first Asset Plan does not require a deliberative engagement process; however it must follow Council's Community Engagement Policy. The intent by the Victorian Government in removing the requirement for deliberative engagement acknowledges the work required to create not only the Asset Plan but also other new actions

stemming from the LGA2020 and looks to reduce this work burden to provide time for the creation of a robust Asset Plan.

Council's Community Engagement Policy references the requirement to undertake deliberative engagement due to the LGA2020. The first part of Section 8.1 of the MRSC Community Engagement Policy (January 2021) states the following:

8.1 Deliberative Engagement

Deliberative engagement methods will be used where required under the LGA 2020. Deliberative engagement methods may be considered, where appropriate, for other community engagement opportunities.

Deliberative engagement must apply to the following:

- *The development of the Community Vision*
- *The development of the Council Plan*
- *The development of the Financial Plan*
- *The development of the Asset Plan*

The wording of the policy references the LGA2020 requirement to undertake deliberative engagement for the Asset Plan, however this contradicts advice later provided by the Victorian Government. As such, the officer recommendation in this report includes a recommendation to proceed with community consultation, noting that this will not be via deliberative engagement. If endorsed, this resolution would provide a one-off exemption from adhering to this requirement in the Community Engagement Policy, recognising the intent of the direction by the Victorian Government.

Council Officers will seek community input through a single-stage engagement which will be completed following Section 10.1 of the Community Engagement Policy.

Future revisions of the Asset Plan will require a deliberative engagement process, as per Section 92 of the LGA2020 and Council's Community Engagement Policy.

Collaboration

Officers prepared the Asset Plan with the assistance of material provided on the Victorian Government's 'Engage Victoria' website and with the informal engagement of several neighbouring and nearby regional councils.

Innovation and continuous improvement

The Asset Plan reflects Council's commitment to implement continuous improvement in managing its assets and implementing its asset management processes and practices.

Relevant law

The Asset Plan is a requirement of the Victorian Local Government Act 2020.

Relevant regional, state and national plans and policies

There are no regional, state or national plans or policies applicable to the report's subject matter.

Relevant Council plans and policies

The Asset Plan relates to the Council Plan Strategic Objectives of Deliver Strong and Reliable Governance and Connecting Communities.

Financial viability

Not applicable for this report.

Sustainability implications

The Asset Plan supports Council's commitment to managing its assets considering long-term environmental and financial sustainability.

Officer declaration of conflicts of interest

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

AO.2	NATURE STRIP LANDSCAPING POLICY REVIEW
Officer:	Sian Bloom, Landscape Assessment Officer
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	1. Nature Strip Landscaping Policy ↓ 2. Consultation Summary ↓

Summary

This report seeks Council adoption of the revised Nature Strip Landscaping Policy, following the review of community consultation and subsequent amendments made.

Recommendation

That Council:

- 1. Endorses the changes made to the Nature Strip Landscaping Policy as a result of submissions received during the public consultation period;**
- 2. Adopts the Nature Strip Landscaping Policy 2022; and**
- 3. Requests officers write to submitters, thanking them for their submissions.**

Background

In 2017, Council recognised the opportunity for the community to contribute to enhancing the amenity of streetscapes within the shire, in response to regular requests from residents to landscape the nature strip adjacent to their property.

Preparation of the Nature Strip Landscaping Policy (the Policy) commenced in August 2017 and was subsequently developed, incorporating the feedback received from community consultation and contribution from relevant Council departments.

The Policy, adopted by Council in 2019, informs and guides residents around permissible landscape treatments to the nature strips in front of their properties. The Policy design encourages alternative treatments to grass on nature strips, enhances the amenity of the shire's streetscapes, and utilises the otherwise unused public land.

The Nature Strip Landscape Guidelines implement the Policy and are presented as a double-sided fact sheet, available on the Council's website. The Guidelines are an operational document only and are not adopted by Council.

At the August 2019 Council meeting, Council resolved the following:

That Council:

- 1. Adopt the Nature Strip Landscaping Policy 2019;*
- 2. Refer the introduction of a fee for a Nature Strip Landscaping Permit to the 2020/21 budget process and in the interim apply the General Local Laws Permit Fee;*
- 3. Request Officers review the Policy in twelve months and provide Council with a briefing on the first year of implementation following the review; and*
- 4. Request officers write to submitters, thanking them for their submissions and advising them of Council's decision.*

Councillors and Executive subsequently determined 12 months was not sufficient time for the community and Officers to gain experience with the Policy's implementation.

Officers reviewed the Policy and recommended minor amendments for operational purposes. These amendments were presented to Council at the Scheduled Council Meeting on 25 August 2021. At this meeting, Council resolved.

That Council:

1. *Seeks community feedback on the Draft Nature Strip Landscaping Policy 2021 through a six-week consultation period; and*
2. *Receives a report at the February 2022 Scheduled Council Meeting to consider the feedback received and the effectiveness of the 2019 Policy since its inception and to adopt the reviewed Policy.*

Due to extenuating circumstances, Officers could not present the report at the 23 February 2022 Scheduled Council Meeting, and Council referred it to the 23 March 2022 Scheduled Council Meeting, as below:

That Council notes the Nature Strip Landscaping Policy will be presented for adoption at the March 2022 Scheduled Council Meeting.

Discussion

An officer review of the Policy resulted in minor amendments, including the correction of several inconsistencies.

1. Changes to Nature Strip Responsibility at Section 6. on page 7:

Where a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may request Council to reinstate the nature strip with seeded turf grass. ~~at the property owner's expense.~~

Officers removed the reference to Council undertaking the reinstatement of the nature strip with grass. This sentence conflicts with the previous paragraph that notes that the Coordinating Road Authority does not renovate or maintain nature strips. It is expected residents maintain their nature strip.

2. Wording at section 8.8 Existing Street Trees regarding excavation by 'hand only' within the nature strip updated and to be consistent with section 11:

~~Any excavation digging or cultivation within the drip line of existing trees nature strip for landscaping must be by hand only i.e. no mechanical excavation. Vegetation should not be planted within 500mm one metre (1.0m) from the base of any existing tree as they will compete for moisture and nutrients~~

Officers changed the reference to digging and cultivation to imply 'hand only' to the whole nature strip rather than within the dripline of trees only as services, and other infrastructure may potentially also be at risk of damage by mechanical excavation.

The offset distance of vegetation planted at the base of an existing street tree has been increased from 500mm to a metre (1.0m) to provide greater protection for the tree.

The Draft Nature Strip Landscaping Guidelines diagram now reflects this.

3. Update of wording at section 11. Safety and Liability on page 14 to ensure a definitive direction:

~~Wherever possible, Any digging or cultivation in the nature strip must should be carried out by hand, not heavy machinery, to minimise any potential damage to existing street trees or infrastructure.~~

Officers removed the ambiguity of the circumstances under which hand excavation occurs. The updated wording clearly expresses that any resident's excavation within the nature strip must be by hand only.

After community consultation, officers made minor amendments to the draft Policy (Attachment 1). The consultation summary is provided as Attachment 2, which summarises the feedback, provides an officer response and any proposed change to the Policy.

Consultation and engagement

Officers distributed the revised draft Policy and the updated Nature Strip Landscaping Guidelines Fact Sheet to all Council departments (managers and coordinators) on 22 April 2021. Feedback and comments were requested by 17 May 2021.

Following Council's Community Consultation Framework, community consultation was undertaken for six weeks from 26 October 2021 to 7 December 2021. Invitations to respond to the survey and provide feedback were released through local newspapers, Customer Service centres, social media, and Council's 'Have Your Say' consultation platform.

Officers received 57 survey responses from residents, with 33 feedback comments added. Officers also received four email responses.

Generally, the survey received many valuable responses from the community. The consultation process was useful in assessing the draft Policy's clarity and ease of implementation. 15% of responses stated the draft Policy was unclear and not easy to follow. One main issue identified was the lack of awareness of the draft Policy and accompanying Guidelines, with 60% of respondents stating they had not known of their existence prior.

Several themes recurred throughout the feedback submissions. The main themes presented related to:

- Rules and rigidity – a feeling the draft Policy is too prescriptive;
- Native plants – some respondents felt that the focus of nature strip planting should be on native plants;
- Trees – some respondents commented on species selection, planting and management of street trees, which is unrelated to this draft Policy;
- Enforcement – concern that there is no active enforcement of the draft Policy and it relies on notification or complaints from residents that someone has acted outside the draft Policy and its Guidelines; and
- Weeds – some respondents felt that the draft Policy should contain broad information about weed species. Weed information is available on Council's website. The website is considered appropriate rather than embedding information within the draft Policy.

Collaboration

Collaboration was not required in relation to this report.

Innovation and continuous improvement

Council recognised the opportunity for the community to contribute to enhancing the amenity of streetscapes within the shire as a result of regular requests from residents to landscape the nature strip adjacent to their property. Council first consulted the community in 2017 during the initial development of the Policy. This current Policy review is a continuous improvement process to apply lessons learnt during the first year to 18 months of the original Policy.

Relevant law

Local Law - General Purpose and Amenity Local Law No.10 (2013) ('the Local Law') is relevant to this matter.

The Local Law sets out requirements for the use of Council land and roads, including obtaining a permit for certain uses and activities. Under Clause 12(3) of the Local Law a person must obtain a permit to;

- (a) plant or remove any vegetation from a nature strip or undertake any landscaping on a nature strip or a road reserve in a residential, commercial or industrial zone; or
- (b) remove any soil from a nature strip.

Relevant regional, state and national plans and policies

Consent is required under the Road Management Act 2004 for works within a Council managed road reserve.

Other related legislation includes:

- *Road Safety Act 1986*
- *Road Safety Road Rules 2017*
- *Road Safety (Traffic Management) Regulations 2009*
- *Road Management (Works and Infrastructure) Regulations 2015*
- *Code of Practice Operational Responsibilities for Public Roads 2017*
- *Local Government Act 2020*
- *Catchment and Land Protection Act 1994*
- *Flora and Fauna Guarantee Act 1988*

Relevant Council plans and policies

This report specifically addresses the following priorities of the Macedon Ranges Shire.

- Council Plan 2021-2031:

Healthy environment, healthy people – promote a healthy environment

We will protect our natural environment through proactive environmental planning, advocacy and Policy to address climate change, support biodiversity and enhance water catchment quality, by:

- Protecting the natural environment and enhance biodiversity
 - Lessening the severity of climate change through actions that enable Council and the community to reduce greenhouse gas emissions
- The Biodiversity Strategy 2018 and Environment Strategy 2021 are relevant to this matter, specifically relating to appropriate plants:
Plants that are well-suited to the Macedon Ranges natural environment, including some exotics, are recommended; however, local native plants are the preferred type. Native plants provide a usable habitat for birds, small reptiles, and insects and increase Shire's biodiversity.

Financial viability

There are no financial implications associated with this matter.

Sustainability implications

The proposed minor changes to the Nature Strip Landscaping Policy do not have sustainability implications.

Officer declaration of conflicts of interest

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



Policy Title:	Nature Strip Landscaping Policy	
Date of Adoption:	23 March 2022	
Adoption Method:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> CEO <input type="checkbox"/> Other (<i>please specify</i>)	
CEO Signature:		Date:
Responsible Officer and Unit:	Manager Open Space and Recreation	
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Three yearly	
Last Endorsement Date:	August 2019	
Next Endorsement Date:	August 2025	
Purpose / Objective:	<p>The objectives of this Policy are to:</p> <ol style="list-style-type: none"> 1. Provide opportunities for residents to contribute to enhancing the overall visual amenity of towns within Macedon Ranges Shire Council in terms of nature strip landscaping. 2. Highlight the obligations and responsibilities of Council and the community in relation to the maintenance of nature strips. 3. Ensure that an area on the nature strip is available for pedestrian movement and to accommodate utilities. 4. Ensure that the maintenance practices undertaken by property owners on nature strips contribute to the overall streetscape amenity of Macedon Ranges Shire. 5. Complement the Nature Strip Landscaping Guidelines as a means to enhance the aesthetic and environmental qualities of the Shire. 6. Ensure that nature strips provide adequate sight lines for vehicle traffic and cyclists at intersections and curves. 	
Background / Reasons for Policy:	<p>Macedon Ranges Shire Council (Council) acknowledges nature strips play an important role in the aesthetics, environmental and social health of our Shire. This Policy allows property owners alternative "low water use" options that are in keeping with Macedon Ranges natural environment.</p> <p>This Policy supersedes the Nature Strip Landscaping Policy 2019.</p>	

Related Policies, Strategies and Plans:	<p>Asset Protection Policy 2005</p> <p>Macedon Ranges Tree Management Policy 2019</p> <p>Macedon Ranges Planning Scheme</p> <p>Macedon Ranges Open Space Strategy 2013</p> <p>Macedon Ranges Walking and Cycling Strategy 2014</p> <p>Road Management Plan 2021</p> <p>Council Plan 2021-2031</p> <p>Statement of Planning Policy 2019</p> <p>Roadside Conservation Management Plan, 2021</p> <p>Biodiversity Strategy 2018</p> <p>Environment Strategy (revised October 2019)</p> <p>Climate Change Action Plan 2017</p>
Related Legislation:	<p>Road Management Act 2004</p> <p>Road Safety Act 1986</p> <p>Road Safety Road Rules 2017</p> <p>Road Safety (Traffic Management) Regulations 2009</p> <p>Road Management (Works and Infrastructure) Regulations 2015</p> <p>Code of Practice Operational Responsibilities for Public Roads 2017</p> <p>Macedon Ranges Shire Council, General Purposes and Amenity Local Law No.10 2013</p> <p>Local Government Act 1989</p> <p>Local Government Act 2020</p> <p>Catchment and Land Protection Act 1994</p> <p>Flora and Fauna Guarantee Act 1988</p>
Related Guidelines & Resources:	<p>Macedon Ranges Nature Strip Landscaping Guidelines</p> <p>AS 1742.302009 Manual of Uniform Traffic Control Devices, Part 3: Traffic Control for Works on Roads</p> <p>Guide to the Weeds of Central Victoria, 2015</p> <p>Guide to the Flora of the Macedon Ranges, 2019</p>

1. POLICY INTENT

The intent of the Macedon Ranges Shire Council Nature Strip Landscaping Policy (the Policy) is to provide clear direction to residents about what can be done to enhance their nature strips. Residents and landowners in the Macedon Ranges Shire may have an alternative to grassed nature strips and this policy offers guidance and information on their design and maintenance.

Council recognises nature strips play an important role in the aesthetics, environmental and social health of the towns and villages within our Shire. This Policy acknowledges the impacts of climate change and allows property owners alternative “low water use” and “low maintenance” approaches to the traditional grassed nature strip that are in keeping with Macedon Ranges' natural environment. The policy also acknowledges nature strips provide an important access way for utility services.

Council supports the landscaping of nature strips provided the Policy and accompanying Guidelines are followed when modifying the nature strip to ensure their underlying purpose and the ongoing safety of the general public is maintained. Council will not assume responsibility for the maintenance or restoration of enhanced or beautified nature strips.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- enable residents to consider the use of low maintenance, low growing, drought tolerant plants as alternatives to the “traditional grassed nature strip”.
- achieve a range of environmental and social benefits including water conservation, increased biodiversity, increased visual amenity, and reduced maintenance.
- provide guidance to residents to ensure that if nature strips are modified, they:
 - are landscaped and maintained appropriately to provide for safe and unobstructed transport movement including vehicle, pedestrian and cycling
 - allow access for postal deliveries and utility service providers
 - allow unimpeded access to fire hydrants
- ensure provision is made for kerbside parking of vehicles and safe and practical conditions for waste management.

3. DEFINITIONS

For the purposes of this policy, the following terms are defined as:

3.1 Nature strip

A nature strip, is defined in the *Dictionary of Road Safety Road Rules, 2017* as:

“an area between a road (except a road related area) and adjacent land, but does not include the shoulder of a road or a bicycle path, footpath or shared path”

Nature strips are set aside to provide one or more of the following uses:

- to accommodate utility services such as power and light poles, water supply, sewer or storm water pipe, gas supply mains, underground communication and electrical infrastructure and footpaths;
- to allow for door opening space and facilitate pedestrian movement between the road and the footpath;
- to allow pedestrian access along a street where there is no footpath;
- where possible to provide a space for the location of household garbage, recycling and green waste bins;
- to provide visibility of and for motorists, cyclists, and pedestrians at intersections, curves in the road, and near driveways;
- to provide space for the provision of street tree planting.

3.2 Town

A town is a centre of concentrated population settlement within the surrounding rural district and in planning terms, is area zoned for township land use. These zones include the residential, commercial and industrial zones. A town boundary can be generally defined as where the road speed zones changes to within or below 60km per hour.

The streetscape character varies between, and even within, towns such as the width of the streets, type of road edging or drainage infrastructure. Streets may or may not contain a footpath, but have a nature strip between the road and the property boundary.

3.3 Rural Roadsides

Rural roadsides/reserves are outside town boundaries – the planning zones include rural living, rural conservation, and farming zones. These have different functions and values to town nature strips and often contain remnant native vegetation that supports biodiversity and habitat. Native vegetation occurring within rural roadsides is protected and removal/re-planting is not permitted without a Planning or Local Laws permit. Refer to the Roadside Conservation Management Plan, 2021 for further information.

3.4 Town native nature strips

Native nature strips are road reserves located within the town boundary that contain existing native vegetation. This vegetation provides a buffer between natural and introduced vegetation and also serves an important environmental function by providing habitat links.

Native vegetation within town native nature strips is protected and removal/re-planting is considered prohibited unless approved under special conditions and with a Planning or Local Laws permit.

3.5 Heritage nature strips

Heritage nature strips contain garden beds that have been historically planted and maintained. They generally reflect the patterns off settlement, connect us with our past, and contribute significantly to the local character of the town.

Heritage nature strips are protected and removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.6 Water Sensitive Urban Design (WSUD)

Water sensitive urban design (WSUD) is an alternative to traditional urban drainage systems. WSUD is an engineered environmental design approach to provide water quality treatment, flood management, and reduce pollution from entering our waterways.

Nature strips which incorporate the principles of WSUD include swales and rain gardens and must be maintained in accordance with the design intent. Removal/re-planting is not permitted unless under special circumstances and with Planning approval.

3.7 Coordinating Road Authority (CRA)

The Coordinating Road Authority (CRA) means the road authority with the responsibility for the management and coordination of works within a particular road or road reserve.

Council is the CRA for most local roads, including service roads.

The CRA for arterial roads (other than service roads) is VicRoads. Aside from regular maintenance activities on an arterial road nature strip, including mowing, weeding and picking up litter, all other activities carried out on an arterial road may be considered “works” under the *Road Management Act 2004* and will require a “Works within the Road Reserve Permit” from VicRoads.

3.8 Arterial Road

An arterial road is a high-capacity road, or main road, that connects traffic between town centres or one existing arterial road to another. To determine if a road is an arterial road visit ‘Maps of declared roads’ at the VicRoads website or MAP OF DECLARED ROADS.

4. SCOPE

4.1 Areas within the scope of this Policy

This Policy only applies to the landscaping of a nature strip on a Council managed road or street.

4.2 Areas not covered by this Policy

This Policy does not apply to the following areas:

- Nature strips on arterial roads (other than service roads)
- Rural roadside /reserves
- Town native nature strips
- Heritage nature strips
- WSUD nature strips

Residents who are unsure whether their nature strip is covered by this Policy can contact Council to confirm.

5. LEGISLATION AND POLICIES

5.1 General Purpose and Amenity Local Law No.10 (2013) or as amended

This Policy must be read in conjunction with the requirements of Macedon Ranges Council *General Purpose and Amenity Local Law No.10* of 2013 (‘the Local Law’).

The Local Law sets out requirements for the use of Council land and roads including the requirement to obtain a permit for certain uses and activities. Under Clause 12(3) of the Local Law a person must obtain a permit to;

- (a) plant or remove any vegetation from a nature strip or undertake any landscaping on a nature strip or a road reserve in a residential, commercial or industrial zone; or
- (b) remove any soil from a nature strip.

A person is only exempt from the requirement to obtain a permit if the use or activity will comply with requirements prescribed in any Council approved policy applicable to that use or activity.

This policy complements the Local Law by setting out requirements and conditions for making modifications or carrying out landscaping on nature strips. Provided landscaping treatments are in accordance with the prescribed requirements in this Policy, a person is exempt from the requirement to obtain a permit under the Local Law.

5.2 Other applicable policies and guidelines

The following Macedon Ranges Shire Council Policies and Guidelines are also to be referred to in conjunction with this Policy:

- Tree Management Policy 2019
- Nature Strip Landscaping Guidelines
- Asset Protection Policy
- Roadside Conservation Management Plan, 2021 Statement of Planning Policy 2019
- Road Management Plan 2021
- Biodiversity Strategy 2018
- Environment Strategy (revised October 2019)
- Climate Change Action Plan 2017

6. NATURE STRIP RESPONSIBILITY

The CRA is responsible for management of nature strips however it does not undertake any renovation or maintenance (including mowing, weeding, removing rubbish, fallen leaves, sticks and bark and trimming edges). Council is responsible for the planting and maintenance of street trees within nature strips.

Ongoing maintenance of a modified and landscaped nature strip is the responsibility of the owner (or tenant), or any subsequent owners of the property for the life of the landscape. Where a new resident does not wish to retain or cannot maintain a previously modified nature strip, they may reinstate the nature strip with natural turf grass.

Utility companies are obligated to reinstate the nature strip following maintenance work, but are not required to reinstate nature strips that have been modified and landscaped with anything other than grass (soil and seed).

7. REQUIREMENTS FOR LANDSCAPING NATURE STRIPS

Residents within Macedon Ranges Shire can be exempt from applying for a permit to landscape the nature strip adjoining their property provided it adheres to this Policy. If any proposed landscaping treatment does not follow this Policy, and the accompanying guidelines, a Permit will be required under Council's *General Purpose and Amenity Local Law No.10. (2013)*.

Nature strips may be landscaped under the following conditions:

- The location must be covered within the Scope of this Policy - refer to Scope
- A minimum of one (1) metre from the back of kerb, or one (1) metre offset from the back of table drains for those roads without kerb and channel, is kept clear of plantings to allow for people to enter and exit their vehicles safely and for placement of waste and recycling bins
- Where no existing footpath exists, 1.8 metres from the property line is to be kept clear to allow for pedestrian access, mail, paper and other deliveries
- Plants must not exceed 600mm other than on corner blocks which are limited to ground cover plants to a maximum height of 250 mm within ten (10) metres either side of an intersection to ensure a good line of sight for motorists and pedestrians
- Plants are set back so mature foliage and mulch materials do not spill over on to footpaths to ensure pedestrian and all-abilities access at all times
- The following permitted and non-permitted items are observed:

8. PERMITTED ITEMS ON NATURE STRIPS

8.1 Appropriate plants

Appropriate plants for landscaping a nature strip include a wide range of shrubs, ground covers, grasses and bulbs that are drought tolerant, low-maintenance, and low growing (under 600mm high). Plants that are well-suited to the Macedon Ranges natural environment, including some exotics, are recommended however local native plants are the preferred type. Native plants provide a usable habitat for birds, small reptiles and insects, and increase biodiversity within the Shire. More information about local native plants can be found on Council's website.

Residents who wish to grow vegetables on their nature strips as an alternative to landscaping are encouraged to in a sustainable way that protects the surrounding environment. This can be achieved by limiting high inputs such as irrigation, fertilisers or pesticides and ensuring materials used are suitable near gutters and storm water drains (and not in the 8.4 Non-permitted items on nature strips list below).

Information about Native plants of the Macedon Ranges is available on Council's website and at Customer Service Centres. Council officers can also provide plant advice as required.

8.2 Grass /Turf

Traditionally nature strips have been turfed or grassed. Guidelines on how to establish a grassed nature strip and information on suitable grass varieties are available in the Macedon Ranges Nature Strip Landscaping Guidelines.

8.3 Permeable Surfaces

The following mulches and gravels are permitted:

- Wood chips or gravel between 7mm to 25mm in size, to a depth of 75mm, natural in colour, and in conjunction with plantings only – to discourage illegal parking
- Fine gravel mulches, such as granitic sand or toppings to a maximum depth of 100mm may be used for areas that are required to be kept clear, see 7 requirements above, and must be well compacted.

Where a gravel or wood chip mulch is used on the nature strip:

- It is not permitted to encroach onto the footpath, driveways, roadways or into the kerb and channel
- The level of the mulch must not extend above the level of the footpath or kerb
- The mulch on the nature strip must be maintained at a reasonable level and in a weed free condition.

8.4 Non-permitted items on nature strips

In addition to any item which an Authorised Officer of Macedon Ranges Shire Council considers may constitute a risk, items that must not be installed or which are not permitted as part of landscaping the nature strip include:

- bluestone pitchers, railway sleepers or retaining walls
- objects and/or barriers such as fencing, large rocks, logs, or bollards
- garden edging that protrudes above the nature strip or footpath level

- shredded plant products such as compost, pea straw or fine wood chips (other than that specified in Section 8.3 of this policy) or similar
- scoria
- any other loose materials that can enter and obstruct storm water drains
- fertilisers or garden sprays that may wash into storm water drains
- spiny, thorny, or artificial plants
- plants with an aggressive root system
- noxious or environmental weed species. Information regarding common weeds in the Macedon Ranges can be found on the Shire's website
- artificial turf ¹
- irrigation systems
- hard paving such as concrete, brick or asphalt
- temporary or permanent electrical wiring, including tree lights
- timber or metal stakes, or star pickets **Car parks on nature strips**

Parking is not permitted on nature strips under State law, irrespective of the surface used. This is to protect Utility services, Council assets, and is law under the *Victorian Road Safety Road Rules, 2017*.

8.6 Fire Hydrant Visibility

Any modifications to the nature strip must not cover, obscure or hide any fire hydrant or their marker posts. Fire Hydrants must remain accessible at all times.

8.7 New Street Trees

Residents are not permitted to supply or plant new trees on the nature strip. Council is responsible for the planting and maintenance of street trees within nature strips.

If a resident requires a street tree in the nature strip, a request can be made to Council's Operations Department. The planting of street trees is subject to the requirements of Macedon Ranges Shire Council's Street Tree Management Policy.

¹ The use of synthetic turf is not encouraged throughout Macedon Ranges Shire Council due to the adverse effect it has on the environment. It may only be installed on nature strips in exceptional circumstances and an application for a permit must be approved prior.

8.8 Existing Street Trees

Residents are not permitted to prune or modify existing trees on the nature strip in any way (other than watering or mulching). Requests may be made to Council if pruning is required.

Any digging or cultivation within the nature strip for landscaping must be by hand only i.e. no mechanical excavation. Vegetation should not be planted within a metre (1.0m) from the base of any existing tree as they will compete for moisture and nutrients. Any mulch installed on the nature strip must be kept back from the trunk of existing trees to prevent collar rot.

8.9 Utilities and maintenance work

Council and utility companies that supply water, gas, electricity, sewerage, drainage and telecommunications may occasionally require access to the nature strip to carry out repairs and/or maintenance work. The utility companies are required to reinstate the nature strip following maintenance work, but are not required to reinstate residential nature strips that have been modified and landscaped other than in grass (soil and seed).

Council and utility companies or maintenance contractors will not be responsible to replace plants, landscaping, or any other modifications made to the nature strip, to the condition existing prior to maintenance work.

9. MAINTENANCE OF LANDSCAPED NATURE STRIPS

Nature strips landscaped in accordance with this Policy must be kept in a well maintained and safe condition by the resident at all times by:

- regularly mowing all grassed areas
- ensuring that plants are pruned and mulches are contained so that they do not extend onto pathways, driveways, roadways or over the kerb
- keeping plants (other than street trees) trimmed to a height of no more than 600mm at all times
- maintaining the nature strip in a neat and safe condition - free of weeds and rubbish, any tripping hazards, and any protruding objects.

10. FAILURE TO MAINTAIN A NATURE STRIP

Council retains the right to request the rectification of a modified or landscaped nature strip where a resident fails to maintain it in accordance with this policy and the following:

- the condition of the nature strip is a traffic or pedestrian hazard
- it does not provide appropriate pedestrian access
- it is a safety or fire hazard
- it interferes with the visibility of motorists, cyclists and pedestrians at intersections, curves in the road and near driveways
- it impacts unfavourably and significantly on the local amenity as described in Point 9.
- it contains noxious or environmental weed species

The resident will be given a fair and reasonable time to rectify the works unless the level of risk warrants a more timely response.

In instances where the property owner does not comply with Council's requests, an Authorised Officer may enforce the requirements of this Policy as a Notice to Comply under the *General Purpose and Amenity Local Law No.10, (2013)*.

If the resident fails to observe the requirements of a Local Law Notice to Comply, the Macedon Ranges Shire Council will take action to remove the landscaping and reinstate the nature strip to a safe and tidy condition. All costs in these instances, will be charged to the property owner.

11. SAFETY AND LIABILITY

During landscaping or maintenance works on the nature strip, the person conducting the works has a duty of care under common law to take all reasonable measures to prevent accident or injury to persons carrying out the works and also to members of the public using the road or footpath.

The resident should confirm with their insurer they have adequate Public Liability insurance to allow for any claims that may arise as a result of any modification or landscaping of the nature strip.

Residents must contact "Dial Before You Dig" or visit the website www.1100.com.au, (a free national service) to determine the presence of any underground services before commencing any excavation to the nature strip. Any excavation for landscaping the nature strip must be carried out by hand, not machinery, to minimise any potential damage to existing street trees or infrastructure.

Council will not be liable for any financial penalties that the resident incurs from damaging any underground services.

Council accepts no occupational health, safety or public liability related to works carried out on the nature strip by residents.

12. LANDSCAPING NATURE STRIPS - STEPS FOR RESIDENTS

Residents are required to take the following steps when planning new landscaping within a nature strip:

1. Residents must confirm their nature strip is permitted to be landscaped under this Policy - Refer to section 4 Scope
2. If renting, tenants must gain the prior approval of the property owner or management body
3. Refer to section 7 Requirements for Landscaping Nature Strips and the accompanying Nature strip Landscaping Guidelines
4. Consider at the planning phase:
 - the suitability of the design
 - if it complements the neighbourhood character
 - whether it suits the streetscape.
5. Conduct a Dial Before You Dig prior to any excavation
6. Confirm the works can be carried out in a safe manner
7. Consider the ability to maintain the landscaping in a safe and tidy condition in the long term

Attachment 2: Nature Strip Landscaping Policy – Consultation Summary - Themes

The table below contains details of the themes of feedback received during the Nature strip Landscaping Policy consultation period with the relevant submission number. An officer response to each theme with any recommended changes to the Policy is provided in the last column.

Note: E = email submission, S = comments to survey question 3, number without prefix = comments to survey question 4, Q = survey question

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
	DEFINITIONS		
E3	-The nature strip and road reserve are defined as the same thing, parking enforcement officers informed are different	The Policy does state at 3.1. <i>“A nature strip, also referred to as a road reserve.”</i> It is true this is incorrect as the road reserve is the total area allowed for the roadway, kerb, drain, footpath etc.	Policy updated to state: <i>A nature strip, also referred to as a road reserve, is defined in the Dictionary of Road Safety Road Rules, 2017 as:</i> <i>“an area between a road (except a road related area) and adjacent land, but does not include the shoulder of a road or a bicycle path, footpath or shared path ‘</i>
S5	-complexity with regards to who Policy applies to (i.e. it mentions various types of property, and location, and it's hard to interpret if this applies to my property)	Both the Policy & the Guidelines attempt to define the areas the Policy applies to but it also states contact Council to confirm	Extra wording added to 'Planning the Landscaping of your Nature strip 'within the Guidelines to direct: <i>or contact Council to confirm if you are unsure...</i>
	WEEDS		
4 E2, E3 S4	- It would be good to actually name some of the exotic and environmental species. There are many escaping into native vegetation. - red- hot pokers which are listed by Council as a weed in the Shire have been planted in Gisborne - Policy promotes some weed species	Both the Policy & Guidelines refer to the comprehensive list: <i>A Guide to the Weeds of Central Victoria, 2015</i> . The Policy also contained a link to weed information on Council's website that is now no longer valid. The species of Red Hot Pokers listed as a weed is definitely not allowed for nature strip plantings, nor is planted within any Council gardens. There are many alternative cultivars of plants that do not produce seed suitable for use in nature strip planting. The Policy & accompanying Guidelines clearly state no noxious or environmental weed species are to be used for nature strip landscaping.	New weed information has since been added to Council's website however it is recommended to refer to Council's website generally rather than provide a specific link in case of further updates. Removed website link from Policy on page 11

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
E2, E3, E4 S4, 22, 24	<p>TREES</p> <p>Several responses were submitted regarding street trees, particularly in regards to management of existing trees but also the selection/planting of new street trees around the Shire.</p>	<p>The management of existing street trees, stumps and the planting of new street trees is not within the scope of this Policy. Street trees are Council assets and require specialised management which is specified in Council's <i>Tree Management Policy</i>, 2019.</p> <p>Within 8.7 of the Policy it states <i>Council is responsible for the planting and maintenance of street trees within nature strips.</i></p>	No change to Policy
8, E3 6 9 15	<p>ENFORCEMENT</p> <p>- Car parks on nature strips is not enforced by council</p> <p>- Residences in the area that have gone beyond these guidelines, blocking visibility and forcing pedestrians to walk on the road.</p> <p>-There is no section in the Policy on enforcement of the rules and penalties. Unless someone makes a specific complaint to Council then there seems to be no enforcement of the guidelines.</p> <p>Local laws must not only be made, but enforced, for the benefit of all residents</p>	<p>The Victorian Road Safety Road Rules, 2017 are for Parking Officers/Local Laws to enforce and not within the scope of the Policy</p> <p>There is no dedicated Officer checking all nature strip landscaping complies so Council relies on resident or other Officers reports of safety issues.</p> <p>Penalties are covered in the Local Law no.10 but this is not considered necessary to include in the Policy. If landscaping to a nature strip is causing a safety issue and does not comply with the Policy it states Council 'will take action to remove the landscaping'.</p>	No change to Policy

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
S7, 16	<p>STORING VEHICLES</p> <p>- a couple of complaints were received in regards other residents (neighbours) parking boats, caravans, trailers on the nature strip</p>	<p>This is an issue for Local Laws and not within the scope of the Policy.</p>	<p>No change to the Policy</p>
E2, E3	<p>STATEMENT OF PLANNING POLICY</p> <p>It is recommended that the Statement of Planning Policy, with its binding objectives relating to the natural environment of the shire be included. It would support protecting and enhancing the natural environment and habitat values of the Macedon Ranges</p>	<p>While the Statement of Planning Policy objectives mainly pertain to the conservation of natural values, in review it is agreed it should be included as an important reference document in regards enhancing the natural environment and habitat values of the Macedon Ranges</p>	<p>At 5.2 Other applicable policies and guidelines added:</p> <ul style="list-style-type: none"> • Statement of Planning Policy 2019
E2 E3	<p>BIODIVERSITY STRATEGY</p> <p>The biodiversity and environment strategies are listed but it is important that the aims and objectives are reflected in an updated version of the Nature Strip Policy with an emphasis on enhancing the natural environment</p> <p>Biodiversity Strategy is supportive of increasing biodiversity on nature strips, Objective 2: Improve existing biodiversity and native vegetation across public and private land.</p>	<p>The development of the Policy in the first instance contributes to the biodiversity of plantings within the Shire and provides alternatives to what would otherwise be only lawn.</p> <p>The Policy encourages the planting of native vegetation at 8.1: <i>provides a usable habitat for birds, small reptiles and insects, and increase biodiversity within the Shire.</i></p> <p>Policy references the Biodiversity Strategy at 5.2</p>	<p>Add to the Policy at 8.1 Appropriate Plants, the wording: <i>More information about local native plants can be found on Councils website.</i></p> <p>Add to the accompanying Guidelines list of reference documents:</p> <p><i>A guide to the native flora of the Macedon Ranges</i></p>

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
E2, E3	RESERVES Several comments were received in regards to Council's management of parks, gardens or reserves	Not within the scope of the Policy	No change to Policy
E1 12	SOURCING PLANTS -To encourage landscaping of nature strip, offer rate payers free plants to grow on their nature strips so that do not need mowing. -have plants that could be purchased from council as tube stock	Council does not currently have any programs for providing free plants however local Landcare groups often do Local nurseries typically supply native tubestock	No change to Policy
3,12 21, E4 E2, E3, 8	NATIVE PLANTS -Nature strips should be for full of local native plants/ a focus on native species should be paramount -It is pleasing that natives are not mandated in the proposed policy but expressed as a preference -Great to see a recommendation for local native plants – this must be emphasised -plant locally native vegetation as much as possible - consider implementing an urban biodiversity program such as "Gardens for Wildlife"	Council recognises different sectors of the community have contrasting preferences for plant types and no restrictions are placed other than for safety (height) and weed species. However, locally native plants are recognised in the Policy as being preferred at 8.1 <i>local native plants are the preferred type.</i> The Gardens for Wildlife program is excellent for specifically enhancing residents private property but the recommended materials are not suitable under the Policy.	Add to the Policy at 8.1 Appropriate Plants, the wording: <i>More information about local native plants can be found on Councils website.</i> Add to the accompanying Guidelines list of reference documents: <i>A guide to the native flora of the Macedon Ranges</i>

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
11 17	<p>RURAL ROADSIDES</p> <p>-Need to include management of land outside of town boundaries</p> <p>-Concerned about fire management on verges, advised due to environmental protection issues but think human and livestock protection is more important.</p>	<p>The management of vegetation on rural roadsides is addressed at 3.3 of the Policy. Since the last Policy Draft, the <i>Roadside Conservation Management Plan, 2021</i> has been adopted by Council</p>	<p>Update Policy at 3.3. to address Rural Roadsides. Add text: <i>Refer to the Roadside Conservation Management Plan, 2021 for further information.;</i></p>
18 19 7	<p>NEW PATHS/ROADS</p> <p>- Council is destroying nature strip's in the region by building 2 or 3m wide cement paths throughout the region</p> <p>-kerb and channelling was added with no consultation to residents, now a footpath is being suggested</p> <p>-In new estates roads are narrow and pinched so people are forced to park illegally on nature strips.</p>	<p>New paths and roads are required to make access safe and accessible for all residents.</p> <p>These are planning and/or infrastructure queries and not within the scope of the Policy</p>	<p>No change to Policy</p>
25	<p>CHANNELS/DRAINS</p> <p>- Guidance for residents with drains/channels on their nature strips which are cleaned out by Council, disturbed planting with no warning which meant I had stopped planting anything.</p>	<p>Planting and mulch are not allowed within table drains or channels which must be kept clear.</p> <p>The Policy states at 7. Requirements for landscaping: <i>one (1) metre offset from the back of table drains for those roads without kerb and channel</i></p> <p>This is also demonstrated within the diagram in the Guidelines</p>	<p>No change to Policy</p>

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
S2 E2, E3	<p>ECOLOGY</p> <p>-not in line with current standards and ecological best practice</p> <p>-damage is caused by ecologically irresponsible choices (plants, gravel, grass)</p>	<p>Council promotes best ecological practice by encouraging locally native and/or climatically suitable plants on nature strips, specifying no weeds, or fine materials, fertilisers/ garden sprays that may wash in to water ways</p>	<p>No change to the Policy</p>
5 S3 S6 3 8 23 E4	<p>RULES/RIGIDITY</p> <p>Many responses stated the rules are too rigid and more flexibility is required</p> <p>-They could encourage more diversity and be less restrictive</p> <p>-we don't want to rigid rules</p> <p>- More flexibility required</p> <p>-Less rules, more room for innovation.</p> <p>-not a one size fits all approach to nature strips</p> <p>-Stop getting involved with people's lives and let them do what they want.</p> <p>-Recommend to adopt a more flexible innovative policy</p> <p>-for semi-rural areas the overall height restriction of 600mm is not justified</p>	<p>A set of parameters is required to be able to apply the Policy across all township nature strips and maintain safety for pedestrian traffic, access for postal deliveries, the safety of vehicles using the road, kerbside parking of vehicles, practical conditions for emptying bins and protection of infrastructure.</p> <p>Those properties that have a semi-rural feel and the opportunity to design outside these parameters and can demonstrate no impact on safety and access, can apply for a variation to their nature strip landscaping via a permit application.</p> <p>Height restrictions have previously been reviewed by Council's internal departments and against the <i>Guide to Road Design Part 6B: Roadside Environment Austroads 2015</i>.</p> <p>The height limitations must be consistent to maintain a clear line of site for motorists and pedestrians.</p>	<p>No change to Policy</p>

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
<p>E4</p> <p>E3</p> <p>E4</p>	<p>PERMIT APPLICATION/REVIEW</p> <p>- approval for plantings outside the policy should not be under Local Law 10 and an Asset Protection Permit, as is within Assets and Operations. The more appropriate area for assessment would seem to be Planning and Environment,</p> <p>-the nature strip policy is handled in the department which is endorsed as being an environmental problem, hope to see more involvement by Environment team</p> <p>The APP application is structured for limited/temporary works and plantings are not included</p> <p>-the cost of the application should not a deterrent for lower income families – as noted in a previous submission, some Councils impose no fee</p>	<p>The Local Law no.10. is the legislation that implementation of the Policy sits under.</p> <p>Currently the nature strip landscape assessments are carried out by the Open Space team, within Assets & Operations, who have the responsibility for the management of township streetscapes, and other areas of planting and horticulture.</p> <p>The Environment Unit are responsible for the management of rural roadsides and typically existing vegetation with natural values (outside scope of Policy).</p> <p>The APP form is not currently used for this application unless coinciding with other works.</p> <p>Previously Council decided a General Local Laws permit is most appropriate for any landscaping out of the scope of the Policy with the standard annual fee.</p> <p>A minimal fee is required to allow for the inspection and follow up administration by Officers.</p>	<p>No change to Permit approval process</p>

Submission No.	Theme & Summary of submission/feedback received	Officer Comments	Recommended Changes
14	GRAVEL The use of fine gravel needs to be increased if not used for parking	Gravel to the entire nature strip is not permitted under the Policy so as to discourage illegal parking	No change to Policy
E4	APPEALS -No appeal process for all aspects of permit decisions.	The appeal process for permit applications is under the Local Law and not the scope of this Policy	No change to Policy
S8 Q1 S1	ACCESSABILITY -Previous guidelines as published on website very long winded and unnecessarily long -Issue identified from survey questions. Awareness of existence of Policy Couldn't download the first plant guide	The accompanying Nature strip Landscaping Guidelines are a single double sided A4 fact sheet and are available via a downloadable link on Council's website	Provide printed copies of the Guidelines at Council service centres. Local Laws and other Officers making contact with residents over nature strips could potentially carry copies in their vehicle to distribute
1 2 10 13 20	MISCELLANEOUS Clear and comprehensive would it matter if I moved the currently broken fence out a little a good reference tool for the future. Pleased to have options; useful guidelines, suggested plant list handy for other landscaping no	Positive feedback for the most part	No change to Policy

AO.3	INTEGRATED WATER MANAGEMENT STRATEGIC DIRECTIONS STATEMENT
Officer:	Istvan Marton, Coordinator Engineering Designs and Investigations
Council Plan relationship:	2. Healthy environment, healthy people
Attachments:	Nil

Summary

The 2018 Strategic Directions Statement (SDS) articulated all stakeholders' collaborative intent and shared agreement in the Coliban Integrated Water Management (IWM) forum. The Department of Environment, Land, Water and Planning (DELWP) recently prepared a high-level report with all relevant stakeholders on an updated 2022 progress report. The report outlines the forum's activity, changing priorities and future opportunities. It describes the region's water security challenges and opportunities, sets the strategic direction for the next few years, and outlines the 'best endeavours' or ways the IWM is and will be applied through projects proposed, in progress and completed for the region.

Recommendation

That Council endorses the Department of Environment, Land, Water and Planning 'Coliban Integrated Water Management Strategic Directions Statement Draft 2022'.

Background

The current water supplies and liveability of towns and cities owe much to the collaborative work done by the Victorian Government, water corporations, local governments, communities, and catchment management authorities. There are challenges associated with population growth and the threats of climate change and natural disasters. We do, however, benefit from those established relationships and past experiences.

Officers note that the report refers to the Coliban region as a whole. Only the northern part of the Macedon Ranges Shire is within the Coliban region and may not necessarily experience all the challenges the forum noted for the Coliban region.

The IWM is a collaborative approach to water planning and management. It works by bringing together organisations interested in aspects of the water cycle to understand each other's needs and find ways to share resources and conserve and innovate with water. It potentially provides greater value to our communities by identifying and leveraging opportunities to optimise environmental, social, and economic outcomes.

While everyone has a responsibility to conserve and protect water, several key groups are charged with making decisions about water within each region. These groups include:

- Traditional Owner groups, who have a deep knowledge of and connection to the region's waterways and Country;
- water corporations that manage the water storage, water supply, and wastewater services;
- local governments that manage stormwater, regulate local development and undertake strategic planning for future growth; and

- catchment management authorities that plan for flood management and work with landholders to consider the land, water, and biodiversity interactions.

The decisions these groups make individually can significantly impact the quality and availability of the water for others in the catchment and further downstream, so it makes sense they collaborate towards common goals and share the benefits.

IWM is an approach that can be applied at multiple scales, from water planning at the local park to the whole of the catchment. IWM can connect climate-change adaptation, planning and open space, water security and other strategies so that collaborators can add value to each other's projects.

The Victorian Government's DELWP facilitates different IWM forums across Victoria's 10 regions. The purpose of these forums is to bring together leaders in the relevant water sector organisations to explore, prioritise and oversee the development of local IWM projects. Macedon Ranges Shire is part of three IWM forums, namely Werribee, Maribyrnong and Coliban. Officers participate in stakeholder engagement and forums supporting the Council Plan 2021 - 2031.

When DELWP introduced IWM forums, the intent was to build on existing partnerships and planning processes and break down silos between independently operating water decision-makers. Forum members have been encouraged to consider the water cycle of their service delivery and its interdependencies or overlap with other members. While Macedon Ranges sits at the top of the catchment, what we do has downstream implications; therefore, we must consider our rivers, streams, waste water, drinking water, storm water, and water treatment.

The IWM forum acknowledges that collaboration can take more time and effort than planning in isolation. However, working together achieves better outcomes for the environment, society, and the economy by finding mutually beneficial ways to share water, assets, and costs.

Discussion

This SDS Draft 2022 articulates the collaborative intent and shared agreement of all stakeholders involved in the Coliban IWM forum. It describes the region's water security challenges and opportunities, sets the strategic direction for the next few years, and outlines the 'best endeavours' or methods in which IWM is and will be applied through projects proposed, in progress and completed for the region.

This update is the first to the Coliban region's 2018 SDS and includes:

- an update on progress to date;
- case studies illustrating IWM in the region; and
- details of planned and potential projects designed to meet the strategic themes and key challenges over the next three to five years.

For the Coliban region, the relevant stakeholders have identified and agreed to 15 opportunities grouped into three themes:

Water for People and Environment

1. Implementing Re-imagining Bendigo Creek Plan
2. Wanyarram Dhelk - Starting the Healing
3. Outfall Retrofit Scheme / Pilot Program

4. Forest Creek Revitalisation Project
5. Echuca Aquatic Reserve

Making More of Water Resources in a Changing Climate

1. Drought Proofing Bendigo with Managed Aquifer Recharge
2. Developing an Alternative Water Supply for the Castlemaine Botanical Gardens
3. Alternative Water for Priority Community Assets
4. Increased flows in the Coliban River for Cultural and Ecological Benefits
5. Managing Trentham Stormwater Quality and Quantity for Healthy Waterways
6. Campaspe Planning for the Future (Recycled Water)

Integrated Planning for a Sustainable Future

1. Water Sensitive Urban Design for New or Upgraded Developments (Land & Buildings)
2. Bendigo Regional Employment Precinct
3. Macedon Ranges North IWM Plan
4. 15. Servicing Small Townships

Consultation and engagement

The SDS Draft 2022 is a high-level report agreed upon by the key water agency stakeholders that incorporate the group's action plans. Macedon Ranges officers represent the community and base their input to the forum on the Council Plan, specifically 'healthy environment, healthy people'. The council undertakes no community engagement specific to the SDS.

Collaboration

The forum members and practitioners, as outlined below, contributed to the SDS Draft 2022.

Forum members:

- Campaspe Shire Council
- Central Goldfields Shire Council
- City of Greater Bendigo
- Coliban Water
- Department of Environment, Land, Water and Planning (DELWP)
- Dja Dja Wurrung Clans Aboriginal Corporation
- Gannawarra Shire Council
- Goulburn Murray Water
- Grampians Wimmera Mallee Water
- Greater Western Water
- Hepburn Shire Council
- Loddon Shire Council
- Macedon Ranges Shire Council

- Mitchell Shire Council
- Mount Alexander Shire Council
- North Central Catchment Management Authority (NCCMA)
- Taungurung Clans Aboriginal Corporation
- Victorian Planning Authority
- Yorta Yorta Nation Aboriginal Corporation

Innovation and continuous improvement

The fifteenth project identified by the forum is developing an IWM plan for the northern part of the Macedon Ranges Shire area. The IWM plan will explore opportunities and solutions to meet IWM objectives in this region in the face of a hot drying climate and an increase in population around Woodend and Kyneton.

The Coliban region within the Macedon Ranges Shire covers a significant portion of the upper Campaspe River catchment. A key SDS focus is the protection and enhancement of waterway and catchment health whilst servicing the water and sewerage needs of the local communities.

The Macedon Ranges Shire northern IWM overlaps the jurisdictions of two (2) water authorities, Coliban Water and Greater Western Water. This joint IWM plan allows collaboration to determine and progress the best outcomes for the region and the community, regardless of jurisdictional boundaries.

Relevant law

N/A

Relevant regional, state and national plans and policies

- *The Water Act 1989*
- The Water for Victoria Action Status Report August 2016

Relevant Council plans and policies

Council Plan 2021 – 2031, Healthy environment, healthy people: Improve the management of water, including flooding risk, water quality of creeks and waterways and the efficient use of water.

Financial viability

The estimated total cost of the Macedon Ranges North IWM plan is \$120K. The Macedon Ranges will allocate \$20K. The remaining funds are to be provided by the NCCMA, Coliban Water, Greater Western Water and DELWP. Coliban Water will manage the project with input from the four key stakeholders, including Macedon Ranges Shire Council.

The project will be run similar to the recently completed Southern Macedon Ranges Integrated Water Management Plan. Three other key stakeholders, including Melbourne Water, Greater Western Water and DELWP, collaborated with Macedon Ranges Shire Council on this project.

Sustainability implications

As part of the Southern Macedon Ranges IWM Plan Council and Greater Western Water were able to implement new projects. One successful project was the introduction of a

recycled water supply as part of the Willows Estate Gisborne, which is currently under construction and features a new open space area for passive irrigation purposes.

The proposed Northern IWM Plan will identify key opportunities that benefit both Council and catchment authority involved in the project.

Officer declaration of conflicts of interest

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

16 NOTICES OF MOTION AND RESCISSION

No. 41/2021-22: NOTICE OF MOTION - LANCEFIELD RELAY FOR LIFE ACKNOWLEDGEMENT

I, Councillor Geoff Neil, give notice that at the next Meeting of Council to be held on 23 March 2022, I intend to move the following motion:

That Council:

- 1. Acknowledges the community's support of the Lancefield Relay for Life event, which was held on 5 March 2022. The 22 participating teams raised \$59,653.36 this year, with a total of \$1.6 million raised over the 19 years that the event has been held.**
- 2. Acknowledges the valuable and active contribution of Council officer Anna Quigley in organising and overseeing Council's participation in this event over many years, and other staff members who continually support and participate in the interests of community wellness.**

17 URGENT BUSINESS

18 CONFIDENTIAL REPORTS

Nil